Amendment 305

Oct. 14

Referred to Committee on Preamble & Bill of Rights.

Geo. A. Thornton
Apt. Secy.

Oct 24. 78

Reported back by Com without recommendation

Thornton
Apt Sec

McConnell

17th Day

Bad

1191

~~Article One~~

Preserve Copy

Bill of Rights

~~Introduced by McConnell~~

1192

Article ~~One~~ I.

Section ~~One~~ 1.

All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness.

Section ~~Two~~ 2.

All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

Section ~~Three~~ 3.

The right of trial by jury shall be secured to all and remain inviolate forever; but a jury trial may be waived by the parties, in all civil cases, in manner to be prescribed by law. If three fourths agree upon a verdict it shall be taken as the verdict of the jury in all cases

Section ~~Four~~ 4.

The free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of this State.

Section ~~Five~~ 5.

The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion the public safety may require its suspension.

Section ~~Six~~ 6.

Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained.

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7.

~~Section Seven~~

All persons shall be bailable by sufficient sureties unless for capital offenses when the proof is evident or the presumption great.

8.

~~Section Eight~~

No person without his written consent shall be held to answer for a capital or otherwise infamous crime <except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress, in time of peace, and in cases of petit larceny, unde the regulation of the Legislature>, unless on presentment or indictment of a Grand Jury, and, in any trial in any Court whatever, the party accused shall be allowed to appear and defend in person and with Counsel as in civil actions. The Legislature may fix, at not less than nine, the number of Grand Jurors to form a panel or to find an indictment. No person shall be subject to be twice put in jeopardy for the same offense; nor

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shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken or damaged for public use without just compensation first made. The presentment or indictment mentioned in this section may be amended by the Court in matter of form in such manner as the Legislature may provide by statute.

~~Section Nine~~ 9.

Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libellous is true and was published with good motives and for justifiable ends the party shall be acquitted, and the jury shall have the right to determine the law, and the fact.

~~Section Ten.~~ 10.

The people shall have the right freely to assemble together to con=sult for common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

~~Section Eleven.~~ 11.

All laws of a general nature shall have a uniform operation upon the same class of subjects.

~~Section Twelve.~~ 12.

The military shall be sub=ordinate to the civil power. No standing army shall be maintained by this State in time of peace.

~~Section Thirteen.~~ 13.

No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war except in the manner to be prescribed by law.

6

Woods

1197

~~Section Fourteen~~ 14.

No person shall be imprisoned for debt in any civil action, or mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

~~Section Fifteen~~ 15.

No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be passed.

~~Section Sixteen~~ 16.

Foreigners who are or who may hereafter become bona-fide residents of this State, shall enjoy the same rights in respect to the possession enjoyment and inheritance of property, as native born citizens.

~~Section Seventeen~~ 17.

Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

~~Section Eighteen~~ 18.)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation particularly describing the place to be searched, and the persons and things to be seized.

~~Section Nineteen~~ 19.)

Treason against the State shall consist only in levying war against it, adhering to its enemies, & giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

~~Section Twenty~~ 20.

As every freeman, to preserve his independence (if without a sufficient Estate), ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity nor use in establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants, creating factions, contention, and discord among the people. But if any man is called into public service to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office, through increase of fees, or otherwise becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the Legislature. And if any officer shall knowingly and willfully take greater fees than the law allows him, it shall ever after disqualify him from holding any office in this State.

~~Section Twenty One.~~ 21.

The enumeration of rights shall not be construed to impair or deny others retained by the People.

Amendment 306

Oct. 14

Referred to Committee on Right of Suffrage and Election
Geo. A. Thornton
Apt. Secy.

Nov 13 /8
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Thornton
Asst Secy

Preserve copy

McConnell

17th Day 1201

Article Two

Right of Suffrage and Elections

Introduced by Mr. Connell

Preserve Copy

1202

Schwartz

Article ~~Two~~ II.
Right of Suffrage and Elections.

Section ~~One~~ 1.)

Every male citizen twenty one years of age possessing the following qualifications, shall be entitled to vote at all elections.

First - He shall have been a citizen of the United States at least six months.

Second. He shall have resided in the State twelve months immediately preceding the Election.

Third. He shall have resided in the election precinct where he shall offer to vote, three months immediately preceding the election.

Section ~~Two~~ 2.)

No idiot or insane person, a person convicted of any infamous crime shall be entitled to the privelege of an elector.

~~Section Three.~~ 3.)

For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison; nor shall any person in the military, naval, or marine service of the United States, by reason of being stationed in any military or naval station within the State, be considered a resident of this State.

~~Section Four.~~ 4.)

No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

~~Section Five~~ 5.

Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

~~Section Six~~ 6.

The general election shall be held on the Tuesday next following the first Monday in November A D One Thousand Eight Hundred and Seventy Nine and every four years thereafter, unless the Legislature by statute fix a different time.

~~Section Seven~~ 7.

All elections by the People shall be by ballot. All elections by persons in a representative capacity, shall be viva voce.

~~Section Eight~~ 8.

A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

Meacham

1205

~~Section Twelve~~ 9.

Any person who shall give, or promise or offer to give, to any elector, any money, reward, or other valuable consideration, for his vote at an election, or for withholding the same, or who shall give, or promise to give, such consideration to any other person or party for such elector's vote, or for the with-holding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward, or other valuable consideration, for his vote at an election, or for with-holding the same, shall thereby forfeit the right to vote at such election: and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received

~~Section Ten.~~ 10.

Any person who shall, while a candidate for office, be guilty of bribery, fraud, or willful violation of any election law shall be forever disqualified from holding an office of trust or profit in this State; and any person convicted of willful violation of the election laws, shall, in addition to any penalty provided by law, be deprived of the right of suffrage absolutely for a term of four years.

~~Section Eleven.~~ 11.

In trials of contested elections, and proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon any ground; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Amendment 307

Oct. 14

Referred to Committee
on
~~Distribution of Powers~~
Executive Department
Geo. A. Thornton
Apt. Secy

Nov 2, 1878
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Substitute Am No 468
Thornton
Ass Sec

Summary

McConnell

Further

17th Day

1207 a

Article Three

Distribution of Powers

Introduced by Mr. Connell

Reserve copy

Article ~~Three~~ III.

Distribution of Powers

Section ~~One~~ 1.

The powers of the Government of the State of California shall be divided into three separate departments: the Legislative, the Executive, and Judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

17 day

1209

Article Four

Legislative Department

Introduced by Mr. Connell

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Amendment 308

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Geo. A. Thornton
Apt Secy

Nov 11. 78

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Thornton
Asst Sec

Recommended

McConnell

Article ~~Four~~. IV.
Legislative Department.

Section ~~One~~. 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.

Section ~~Two~~. 2.

The enacting clause of every statute shall be: "The People of the State of California, represented in Senate and Assembly, do enact as follows"

Section ~~Three~~. 3.

The session of the Legislature shall be quadrennial and shall commence on the Tuesday next after the first Monday of January, in the year following the election of its members. No session shall continue longer than one hundred and twenty days.

1211

~~Section Four~~ 4.

Members of the Assembly shall be chosen quadrennially, at the general election in the year Eighteen hundred and Seventy-Nine, and every four years thereafter, by the qualified electors of their respective Assembly Districts; and their terms of office shall be four years from the day of their election.

~~Section Five~~ 5.

Senators shall be chosen at the same time and place as members of the Assembly, by the qualified electors of their respective Senatorial Districts. The term of Senators shall be eight years from the day of their election.

~~Section Six~~. 6.

Senators and Members of the Assembly shall be electors in the districts which each shall represent, respectively; and each shall be a resident of his district for two years next before the election at which he shall be chosen.

Rodriguez

1212

~~Section Seven~~ 7.

The number of members of the Senate shall be forty and of the Assembly Eighty. After the population of the State exceeds one million, the Legislature may, by statute, increase the number of the Assembly to not exceeding one hundred and twenty. When the number shall be increased, the rule of apportionment herein prescribed shall not apply to the excess over eighty until each County shall be allowed one member of the Assembly.

~~Section Eight~~ 8.

The Legislature at its session in the year eighteen hundred and eighty must divide the State into Senatorial Districts of compact contiguous territory, as nearly equal in population as may be at the next general election thereafter, forty Senators shall be elected one half of whom shall hold office for the term of eight years and the other half for the term of four years to be determine by lot at the first session of the Legislature there-after

Rochester

1213

~~Section Nine.~~ 9.)

At the same time the Legislature must divide the State into eighty Assembly Districts of compact contiguous territory as nearly equal in population as may be.

~~Section Ten.~~ 10.)

In forming a Congressional, Senatorial, or Assembly District, a County shall not be divided so as to attach one portion of a County to another County.

~~Section Eleven.~~ 11.)

The Senatorial and Assembly Districts formed in Eighteen Hundred and Eighty, must be changed and the representation reapportioned by the Legislature in the year Eighteen Hundred and Ninety Two and every twelve years thereafter: and if any Legislature upon which is devolved the duty of making such change and reapportionment fails to perform it, the Governor of the State, within sixty days after the adjournment of such Legislature must make such change and reapportionment and declare it by proclamation.

Sandy

1214

~~Section Twelve~~ 12.

Every apportionment shall be based upon the number of votes cast at the Presidential election which occurred next before such apportionment.

~~Section Thirteen~~ 13.

When vacancies occur in either house the Governor shall issue a proclamation calling an election to fill the same, unless a general election will intervene between the vacancy and the next session of the Legislature.

~~Section Fourteen~~ 14.

The members of both Houses shall, in all cases, except for treason, felony, violation of oath of office, or surety of the peace, be privileged from arrest during the session of the Legislature, and for fifteen days before and after; and no member of either House shall be punished criminally, or be made to pay damages for words spoken in debate or speech in such House.

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~~Section Fifteen~~ 15.

Members of the Legislature and its officers shall receive such salary, or per diem and mileage for regular and special sessions as shall be previously fixed by law and no other compensation whatever, whether for services on committee or otherwise, shall be allowed, provided the per diem of the members of the Legislature shall not exceed five dollars and further provided an appropriation may be made to members only of a sum in lieu of all allowances for postage, express charges, newspapers, stationery or other similar matter not exceeding Thirty Dollars to each at any session. No member of either house, or officer or employé of either house, shall, during the term for which he may have been elected or appointed receive any increase of salary or mileage or under any law or resolution passed during such term.

Pomeroy

1216

Section Sixteen 16.

The sessions of the Legislature shall be public, but either House may by rule, exclude from the floor of such House persons other than its members.

~~Section Seventeen~~ 17.

A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as it may prescribe.

~~Section Eighteen~~ 18.

The Senate and Assembly respectively shall choose its own officers, judge of the qualifica=tions and election of its members, have power to determine the rules of its proceedings, to punish for contempt in its presence, to enforce obedience to its process, to protect its members against violence, to punish its members and others for bribery or offers to bribe a member in the

discharge of his duties as such, with the concurrence of two thirds to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption, shall not thereafter be eligible to an election as a member of either House, and punishment for bribery, contempt, or disorderly behavior, shall not bar an indictment for the same offense.

~~Section Nineteen~~ 19.

The Legislature shall provide, by statute for taking the testimony in contests for seats in either house; ~~and~~ such statutes must prescribe that all testimony shall be taken before the time fixed for the regular meetings of the Legislature. All such contests must be finally determined within one week after the organization of the two Houses.

1218

~~Section Twenty~~ 20.

The Legislature shall prescribe by law the number, duties, and compensation of the Officers and employes of each House, and no payment shall be made from or authorized to be made out of the State Treasury for services connected with the session of the Legislature, unless such service be first authorized and the compensation fixed by statute.

~~Section Twenty One.~~ 21.

The Senate, at the beginning of the regular session, and at such other time as may be necessary, shall elect one of its members President pro tempore, who may preside over the Senate during the absence of the Lieutenant Governor.

Amendment

~~Section Twenty-Two~~ 22.)

Each House shall keep a journal of its proceedings and publish the same. Three members may call for the yeas and nays on any question, and when so called, the vote of each member voting shall be recorded in the journal.

~~Section Twenty-Three~~ 23.)

Any bill may originate in either House of the Legislature, and all bills passed by one House may be amended in the other.

~~Section Twenty-Four~~ 24.)

No bill shall be passed into a statute until it has been printed in the House where it originated, for the use of both Houses and referred to and returned from a Committee in each House and read once at length in each House.

~~Section Twenty-Five~~ 25.)

No statute shall embrace more than one subject and that shall be expressed in its title.

1220

~~Section Twenty Six~~ 26.

No statute shall be amend=ed by reference to its title; but, in such case, the statute or section amended shall be reënacted and published at length.

~~Section Twenty Seven~~ 27.

Every bill which may pass the Legislature shall, before it becomes a statute, be presented to the Governor, and such further proceedings had thereon as pro=vided in section fourteen of Article V of this Constitution.

~~Section Twenty Eight~~ 28.

Lotteries and the sale of lottery policies or tickets within this State are unlawful. All lottery pol=icies or tickets, or prizes drawn in lotteries within this State are forfeited to the State, to be recovered by action brought in the name of the People of the State by the Attorney General, and shall go to the common school fund of the State.

Thomas

1221

~~Section Twenty Four~~ 29.

No person who shall have been, or shall be convicted for embezzlement of public funds, or defalcation in any public office, shall be eligible to any civil office of trust or profit in this State: and the Legislature shall pass statutes providing for the punishment of such embezzlement and defalcation as a felony.

~~Section Thirty~~ 30.

The Legislature shall not pass any local or special statute authorizing the creation, extension, or impairing of liens, regulating the affairs of counties, cities, townships, wards or school districts, changing the names of persons or places; changing the place of trial in civil or criminal cases; authorizing the laying out, opening, altering, or maintaining roads, highways, streets, alleys, or sewers; relating to ferries or bridges; vacating roads, town plats, streets, or alleys; relating to cemeteries or other public grounds; authorizing

the adoption or legitimation of children; locating or changing county seats; incorporating towns or cities; for opening and conducting elections, or fixing or changing places of voting; granting divorces; confirming the deeds or certificates of acknowledgement of married women; confirming any void judicial proceeding, tax or assessment or any grant founded thereon; erecting new townships or other territorial divisions in a County creating offices or prescribing the powers and duties of Officers in Counties, cities, townships, or districts; changing the law of succession or descent; regulating the practice or production of or rules of evidence in any judicial proceeding or inquiry before Courts or other tribunals, or providing for or changing methods for the collection of debts or enforcing of judgments; regulating fees of office; affecting the estates of minors or other under disabilities, except after notice to all parties in interest, which

shall be recited in the special Act; remitting fines, penalties, or forfeitures, or refunding of moneys legally paid into the treasury; regulating labor, trade, mining, or manufacturing; creating corporations, or amending, renewing or extending their charters; granting to any corporation, association, or person any special or exclusive privilege or immunity, or the right to make a railroad; nor shall any local or special bill be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be effected may be situated, which notice shall be at least sixty days prior to the introduction into the Legislature of such bill and in the manner to be provided by statute, the evidence of such notice having been published shall be exhibited in the Legislature before such act shall be passed.

Malone

~~Section Thirty One.~~ 31.

No act shall be passed giving extra or additional pay, or relief, or compensation to any public officer, servant, employee, or agent of or contractor under, the State, or any department thereof, or of or under any county or City in this State.

~~Section Thirty Two.~~ 32.

No act shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

~~Section Thirty Three.~~ 33.

No act of the Legislature shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property. In cases of death from injuries received by or through the carelessness, negligence, or willful misconduct of any person or corporation, the right of action shall survive and the Legislature shall prescribe by and

for whose benefit such shall be prosecuted. Until the Legislature shall so prescribe, such right of action shall survive to and may be prosecuted by the personal representative of the Deceased. No Act shall prescribe any limitation of time within which suits may be brought against corporations for injuries to persons or property or for other causes different from those fixed by general laws regulating actions against natural persons.

~~Section Thirty-Four.~~ 34.

No State office shall be continued or created for the inspection or measurement of any merchandise, or manufacture or commodity; but the Legislature may, by general law, provide for such inspection and measurement by municipal or county officers.

~~Section Thirty Two.~~ 35.

The legislature shall pass no statute agreeing to pay, or providing for the payment from the State Treasury, or by any municipal corporation, of any bonds or other obligation of any person or corporation, or to provide for the payment of any interest on such bonds or obligation: and shall pass no statute loaning or authorizing the loan of the credit of the State or any municipal corporation, to any person or corporation.

~~Section Thirty Six.~~ 36.

The legislature shall never grant, or authorize extra compensation, fee or allowance to any public officer, agent, servant or contractor, after service has been rendered or contract made, nor authorize the payment of any claim or part thereof hereafter created against the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements

shall be null and void, provided this section shall not extend to and prevent appropriation or expenditure incurred in suppressing insurrection or repelling invasion.

Dispensed

~~Section Thirty Seven~~ 37.

The Legislature shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State, or to any municipal Corporation therein.

~~Section Thirty Eight~~ 38.

The Legislature shall protect, by statute, from forced sale, a certain portion of the homestead and other property of all heads of families.

~~Section Thirty Nine~~ 39.

The Legislature shall, by statute, protect the wages of labor, provide for liens of mechanics and laborers and for the exemption of a reasonable amount of property from execution and forced sale

1285

~~Section Forty~~ 40.

Any statute concerning corporations may at any time be altered, amended, or repealed and all corporations shall, if required by statute, conform to any such alteration or amendment or be dissolved by such repeal.

~~Section Forty One~~ 41.

The Legislature shall not pass any statute under which any corporation for banking purposes shall be established: but associations and corporations may be formed under general laws for the deposit and loan of gold and silver; but no such association or corporation shall make, issue, or put in circulation, any bill, check, certificate, ticket, promissory note, or other paper, or the paper of any Bank to circulate as money and the Legislature shall prohibit by law the creation of paper to circulate as money.

1229

~~Section Forty Two~~ 42.

The term "corporation" as used in this Constitution, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations, not possessed by individuals or partnerships. All corporations shall have the right to sue and be subject to action in all courts in like cases as natural persons.

~~Section Forty Three~~ 43.

When the Legislature is convened in special session by proclamation of the Governor, there shall be no legislation on subjects not designated in such proclamation.

~~Section Forty Four~~ 44.

The presiding officer of each House shall, in presence of the House over which he presides, sign bills and joint resolutions passed in such House, immediately after the titles of such bills have been publicly read. The fact of signing shall be entered in the Journal.

~~Section Forty Five.~~ 45.

Neither House, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which they may be sitting. In case of a disagreement between the two Houses, with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; provided, it be not beyond the time fixed for the meeting of the next Legislature.

~~Section Forty Six~~ 46.

No money shall be drawn from or paid out of the Treasury of State, except it be pursuant to and in accordance with a specific appropriation for a particular purpose made by statute, and then only on warrants drawn by the proper officer; and no appropriation shall be made for more than four years.

Meechams

~~Section Forty Seven.~~ 47.

All general appropriation bills shall be sent to the Governor for his signature, at least ten days before the close of the session.

~~Section Forty Eight~~ 48.

The Governor, Lieutenant Governor, Secretary of State, Controller Treasurer, Attorney General, Surveyor General, Superintendent of Public Instruction, the Justices of the Supreme Court, and District Judges, shall be liable to impeachment for misdemeanor in office. All other officers under the Constitution may be tried by jury, or indictment for misdemeanor in office, and if convicted, be removed from office and disqualified from holding any office of honor or profit.

1232

~~Section Forty nine.~~ 49.

The Assembly shall have the sole power of impeach=ment, and all impeachments shall be tried by the Senate. Each Senator, at the time the Senate shall resolve itself into a Court of Impeachment, shall swear (or affirm) that he will do impartial justice between the accuser and the accused unin=fluenced by party feeling. No per=son shall be convicted on such impeachment without the con=currence of two thirds of the Senators elected and the judge=ment on conviction shall ex=tend only to removal from office and disqualification to hold office thereafter. A majority of the Senators elected may affix the penalty, but such judgement on impeachment shall not be a bar to indictment for the same offense.

1233

~~Section Fifty~~ 56.

No Senator or member of the assembly shall be elected or appointed to any civil office of profit in this State during the term for which he shall have been elected or for one year thereafter, which office shall have been created, or the emoluments of which shall have been increased during his term of office.

~~Section Fifty-One~~ 57.

Any member of the Legislature who shall solicit, demand, receive or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value, enjoyment, or of personal advantage or promise thereof, or the influence of another to obtain for himself any office of honor or profit for his vote or official influence or for withholding

the same or with an understand=
=ing, express or implied, that his
vote or official action shall be
in any way influenced thereby,
or who shall solicit or demand
any such money or other ad=
=vantage, matter or thing afore=
=said for another as the consid=
=eration of his vote or official
influence, or for withholding
the same, or shall give or
with-hold his vote or influence
in consideration of the payment
or promise of such money, ad=
=vantage, matter or thing to
another, shall be held guilty
of bribery within the meaning
of this Constitution and the
Penal Code, and shall incur
the penalties provided in such
code, and be subject to such
further punishment as shall
be provided by statute.

41. Moved

1235

~~Section Fifty-Two.~~ 52.

Any person who shall directly or indirectly offer, give, or promise any money, thing of value, testimonial, privilege, or personal advantage to any officer, legislative executive or judicial, to influence him in the performance of any of his public or official duties shall be deemed guilty of bribery, and punished as provided by statute

~~Section Fifty-Three~~ 53.

The offence of corrupting of members of the Legislature, or of public officers of the State, or of any municipal division thereof and any occupation or practice of solicitation of such member or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

1236

~~Section Fifty Four.~~ 54.

Any person may be compelled to testify in any lawful investigation or judicial proceedings against any person who may be charged with having committed the offense of bribery or corrupt solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony: and any person convicted of either of the offenses aforesaid, shall, as part of the punishment therefor, be disqualified from holding any office of honor or profit in this State

~~Section Fifty Five.~~ 55.

The Legislature shall not act upon any amend=ment proposed to the Constitution of the United States until at least one general election intervene between the time such amendment is proposed and the time of ~~the~~ action thereon.

Amendment 309

Oct. 14
Referred to
Committee on
Legislative Deptmt.
Geo. A. Thornton
Apt. Secy

Nov 11 of 8
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Asst Sec

Reserve copy

McConnell

Article Five

1238

Executive Department

Introduced by Mr. Connell

Preserve copy

Article ~~Four~~ V.

Executive Department.

Section ~~One~~ 1.

The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General and Superintendant of Public Instruction, who shall each be independent of the other, and have and exercise the powers prescribed to him in this Constitution and by statutes.

Section ~~Two~~ 2.

The Governor shall be elected by the qualified electors of the State, at the general election in the year eighteen hundred and seventy-nine and every four years thereafter.

48

Speaker

1240

Section ~~Four~~ 3.

No person shall be eligible to the office of Governor who is not over the age of thirty years, and who has not been a citizen of the United States, and a resident of the State, for four years next preceding his election.

Section ~~Four~~ 4.

The Governor shall hold his office during four years from the first Tuesday after the first Monday in January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

Section ~~Four~~ 5.

The returns of every election for Governor shall be sealed up, ~~and~~ indorsed "Election returns for Governor" and by the County Clerks of the different counties be transmitted to the Secretary of State, who shall safely keep the same unopened, and deliver them to the Speaker of the Assembly. The Speaker shall,

in the presence of both Houses of the Legislature, on the day next after the organization of both houses, open such returns and publish them. The person having the highest number of votes shall be Governor: but in case any two or more have an equal, and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of said persons for Governor.

~~Section Six.~~

The Governor shall be Commander-in-Chief of the Army, Navy, and Militia of the State, except when they are called into actual service of the United States.

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~~Section Seven.~~ 7.

The Governor shall transact all executive business with the officers of the Federal Government, and with Governors of other States. He shall see that the laws are faithfully executed, and he may require information in writing from all other executive officers of this State upon any subject relating to the business of their respective offices.

~~Section Eight.~~ 8.

When any State Executive office <other than Governor or Lieutenant Governor> shall become vacant, the Governor shall fill such vacancy for the unexpired term by appointment; and if a vacancy occur in any judicial office in this State, other than Justice of the Peace, the Governor shall fill such vacancy by appointment, as prescribed in Art VI of this Constitution. In other cases the Legislature may provide, by

statute, for filling vacancies in office, and if no such provision shall exist, and a vacancy occur, the Governor shall fill the same by appointment for the unexpired term. The Governor shall report to the Senate all appointments for State offices and all appointments to judicial offices, for its confirmation, at the earliest practicable time, and if the Senate shall refuse to confirm such appointment, a vacancy shall then occur, to be filled as provided in this section.

~~Section Amd. 9.~~

The Governor may on extraordinary occasions, convene the Legislature in special session by proclamation, which proclamation shall designate the subject upon which legislation is desired

~~Section Ten.~~ 10.

The Governor shall communicate by message to the Legislature at every session the condition of the State and from time to time recommend to its consideration such measures as he may deem expedient.

~~Section Eleven.~~ 11.

The Governor shall have power to remit fines and forfeitures imposed as a punishment for crimes, to grant reprieves, commutations of sentences, and pardons, except in case of impeachment, and cases of disqualification from holding office, or enjoying the right of suffrage, declared by the Constitution as a punishment for crime. But no pardon shall be granted, or sentence commuted, except upon the recommendation in writing of the Lieutenant Governor, Secretary of State and Attorney General or a majority of them after full hearing, upon due public notice of time and place; and

such recommendations, and the reasons therefor shall be filed in the office of the Secretary of State.

~~Section Twelve.~~ 12.)

There shall be a seal of this State kept in the office of the Secretary of State, to be used by him and the Governor to authenticate papers and documents issued by them, or either of them, to be called "The Great Seal of the State of California" and all grants and commissions shall be in the name and by the authority of the People of the State of California, sealed with said seal, signed by the Governor and countersigned by the Secretary of State.

~~Section Thirteen~~ 13.)

In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the power and duties of the office shall devolve upon

the Lieutenant Governor for the residue of the term or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military forces of the State, not in the actual service of the United States.

~~Section Fourteen~~ 14.

Every bill which shall have passed both Houses shall be presented to the Governor: if he approve, he shall sign it: but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their Journal and proceed to reconsider it. If, after such reconsideration two thirds of all the members elected to that House shall agree to pass the bill, it shall be sent

with the objections to the other House, by which likewise it shall be reconsidered, and if approved by two thirds of all the members elected to that House, it shall be a law: but in such cases the vote of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the Journals of each House respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by their adjournment, by limitation or otherwise, prevent its return, in which case it shall be a law, unless he shall file the same with his objections in the office of the Secretary of State, and give notice thereof, by public proclamation, within thirty days after such adjournment.

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~~Section Fifteen~~ 15.

The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

~~Section Sixteen~~ 16.

The Lieutenant Governor, Treasurer, and Attorney General, shall each have the same qualifications as the Governor, each shall be elected at the same time and place and their terms of office shall be the same as that of the Governor.

~~Section Seventeen.~~ 17.

The Controller, Secretary of State, Surveyor General and Superintendent of Public Instruction, shall each have the same qualifications as the Governor, and shall be elected at the general election in the year eighteen Hundred and Seventy-Nine and every four years thereafter.

~~Section Eighteen~~ 18.

Each of the officers mentioned in the preceding section shall hold his office during four years from the first Tuesday after the first Monday in January next ensuing after his election.

~~Section Nineteen.~~ 19.

The Lieutenant Governor shall be President of the Senate, but shall only have a vote therein when the Senate is equally divided, and he shall perform such other duties as may be prescribed by statute. In case of the death conviction or im=

impeachment, absence from the State, failure to qualify, resignation, or other disability of the Governor, the powers, duties obligations and emoluments of the office for the remainder of the term, or until the disability be removed, shall devolve on the Lieutenant Governor.

~~Section Twenty~~ 20.

In case of a vacancy in the office of Lieutenant Governor, by his death, assumption of the office of Governor, conviction on im=peachment, or for any other cause, the powers, duties, and emoluments thereof for the re=mainder of the term, or until the disability be removed shall devolve upon the President pro tempore of the Senate, and the President pro tempore of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor while he is acting Lieutenant Governor, but his seat in the Senate shall be=come vacant whenever he shall become Governor.

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~~Section Twenty One~~ 21.

The Secretary of State shall keep a record of all official acts of the Governor, preserve the archives and papers pertaining to the office of Governor and the Legislature, and shall perform such other duties as may be prescribed by statute.

~~Section Twenty Two~~ 22.

The emoluments of all State officers shall be fixed prior to the election to such office and such emoluments shall not be increased or diminished during such term, nor shall any additional pay be allowed for additional services required of such officer.