

1974

## PUBLIC LEGISLATIVE PROCEEDINGS

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

---

### Recommended Citation

PUBLIC LEGISLATIVE PROCEEDINGS California Proposition 6 (1974).  
[http://repository.uchastings.edu/ca\\_ballot\\_props/789](http://repository.uchastings.edu/ca_ballot_props/789)

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

**Ballot Title**

**PUBLIC LEGISLATIVE PROCEEDINGS. LEGISLATIVE CONSTITUTIONAL AMENDMENT.** Specifies that the proceedings of each house of the Legislature and the committees thereof shall be public except as provided by statute or concurrent resolution, where such resolution is adopted by a two-thirds vote of the members of each house. In the event of a conflict between such a statute and a concurrent resolution, the last adopted shall prevail. Financial Impact: This measure involves no significant cost or revenue considerations.

**Analysis by Legislative Counsel****Effect:**

The California Constitution now requires that the proceedings of each of the two houses of the Legislature be public, except on any occasion that, in the opinion of the house, requires secrecy. There is presently no such constitutional requirement as to legislative committees, but committee meetings are required by statute to be public, with specified exceptions.

This measure would amend the Constitution to specifically require that proceedings of committees of the Legislature, as well as proceedings of each of the two houses, be public. The measure would also specifically require that this requirement be made by a statute or by a concurrent resolution which resolution would have to be approved by two-thirds of the members of each house.

**Fiscal Impact:**

The Department of Finance and the Legislative Analyst advise that this measure would not result in any increase or decrease in revenue or cost to state or local government.

---

*You should vote "YES" on this measure if you want to require that the proceedings of the legislative committees, as well as the two houses of the Legislature themselves, be public, except in cases where a specific statute, or a resolution of both houses, makes an exception.*

---

*You should vote "NO" on this measure if you want to reject this change.*

---

**Remember to Vote on Election Day  
Tuesday, June 4, 1974  
Polls are open from 7 A.M. to 8 P.M.**

### Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 6 (Statutes of 1973, Resolution Chapter 154), expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE** and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BOLDFACE TYPE**.

### PROPOSED AMENDMENT TO ARTICLE IV, SECTION 7

(c) The proceedings of each house and the committees thereof shall be public except on occasions that in the opinion of the house require secrecy as provided by statute or by concurrent resolution, which such resolution is adopted by a two-thirds vote of the members of each house, provided, that if there is a conflict between such a statute and concurrent resolution, the last adopted shall prevail.

### Argument in Favor of Proposition 6

#### A "YES" VOTE ON PROPOSITION 6 FAVORS PUBLIC DISCUSSION OF LEGISLATION.

The Constitution now provides that the Legislature meet in public, but a huge loophole exists. The loophole is that either house may hold non-public meetings whenever, in the legislators' opinion, closed meetings are desirable.

**BY VOTING "YES" YOU WILL SUBSTITUTE EXPLICIT LEGAL PROCEDURES FOR MERE "OPINION." YOUR "YES" VOTE WILL ENSURE THAT LEGISLATIVE COMMITTEES MEET IN PUBLIC.**

With approval of Proposition 6, non-public meetings may no longer be held based on the "opinion" of either house, but only on those occasions when specifically authorized by statute or concurrent resolution.

This safeguard means that in the case of a statute authorizing a reason for a non-public meeting, not only must both the Senate and Assembly approve such a bill, but the Governor must sign it. For a non-public meeting to be authorized by concurrent resolution both houses must approve it, and the approval must be by a  $\frac{2}{3}$  vote of each house.

These safeguards will not totally prevent non-public meetings when privacy is truly essential. In fact a new law has been enacted which details certain subjects which may still be discussed in non-public meetings should this amendment be approved. **YOUR "YES" VOTE WILL ENSURE, HOWEVER, THAT NO REASONS FOR CLOSED MEETINGS WILL BE PERMITTED EXCEPT THOSE WHICH PASS A VERY THOROUGH AND EXACTING PROCEDURE FOR DETERMINING MERIT.**

The need for an informed citizenry is obvious, and it should be equally apparent that in order to be truly informed, the public must be aware of the deliberations involved in the decision-making process as well as the actual decisions. Such awareness is best achieved by observing how the public business is conducted and not by relying on government spokesmen for an explanation of what occurred behind closed doors.

Proposition 6 is another step toward improving the public's ability to be informed of the actions of public servants. In 1953 Assemblyman Ralph M. Brown successfully fought for a law which greatly improved the public's right to know how the business of local government is conducted.

In 1968 Assemblyman William T. Bagley secured passage of a similar law affecting boards and commissions of state government.

**NOW BY YOUR "YES" VOTE YOU CAN MAKE CERTAIN THAT THE STATE LEGISLATURE WILL ALSO MEET IN PUBLIC, NOT BY WHIM, BUT ACCORDING TO THE RULE OF LAW.**

A "Yes" vote is supported by the California Newspaper Publishers Association, Common Cause, the California Broadcasters Association, and the California Freedom of Information Committee.

**WE URGE YOU TO VOTE "YES" ON PROPOSITION 6.**

**DONALD L. GRUNSKY**  
*Senator, 17th District*  
**GEORGE DEUKMEJIAN**  
*Senator, 37th District*

### No argument against Proposition 6 was submitted