

# **CITY**

## **City Government Synopsis**

City governments are as diverse as the people who live in them regardless of size or age or corporate structure. City governments are responsible for providing services which directly affect the lives of their residents.

Through fire and police protection, cities safeguard lives and property. They also construct and maintain streets, provide facilities for sewage, storm drainage, and waste disposal; and look after health, recreational, and social needs. Most cities provide water, some provide public transportation systems, and a few manage municipal utilities such as electricity or natural gas. City planning and zoning determine land use compatible with community economic, environmental, and cultural goals.

## **Powers and Structure of City Government**

To carry out the functions of local government, cities are granted powers by the state. City governments may legislate to **protect the health, safety and welfare** of their people, provided that these regulations are not in conflict with state or federal law. They may raise money by levying taxes, by license and service fees, and by borrowing. They may employ needed personnel. They may commander property for public use.

While their powers are derived from the constitution and from laws enacted by the legislature, cities themselves are created only by the request and consent of the residents in a given area. Communities may incorporate as cities for these main reasons: to provide services, to control population growth and development, to promote special interests, to solve specific problems, to gain local control of tax money distributed by the state, to provide a more responsive unit of government, and/or to prevent annexation to adjoining cities.

## **General Law and Charter Cities**

All California cities are municipal corporations. Their formation is provided for in the state constitution, and they fall into three categories: general law cities (more than 4 out of 5 cities in California), charter cities (most larger cities), or one consolidated city and county (San Francisco).

**General Law cities** derive their powers from and organize their governments according to acts of the legislature. The fundamental law for theses cities is found in the State Government Code, which enumerates their powers and specifies their structure.

**Charter cities** are formed, after obtaining permission from the Local Agency Formation commission (LAFCO), when citizens specifically frame and adopt a charter or document to establish the organization and basic laws of the city. The constitution guarantees to these charter cities a large measure of *home rule*, granting to them, independent of the legislature, direct control over local affairs.

## **Functions of City Government**

### **Policy Making**

City government is overseen in all cities by an elected governing body (Council) which establishes municipal policy and enacts and implements local ordinances. Council Members may be elected at-large or by district. In charter cities they may be nominated and elected in

any manner stated in the charter. **All city elections are non-partisan.** In most cities, except for very large ones, the council members and the mayor are part-time positions.

The constitution gives the voters in all cities the right to exercise the initiative and referendum, and to recall elected officers. Meetings of City Councils and Commissions or other advisory bodies must be open to the public as provided for in the Brown Act.

In **general law cities**, councils of five, seven, or nine members are elected for four-year, staggered terms. The City Clerk and Treasurer are also elected and serve four-year terms, unless by popular vote these offices have been made appointive. The Chief of Police and other officers are appointed by the City Council or the City Counselor under merit system procedures.

### **Administration**

Two forms of administrative organization exist in California cities: the Council-Manager system and the Mayor-Council system.

Under the **Council-Manager** administration, the elected Council provides political leadership and makes policy, while a full-time, professional Manager directs city departments in carrying out that policy. The Mayor of the city may be directly elected or selected by the Council from among its members.

In most **Mayor-Council** cities, usually small general law cities, the Mayor, chosen from among the Council Members, is merely the council's presiding officer and the city's ceremonial head. The Council has substantial administrative, as well as legislative power, with all department heads reporting directly to the council.

### **Planning**

Municipal planning agencies are established in most cities. They may be in the form of a Planning Commission, a City Council, a professional planning department, or a combination of the above. All California cities are mandated to develop a **general plan**, consider **environmental impact reports**, and periodically review their **capital improvements program**.

The **planning commission** also has major responsibility for recommending to the City Council the adoption of zoning laws. While the planning may also be concerned with the city's building regulations, often a separate building commission formulates local building standards and approves applications for building permits.

Although renewal projects to clear and rebuild or rehabilitate blighted areas are determined locally, state law details the procedures to be used. A city may activate a redevelopment agency or local housing authority by an ordinance declaring the need for urban renewal or a housing program.

### **Boards and Commissions**

Many city functions are overseen, where deemed appropriate, by various city boards and commissions, most of which are advisory to the City Council. Advisory boards or committees may be established by special ordinance. Since their tasks reflect community concerns, these bodies gather information on issues, hear arguments, weigh values, and recommend action to the council.

Besides the Planning Commission, most cities have a Civil Service or Personnel Board and a Park and Recreation Commission. Cities may establish many other bodies such as a Youth Board, a Solid Waste Management Board, a Traffic Commission, an Airport or Harbor Commission, a Civil Defense or Disaster Board, an Art or Historical Commission, and a Human Relations Commission.

### City Procedure at California Girls State

At Girls State we are organized into **general law cities**. Each city elects five members to the City Council who then select one of their members to be Mayor. A Clerk and a Treasurer are also elected.

In order to get the process started smoothly, the City Counselor selects an acting City Clerk, acting City Treasurer, and an acting Mayor from among the first arrivals. They are each given a folder with instructions to help them do their job. The acting City Clerk should obtain all election forms and supplies from the Girls State Chief Counselor's office. **All city forms are printed on GREEN paper.** Instructions and other valuable information may be in different colors!

At the third city meeting, the acting City Clerk should fill out and post on the bulletin board a **Notice of Election (#1)**. At the appropriate time she will issue to each candidate a **Declaration of Candidacy (#3)**. The candidate will appoint a verification deputy which is part of form **(#3)**. At the city level only, the candidate may be her own verification deputy.

The **Declaration of Candidacy** is to be filled out and signed by the candidate. The verification deputy will get the required number of signatures for the candidate on the **Nomination Paper (#4)**. She will affirm that those signatures are correct by filling out the **Verification Deputy's Affidavit (#5)**. The candidate will return the forms to the acting City Clerk and pay the filing fee of \$5.00.

**Each form needs to be filled out individually and notarized in numerical order.**

At Girls State, on the city level, a minimum of five (5) and a maximum of seven (7) valid signatures are required for each candidate. A voter may sign as many nomination papers as there are positions to be filed for that office. Therefore, a voter may sign five times for City Council, once for Clerk, and once for Treasurer. When the time limit has been reached (see daily schedule) for circulation of the nominating papers, the acting City Clerk with her deputies closes her office and verifies the signatures by checking the roster. She then prepares and posts a List of Candidates, **City Nominees for Public Office (#6)** who have qualified for the elective offices.

**IMMEDIATELY AFTER THE VERIFICATION** a copy is delivered to the Chief Counselor's office.

The **Election Commissioner** appoints the election officials (one Inspector, one Judge, and two Clerks) to conduct the election. These election officials set up the polls, staff them, and verify and post the results according to the instructions in the election board folder.

After receiving the report from the election officials, the acting City Clerk prepares a **Certificate of Election (#10)** for each successful candidate and administers the Oath of Office at the next city meeting.

Before a successful candidate can officially take office, she must prepare and submit a **Statement of Expenses (#12)** to the acting City Clerk. Unsuccessful candidates must also prepare and submit form **(#12)** to the acting City Clerk. Violation of this campaign finance law will prevent a person from taking office or becoming a candidate for any other office at Girls State.

### Duties of Elected Officials

**City Council—Immediately following** the posting of the election results, the City Council will meet to elect a Mayor. At future council meetings they shall consider local ordinances and laws to promote the efficient management of the city. The City Council also appoints various city officials such as Chief of Police, City Attorney, and the directors of any departments necessary

for the proper functioning of the city.

**City Clerk**—Takes minutes at all council meetings, is responsible for city supplies, and assists County Clerk at county and state elections. The Clerk gives each appointed official a **City Certificate of Appointment (#8)**.

**City Treasurer**—Prepares a city budget for approval by the council, collects fees and fines, and serves as a deputy county assessor. City Treasurers will be called upon to assist the County Treasurer in submitting a bid for federal budget allocations.

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The city organization is the first opportunity a citizen has to participate in government at a level which is probably the most useful to her in later life. Since it continues to operate throughout the session, it is strongly recommended that each Girls State Citizen actively participate in her city to enable her to become better known to her fellow citizens.

**It must be remembered that this is an elective form of government and only the elected city council votes on issues.**

## **COUNTY**

### **County Government Synopsis**

Counties are geographical and political subdivisions of the state and thus serve as important administrative units for state and federal laws, programs, and services.

#### **Powers and Structure of County Government**

Today's 58 counties in California vary greatly in size, geography and population. San Bernardino County, the largest in area, is 46 times as large as Santa Cruz County, the smallest except for the combined city-county of San Francisco. The population of megalopolis Los Angeles County is almost 10 million, while only about 1,200 people live in the mountains and forests of Alpine County.

Although the legislature may not pass special laws for one particular county, it may classify counties by population. For example, they may enact statutes which are uniform for a classification. The legislature grants broad discretionary powers to counties, permitting them to adapt their internal structure, operations, and programs to local conditions.

#### **County Formation**

There have been many changes in the boundaries of counties. The state constitution requires that formation of a new county or consolidation of two or more existing counties into one must be approved by a majority of those voting on the question in each county concerned. The governing body of each county must also approve the boundary change.

#### **General Law and Charter Counties**

The state constitution provides for three classes of county government: general law, charter, or consolidated city/county. There are 12 charter counties: Alameda, Butte, Fresno, Los Angeles,

Placer, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara and Tehama.

The main difference between general law and charter counties lies in the way they can organize and select their governing bodies and officers. Every county is required to elect a governing body—a board of supervisors. **General law counties** elect supervisors by district, while **charter counties** have the option of electing them at-large or by district. Except for the constitutional requirement that every county have an elected Sheriff and District Attorney, charter counties have considerable freedom, when drafting their charters, to determine what other officers they will have, their powers and duties, and whether they will be elected or appointed. General law counties are regulated by statutes which specify their principal officers, assign their duties, and require that they be elected by the people.

## Functions of County Government

### Policy Making

California counties have 5 supervisors elected for four-year, staggered terms on a nonpartisan ballot. If a supervisory position becomes vacant between elections, it is filled by the Governor, for general law counties. Charter counties may make other provisions for filling vacancies. In all counties, supervisorial district boundaries must be adjusted after each federal census so that the population of all districts is as nearly equal as possible.

The **Board of Supervisors** is the legislative and executive body of county government. They pass all ordinances governing the county and are responsible for seeing that functions delegated to the county are properly discharged. They have responsibility for overseeing a variety of services to county residents.

### Administration

**A Chief Administrative Officer** is appointed by the board of supervisors in most of the counties in the state. This officer is responsible for implementing board decisions, preparing the county budget, carrying out studies to provide the supervisors with information needed in making decisions, and generally coordinating county administration.

**The County Clerk** usually serves as both the Clerk of the Board of Supervisors and Chief elections official. The Clerk is also constitutionally mandated to be Clerk of the Superior Court. The Clerk's office is responsible for the county's record management, and for providing records upon the request of the public, in compliance with the California Public Records Act. In some counties a **County Recorder** keeps records of births, deaths, marriages, all instruments recording real property, and other documents required by law.

**A County Counsel** may be appointed by the supervisors to serve as chief legal advisor on civil matters for the county.

A county may adopt a civil service system administered by an independent **Personnel Board**. Most counties have some form of civil service covering most of the non-elected personnel.

**The Public Administrator** is responsible for the administration of the estate of a person deceased without apparent heirs. On appointment by the court, the Public Administrator serves as guardian for persons, often minors or the elderly, who are not competent to manage their affairs and lack private assistance.

### Finance

The Chief Financial Officer for the county is the **Auditor** or **Director of Finance**. The Auditor sees that the financial records of all county officers and departments are in order, reports on the state of the county's finances, and authorizes expenditures by warrants.

The **Treasurer** is custodian of the county's money (including investing the county money), pays county obligations on warrants from the Auditor, and assists in the collection of taxes. They will also be responsible for supervising and selecting bids from cities within their county for the \$250,000 federal budget allocations.

The **Assessor** appraises property in the county which is subject to taxation.

The **Tax Collector** collects all county taxes and deposits them with the Treasurer

### **Planning**

In general law counties, the **Planning Commission** is composed of five to nine members appointed by the Supervisors. The Planning Commission prepares and maintains a master plan for physical development of the county, reviews development plans for environmental impact, and acts as a board of zoning adjustments. The Commission is an advisor to the Supervisors, who approve and implement recommendations and serve as the Court of Appeals in disputes between citizens and the commission.

### **Law Enforcement**

The **Sheriff** is the Chief Law Enforcement Officer in all unincorporated territory. The Sheriff apprehends law violators and is in charge of the jail. She implements programs to prevent crime, reduce delinquency and rehabilitate criminals.

The **District Attorney** is the public Prosecutor and, in counties without a county counsel, performs the counsel's duties, as well. The District Attorney prosecutes those accused of crimes, and presents evidence of crime to the grand jury.

A **Public Defender** is appointed to defend persons charged with offenses who are unable to pay for attorney services. The Defender may bring civil cases on behalf of indigents for claims not over \$100 or defend them in civil suits, if no other legal aid is available.

The **Coroner** investigates causes of deaths occurring without medical attention under violent or unusual circumstances.

In most counties a **Probation Officer** supervises residents who are placed on probation or parole from prison or juvenile detention.

### **Education**

County offices of education operate their own educational programs such as schools at juvenile halls, regional occupation centers providing job-related training, environmental education schools, special education classes, schools for handicapped students, and even provide administrative and supportive services to small local school districts.

The **County Superintendent of Schools** is the chief executive officer of a county Office of Education. The Superintendent also serves as Secretary of the county Board of Education, which is the policymaking body for the county office of education and serves as the governing board for all educational programs operated at the county level. The constitution provides for a superintendent of schools in each county; voters determine whether that superintendent is

elected or appointed.

### **Health and Welfare**

An important responsibility of the supervisors is the administration of welfare programs mandated by state law. **County Welfare Departments** determine eligibility and benefits for aid to families with dependent children, MediCal, and food stamp programs. They also deliver social services to eligible persons in need of child care, family planning, health, and homemaker services. They offer protective services to adults and are required to provide foster care to children in danger of abuse and exploitation. They also license care facilities and provide information and referral services. Some counties also provide emergency housing, legal assistance, substance abuse programs, and adoption services.

### **Public Works**

Some counties employ a **Director of Public Works** to assume responsibility for county buildings, roads, waste disposal, sewage treatment, flood control, and drainage projects. A **County Surveyor** conducts surveys requested by the supervisors or the court, keeps survey records, and supplies maps required by the recorder's office.

### **Libraries**

Free public libraries are established and maintained, and **County Librarians** are appointed by the board of supervisors.

### **Other Offices**

Other county offices mandated for general law counties include a **Fire Marshal, Fish and Game Warden, Livestock Inspector**, and a **Sealer of Weights and Measures**. Boards of Supervisors may appoint an **Agricultural Commissioner** and a **Public Information Officer**.

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## **County Procedure at California Girls State**

At Girls State, we are organized into **charter counties**. Each county will elect five Supervisors to the county Board of Supervisors who then select one of their members to be the Chairman. A county Clerk, Recorder/Auditor, Treasurer/Tax Collector, Assessor, Superior Court Judge, District Attorney, Sheriff/Coroner, Superintendent of Schools, and Public Defender are also elected. At Girls State, the county is a Unified School District and the five trustees are elected at-large.

In order to get the process started smoothly, the County Manager selects an acting County Clerk and acting Chairmen of the Board of Supervisors. They are each given a folder with instructions to help them do their job. The acting County Clerk will get election forms from the Chief Counselor's office. **All county forms are on YELLOW paper**. At Girls State, the City Clerks are automatically appointed to serve as Deputy County Clerks to help with county and state elections.

At the third county meeting, the acting County Clerk should fill out and post on the bulletin board a **Notice of Election (#1)**. At the appropriate time she will issue to each candidate a **Declaration of Candidacy (#3)**. The candidate will appoint a verification deputy which is part of form **(#3)**.

The **Declaration of Candidacy** is to be filled out and signed by the candidate. The verification deputy will get the required number of signatures for the candidate on the **Nomination Paper (#4)**. She will affirm that those signatures are correct by filling out the **Verification Deputy's**

**Affidavit (#5).** The candidate will return the forms to the acting county clerk and pay the filing fee of \$10.00..

**Each form needs to be filled out individually and notarized in numerical order.**

At Girls State, on the county level, a minimum of ten (10) and a maximum of fifteen (15) valid signatures are required for each candidate. A voter may sign as many nomination papers as there are positions to be filed for that office. Therefore, a voter may sign five times for a county Supervisor and Board of Education, and once for all other county elected positions.

When the time limit has been reached (see daily schedule) for circulation of the nominating papers, the acting County Clerk with her deputies (elected City Clerks) closes her office and verifies the signatures by checking the rosters. She then prepares and posts eight (8) List of Candidates, **County Nominees for Public Office (#6)** who have qualified for the elective offices. 2 will be posted in each city. **IMMEDIATELY AFTER THE VERIFICATION** a copy is delivered to the Chief Counselor's office.

Each city's **Election Commissioner** appoints the election officials (one Inspector, one Judge, and two Clerks) to conduct the election. These election officials set up the polls, staff them, and verify and post the results according to the instructions in the election board folder.

When election results have been compiled in each city, they are brought to the acting County Clerk who totals them for the county and reports the results to the Chief Counselor immediately. The acting County Clerk prepares a **Certificate of Election (#10)** for each successful candidate and administers the oath of office at the next county meeting.

Before a successful candidate can officially take office, she must prepare and submit a **Statement of Expenses (#12)** to the acting County Clerk. Unsuccessful candidates must also prepare and submit form **(#12)** to the acting County Clerk. Violation of this campaign finance law will prevent a person from taking office or becoming a candidate for any other office at Girls State.

### **Duties of Elected Officials**

**Board of Supervisors – Immediately following** the announcement of election results, the county Board of Supervisors will meet to elect a Chairman. At future county meetings, they shall draft and enact ordinances proposed by themselves, the public, other county officials, and appointed commissions. They will also appoint commissioners for the proper functioning of the county (examples of County Commissions: Health and Human Services, Gaming/Liquor, Utilities, Public Transit, Public Safety/Law Enforcement). The Board of Supervisors facilitates the whistle stop tour, adopts the budget submitted by the auditor, and sets salaries for all county officials (paid out of collected taxes).

**County clerk** – Takes minutes at all county meetings, serves as the Clerk for the Superior Court, accepts applications for appointments, coordinates checking of petitions for state election with City Clerks, and is responsible for all county supplies. The Clerk gives each appointed official a County **Certificate of Appointment (#8)**.

**Recorder/Auditor** - Prepares the budget from the requests of other public officials, appoints deputies to assist in the preparation of the budget, audits the Treasurer's books, and times the various commission reports at county meetings. She also serves as timekeeper for speeches. In CA Girls State, Recorder and Auditor are combined into one elected position.

**Treasurer/Tax Collector** - Collects taxes as set by the state, keeps county financial records, and pays bills and salaries as directed by the board of supervisors. In CA Girls State, Treasurer and Tax



Collector are combined into one elected position.

**Assessor** - Assesses the property (rooms) of county residents (real or imaginary) and prepares a report of property assessments for Treasurer/Tax Collector.

**Superior Court Judge** – presides over the county Mock Trial.

**District Attorney** – serves as the Prosecuting Attorney at the county Mock Trial.

**Sheriff/Coroner** – enforces county ordinances, participates in the county Mock trial as a Bailiff, apprehends criminals, and processes dead bodies (real or imaginary).

**Superintendent of Schools** – submits a budget for the county schools to the Auditor, makes recommendations on policies to the Board of Education, forms a coalition of other school boards to influence the legislature, and acts as a Secretary for the Board of Education. The Superintendent also participates as one of four Attorneys in the state Moot Court.

**Public Defender** – Settles the estates of all deceased as reported by the county Coroner and takes charge of personal property of persons who have died and left no one in charge of their affairs. The Public Defender also acts as the Defense Attorney in the county Mock Trial.

**Board of Education** – establishes some general policies affecting schools in the county. They also approve the budget submitted by the county Superintendent of Schools.

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The county organization is the second opportunity a citizen has to participate in government at a level which is probably the most useful to her in later life. Many of the elected county officials are the main participants in the county Mock Trial and some also participate in the state Moot Court. It is strongly recommended for individuals that wish to run for state elections to get to know citizens from other cities to run for a state office.

### **Special Districts Synopsis**

In California, the third level of local government which rivals the city and county in importance is the special district. There are over 4,000 such districts in the state, of which 1,500 are school districts. The others carry out various functions, such as fire protection, street lighting, cemetery maintenance, water supply, irrigation, water storage, and sanitation.

These special districts are organized to provide a single or multi-purpose government that will render service which cannot be provided by any other means to the people living within a given area.

#### **Types of Special Districts**

In the California, there are four types of special districts which render distinct services to the people of the area.

**Municipal Type Districts**—The municipal type of district provides fire protection, water service, street lighting, and sanitation for the outlying unincorporated areas.

**Metropolitan or Regional Districts**—These districts administer certain functions which cannot be handled effectively by individual cities or counties. These functions include such services as regional parks, air pollution control, sewage treatment and disposal, port and harbor facilities, bridges, and water or electricity supply.

**Agricultural Districts**—This type of district concerns itself with irrigation, reclamation, drainage, and soil conservation in the rural areas. The most important functions of this type of district are water procurement operations, construction of canals and distribution systems for irrigation water, and drainage and reclamation of swamps and submerged lands.

**School Districts**—In California, all education of young people is provided for by the school district. The five different types of school districts include elementary districts, high school districts, unified (K—12) districts, junior college districts, and college districts.

**Powers and Structures of Special Districts**

Some districts are governed by an independent elective board, chosen at large or from a subdivision of the district. Others are governed by the county Board of Supervisors. Special districts have the power to execute contracts, employ personnel, issue bonds, acquire and dispose of property, sue and be sued, adopt their own budgets, and do other things necessary to carry out the district's purpose.

**Functions of the School Board**

The School Board sets local educational policies within the limits of state law and determines the curriculum. It adopts a budget and authorizes operating and capital expenditures, including books and equipment, and teacher and other staff salaries. The most important task of a school board is to appoint a superintendent to administer the district; and to work with that superintendent and the community to create an environment that meets the educational needs of each child.

The ten member State Board of Education, appointed by the Governor, and the Department of Education, whose chief administrative officer is the elected State Superintendent of Public Instruction, is responsible for studying the educational needs of California and for adopting plans for the improvement of the school system from Kindergarten to grade 12. While the Board develops general policy, both the legislature and local school boards exert strong influence on the direction of educational policies and programs and implement such policies created by the state.

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**Special Districts at California Girls State**

At Girls State, we will organize a unified school district in each county. Each county will elect a **four member board of education** and a **county superintendent of schools** at the county election; and that county board and superintendent will establish general policies to establish the kind of school district that it wants. For example, the Board of Education addresses issues such as: the location and number of elementary, the establishment of magnet schools, the grade level configuration, disciplinary policies, parent involvement, curriculum, the implementation of bilingual and special education programs, and the maintenance of facilities. At CA Girls State, the School Board utilizes its imagination to develop their ideal school district. The Board will hold a hearing to decide what they want to accomplish and develop a plan to benefit their schools.

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**STATE**

**State Government Synopsis**

There are three major branches of the state government: the legislative (the law making branch that creates or enacts the law); the administrative (the executive side of government that enforces the laws); and the judicial branch (the court system that applies the laws which the legislature has passed and interprets the conduct of the executive department in enforcing those laws).

At the state level, the three functions of government are theoretically separated (as they are on the federal level), but in practice the legislative and executive branches often work together on shaping proposed legislation. The experience of the executive branch in implementing past legislation and coping with new problems provides legislators with information and ideas.

### **Legislative Branch**

The state legislature is the law making branch of government. The legislature is composed of the upper house (Senate) and the lower house (Assembly). California is divided into 40 Senate districts and 80 Assembly districts. The lines of the district are adjusted after each national census to reflect changes in population.

Any US citizen 18 years of age or older who has been a California resident for three years and a resident of a legislative district for the one year immediately preceding the election is eligible to hold legislative office. Legislators are elected on a partisan ballot. Senators serve four year terms and Assembly members serve two year terms. All of the Assembly seats and one half of the Senate seats are up for election every even-numbered year. A vacancy in either house is generally filled by a special election.

The Lieutenant Governor presides over the Senate. The Assembly elects its own presiding officer (Speaker of the House).

### **Types of Legislation**

**Bill**—a proposal to make a new law, change, repeal or add to existing state law. As bills are introduced in each house they are given a number. Assembly bills (AB) and Senate bills (SB) are given a number in the order in which they are introduced.

**Constitutional Amendment**—a resolution proposing a change in the constitution. It is known as an ACA or a SCA depending on the house or origin. It must be approved by 2/3 of the members of each house by a certain deadline in order to qualify for a statewide ballot. A constitutional amendment must be approved by a majority of the voters to take effect.

**Concurrent Resolution**—used to adopt joint rules, establish joint committees, commend persons or organizations or express legislative intent. It needs only a majority vote of each house to pass. It is known as an ACR or SCR depending on the house or origin.

**Joint Resolution**—usually urges passage or defeat of legislation pending before the US Congress. It is known as an AJR or SJR depending on the house or origin.

**Resolution**—expresses the sentiment of either the Assembly (AR) or the Senate (SR). It can be used to create an interim committee, amend a house rule, congratulate an individual or group, etc. It is usually adopted by a majority voice vote.

### **Public Input**

Legislators enact laws on behalf of the people of the state. Citizens have the right to express their views on proposed measures as individuals, in cooperation with others and through legislative advocates. Views can be expressed in many ways, i.e. letters to legislators, testimony

before committees, personal visits to legislators, and public information campaigns.

### **Initiative and Referendum**

Citizens in a representative democracy rely primarily on their elected representatives to make the laws. However, the people of California reserve to themselves the power to initiate and annul laws by using direct legislation known as initiatives and referendums.

**Initiative**—gives the voters the power to propose a new law (statutory initiative) or to propose a change in the state constitution. A change in the state constitution is called a constitutional amendment initiative.

**Referendum**—is used to demand that a measure enacted by the legislature and signed by the governor be referred to the electorate before going into effect. California does not permit the use of referendums to challenge election laws or provide for tax levies or appropriations for current expenses.

Both referendums and initiatives are constitutionally guaranteed to the people of California to use at the local and state government levels. At the local levels, a completed initiative petition is presented to the appropriate elected body (either City Council or Board of Supervisors) and the governing body may adopt the proposal without change thereby ending the process. If they refuse to act, the issue will be decided at the next election or a special election will be called, providing enough signatures are on the petition for it to qualify.

### **Lobbying**

Lobbying is a form of advocacy with the intention of influencing decisions made by the government by individuals or more usually by Lobby groups; it includes all attempts to influence legislators and officials, whether by other legislators, constituents, or organized groups. A *Lobbyist* is a person who tries to influence legislation on behalf of a special interest or a member of a lobby. The Lobbyist participates in activities that seek to influence specific legislation. Legislation, in turn, is defined as action by any state legislature, any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment or similar procedure. Lobbying activity is broken down into two categories.

**Direct lobbying**—Direct lobbying activities includes contacting members and employees of legislative bodies, Senators, State Legislators, City Council Members, their staff, or others who formulate legislation.

**Grassroots lobbying**—is an attempt to influence the general public on legislative matters. At the local municipal level, some lobbying activities occur with City Council Members and County Commissioners, especially in the larger cities and more populous counties. Lobbying is independent of political activity, which is defined as participating in or intervening in any political campaign on behalf of or in opposition to any candidate for public office.

### **Executive Branch**

The Chief Executive Officer of the State of California is the Governor. The Governor's broad power base allows her influence in the following:

**Financial matters**—the Governor prepares and submits budget or legislature. In California, the Governor has line item veto power which allows her to eliminate a particular item by veto, but not to increase any item.

**Judicial system**—the Governor nominates Judges of the two highest courts of the state and fills vacancies by appointment in all other courts except federal courts in California.

**Legislature**—the Governor advises the legislature at the beginning of each session as to the condition of the state, recommends legislation, and confers regularly with representatives of the Senate and Assembly. The Governor may call a special session of the legislature to consider a specific issue, such as a fiscal crisis. The Governor appoints individuals to fill unexpired terms of U.S. Senators, Supervisors in general law counties, and state officers when these positions have become vacant through resignation, removal, or death. The Governor is also considered the head of her political party;

**Education**—the Governor appoints members of the Board of Trustees of the California State University system, the Regents of the University of California, the Community College Board of Governors, and the Maritime Academy Board of Governors.

The Governor also makes about 200 appointments, including almost all state department directors and officials in high policy making positions; is the commander in chief of the state militia (National Guard), and ceremonial head of state.

### ***Lieutenant Governor***

The Lieutenant Governor fills the office of Governor, in the event of the death of the Governor, or when the Governor leaves the state, even temporarily. The Lieutenant Governor is also presiding officer of the Senate and serves as ex-officio member of a number of important governing boards including the Regents of the University of California.

### ***Secretary of State***

The Secretary of State is the official keeper of the records of the state, including articles of incorporation. She is responsible for the state elections; all petitions for elections are filed in this office via County Clerks. All bills passed by the legislature are filed in this office for safe keeping, as is the Great Seal of the State which is affixed to state papers.

### ***Controller***

The state Controller is the principle fiscal officer of the state, accounting for and directing the distribution of state money. The Controller's office collects some taxes directly and performs audits to insure that others are collected. This office also administers the state's unclaimed property tax laws, under which it searches for the rightful owners of money and property turned over to the state.

### ***Treasurer***

The state Treasurer is the banker for the state, paying out state funds when authorized by the controller. The Treasurer also has the responsibility of arranging for the issuance, sale and distribution of bonds when the state borrows money.

### ***Attorney General***

The Attorney General is the chief law enforcement officer of the state, aiding and supervising county District Attorneys and Sheriffs. The Attorney General is also the legal advisor to the Governor, all state departments, and the legislature. She is the director of the state Department of Justice which represents the state and its officers in civil litigation and in appeals from Superior Courts in criminal cases. The Attorney General's office prepares titles for state initiatives and

referendums.

ALL OF THE ABOVE OFFICES ARE PARTISAN. In California a person of one party may become Governor and a person of another party may become Lieutenant Governor. In some other states each party runs a slate of candidates and voters elect one slate or the other without being able to cast their vote for an individual candidate.

### **Superintendent of Public Instruction**

The Superintendent of Public Instruction is elected state-wide on a non-partisan basis. The superintendent directs the Department of Education, executing policies set by the state Board of Education which is appointed by the Governor. The Superintendent coordinates efforts to secure legislation beneficial to the school system.

### **Judicial Branch**

The third division of the government pertains to the courts. The courts are concerned with the application of the law. There are two types of law: criminal and civil. **Criminal Law** pertains to alleged violations of California law, violation of the peace, and rights of all citizens of the state. Such lawsuits are started by a District Attorney and are titled, for example, "The people of California vs. John Doe." In the event the defendant is found guilty of having violated the law, she will be penalized by fines payable to the state, and/or sent to jail. Less serious crimes are misdemeanors. The more serious offenses, those punishable by imprisonment of a minimum of one year in a state penitentiary, are felonies.

The other major branch of law, **civil law**, pertains to the rights or responsibilities of individuals toward each other. Cities, counties and state agencies are considered individuals, also. The laws pertaining to marriage, divorce, personal injury, contracts, death and inheritance are all covered by civil law.

### **Types of Courts in California**

The judicial branch is organized by 3 levels: the Superior Courts, the Courts of Appeal, and the state Supreme Court.

**Superior Courts-**At the superior court level, a judge and/or a jury hears witnesses' testimony and other evidence and decides cases by applying the relevant law to the relevant facts. This is generally known as a trial. California has 58 trial courts, one in each county. The appellate division of the Superior Court reviews decisions, such as misdemeanor convictions and limited civil cases.

**Courts of Appeal-**A Court of Appeal reviews the vast majority of appealable orders or judgments from a Superior Court. The only type of case that is automatically appealed directly to the California Supreme Court is one where the defendant is subject to the death penalty. An *appeal* is a request to a higher court to review decisions made in a completed trial or preceding. This usually occurs when the losing party is dissatisfied with the outcome and believes that the Superior Court or administrative agency made an error that adversely affected the result, it may ask the Superior Court Judge to overturn the decision or to order a new trial. If the judge denies the request, the losing party may file an appeal in a Court of Appeal. California has 6 districts of Courts of Appeal.

**Supreme Court-**The California Supreme Court is the state's highest court. The Court reviews all decisions and orders for extraordinary relief (such as cases in which a judgment of death has been pronounced by the trial court) and certain selected decisions and orders that enable the

Supreme Court to decide important legal questions and to maintain uniformity in the law. The decisions of this Court apply to all other California state courts. Any decision by the state Supreme Court is appealed to the United States Supreme Court. The state has only one Supreme Court.

Justices of the Courts of Appeal and the Supreme Court are appointed by the Governor and their names appear on the ballot every 12 years for confirmation by the voters. Superior Court Judges are appointed by the Governor as well but are elected by the people in the county of the court of which the Superior Court resides.

### **State Procedure at California Girls State**

At Girls State, all constitutional offices are elected, including Superintendent of Public Instruction and Justices of the Supreme Court.

There are two kinds of state offices: partisan and non partisan offices. **Partisan offices** refer to those offices in which you must receive a nomination from your political party at the primary election in order to appear on the general election ballot. They are Governor, Lieutenant Governor, Secretary of State, Attorney General, Treasurer, Controller, Assembly Member and Senator. **Non partisan offices** are those offices in which there is no party affiliation. They are Superintendent of Public Instruction and Supreme Court Justices. The purpose of the primary election for non-partisan offices at Girls State is to narrow the field for the general election. Citizens may sign nomination papers for partisan offices only for candidates who are members of their same political party. Citizens of both parties may sign petitions for non-partisan offices.

The office of **Assembly Member** and **Senator** are partisan state offices and are elected by districts. In Girl State, each city is a district where two Assembly Members and one Senator are elected from each city. There is a special primary and general election for these offices so that the legislature can get organized and functioning before the other state officials are elected. A candidate for Assembly Member or Senator must get all of her required signatures from her own city. The candidate may be her own verification deputy at this level. A minimum of 3 and a maximum of 5 sponsor signatures are required for state Senate and Assembly petitions.

At Girls State, an Acting Secretary of State is appointed by the Chief Counselor. She posts a **Notice of Primary Election (#1)** around the filing area. All state forms which apply to both parties or non partisan offices are **WHITE**. Forms for the Tory party are on **PINK** paper and forms for the Whig party are on **BLUE** paper.

Girls seeking a state office will secure and complete a **Declaration of Candidacy (#3)**. After completing that they turn it into the County Clerk's office, pay their filing fee of \$15.00, and get a **Nomination Certificate (#4)** and **Verification Deputy's Affidavit (#5)**.

Candidates are required to file in at least two counties, one of which must be their own county. She must select a verification deputy from each county in which she files. The verification deputy must reside in the county in which the nomination papers are circulated and filed. The candidate must have a minimum of 15 and no more than 20 total sponsor signatures from all of the counties in which she files.

The Deputy County Clerks will check the petitions, post the list of candidates, **State Nominees for Public Office (#6)**, and send a copy to the Chief Counselor. After the primary election, the election officials of each precinct will send their results to the County Clerk who will compile the results for the county and send them to the acting Secretary of State who will prepare the ballot for the general election, if needed. The candidate with the highest vote for each political party for each office wins the nomination for that office.

For the non-partisan office of **Superintendent of Public Instruction**, the two candidates with the highest number of votes in the primary election will appear on the general election ballot. The nine **Justices of the Supreme Court** who receive the most votes on the primary election will also be placed on the general election ballot. Seven will be elected in the general election, but the two unelected candidates will still participate in the moot court as Clerks.

Prior to the general election, candidates for offices which formulate policy (Governor, Lieutenant Governor, Attorney General, and Superintendent of Public Instruction) will participate in a **whistle stop tour** visiting by rotation the four counties and answering questions from the citizens of each county.

After the acting Secretary of State receives the general election results from the County Clerks she will certify the election results. The duly elected state officials will be sworn in at a public Inaugural Ceremony. After the Inaugural, they will carry out the duties of their office as much as the remaining time at Girls State permits.

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### Judicial Procedure at California Girls State

At CA Girls State, there will be a **mock Superior Court trial** in each county on the last day of the session. Appropriate county officials and the city Judge from each city will be the major participants in this trial. The mock trial participants include: the city Judges (as witnesses), the Superior Court Judge (county Judge), the District Attorney, the Public Defender, the Sheriff/Coroner, the Jury Commissioner, the Court Reporter (County Clerk), and those citizens selected for jury duty. Citizens will have an opportunity to sit on the jury if their name is selected by the county Jury Commissioner.

There will also be a **Supreme Court style Moot Court** on the last day of the session, whereby the Supreme Court Justices hear arguments by the Attorney General and her Deputy, and the county Superintendents of Schools in a First Amendment case.

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### General Legislative Information at California Girls State

#### **Composition**

The Girls State Legislature is bicameral (two houses) and is composed of the Senate and the Assembly.

The **Senate** has 16 Senators—one from each of the Girls State cities. The Presiding Officer of the Senate is the Lieutenant Governor, called the *President of the Senate*, when performing these duties. Elected by the Senators at the first meeting of the Senate is a President Pro Tempore, generally referred to as the Pro Tem, who presides over the Senate until the Lieutenant Governor takes office.

The **Assembly** has 32 Assemblywomen—two from each city. The Presiding Officer of the Assembly is the *Speaker of the House*, elected by the Assemblywomen at their first meeting.

A **Majority Floor Leader** is elected at the first meeting by the majority party of each House. The Majority Leader is responsible for presiding over any meeting in the absence of the Presiding Officer.

The minority party of each House elects a **Minority Whip**. The Minority Whip is the leader of the minority party in the House and is responsible for assuring party unity when an issue that was



addressed in the party platform is being discussed.

### **Appointed Officers and Personnel**

Appointment of officers and personnel are necessary for the smooth functioning of the Legislature. These appointments are made by the counselors assigned to the Legislature, before the first meeting, so that they may be ready to be on duty before business starts. These appointees are to be Girls State citizens who are not elected members of the Legislature.

- Clerk (3 per House)
- Scribe (1 per House)
- Page (4 or more per House)
- Staff Assistant (1 or more per Legislator)
- Committee Consultant (1 per standing committee)
- Legislative Counsel and Staff

### **Legislative Lobbyist**

Any Girls State citizen who is not a Legislator can be a legislative lobbyist. These people address committees when they are meeting in order to give information or state opinions concerning proposals before that committee. Certification by the third clerk of that House is necessary before these people are allowed to speak in the committee meeting.

For a glossary of legislative terms, access the following link:  
[http://www.leginfo.ca.gov/guide.html#Appendix\\_B](http://www.leginfo.ca.gov/guide.html#Appendix_B)

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## **Elections Synopsis**

### **Voter Qualifications and Registration**

Elections are the way in which the citizens express their wishes. Setting the **qualifications for voters** is one of the powers left to the states. California specifies that a qualified voter shall be a citizen of the United States, 18 years of age, a resident of California, a resident of the precinct for at least 29 days before the election, and registered to vote.

There are few exceptions to these requirements: Persons declared mentally incompetent cannot vote; convicted felons cannot vote while in prison or on parole. If a voter has recently moved and has not lived in the new precinct for 29 days, she may still vote by going back to her old polling place or by absentee ballot.

### **How to register**

Voters may register by official postcards which may be obtained from the county Clerk or registrar of voters or at various locations such as post offices. A citizen may register at any time, but must be registered for 29 days before being permitted to vote. There is no charge.

The prospective voter fills out an affidavit or registration, supplying name, address, citizenship, date of birth and political party affiliation, if any. The applicant mails the completed form to the clerk registrar, who then sends a card back verifying the registration.

A person who indicates a political party preference at the time of registration is entitled to vote in the primary election when that party's candidates for office are selected. A voter who *declines to state* a party affiliation when registering to vote will receive a primary ballot listing only ballot propositions and the names of candidates for non-partisan office.

An unaffiliated voter, therefore, cannot vote in the primary to select partisan (party) candidates for the offices such as President, Governor, Senator or State Legislator. In the general election all voters may cast ballots for candidates for any political party.

California has permanent voter registration. A voter must re-register only if changing name, address or party affiliation. Failure to vote does not cancel a voter's registration, but failure to respond to a follow up questionnaire from the county Clerk's office does.

### **Absentee Voting**

Any registered voter may apply for an absentee ballot and no special reason is required. Applications may be sent any time up to seven days before an election. Ballots are mailed to those requesting them 7-29 days before the election. They may be returned by mail or turned in at any polling place in the county on Election Day. All absentee ballots must be received by the time the polls close for the specific election.

### **Procedure for Elections**

Prior to any election, a Notice of Election must be published by the City Clerk for city elections, the County Clerk for county elections, and the Secretary of State for state elections.

Nominations are made by petition. Only one candidate may be named in one nomination paper. No elector may sign more than one nomination paper for a particular office. As a signer of a petition, the elector must give her residence and the date of signing and **must sign her name exactly as registered.**

### **Verification Deputy**

The person circulating the petition (verification deputy) must certify that she personally saw each elector sign and that each signature is valid. The nomination papers must be attached to a verified statement by the nominee that she will accept the nomination and the office, if elected. Petitions are filed with a City Clerk for city elections, and the County Clerk for county or state elections. A fee is required. Petitions are checked by the proper clerk to see that all signatures are valid. At Girls State, this same process is followed.

### **Precincts**

Each political unit holding an election is divided into small areas called precincts, each with its own polling place. Election officials are appointed by the appropriate governing body. The election officials usually consist of one Inspector, one Judge and two Clerks. The city or county Clerk must provide all election equipment. Names of candidates are printed on the ballot for each office in random order as provided by the Secretary of State.

### **Voting**

Before the polls are opened, each election official must take an oath of office administered by the Inspector. Ballot boxes shall be exhibited to the first voter and shown to be empty before they are locked.

A voter first signs her name and address on the roster of voters, then is given a ballot to take to the voting booth to vote. Each ballot has a number on it, which the voter returns, leaving the number exposed. The Inspector tears the number off the ballot and returns it to the voter, prior to depositing the ballot in the ballot box.

When the polls are closed all unused ballots are defaced and sealed in an envelope before the ballot box is opened and the ballots counted. The number of ballots must not exceed the number of names on the roster. The ballots are then tallied by the election board or sent to the county election center in a sealed envelope. Each election official signs her name across the election seal.

A copy of the results must be posted at the polls or at the county election center, depending on the method used to tally. The election returns are canvassed by a commission appointed by the appropriate governing body.

### **Partisan Elections**

Primary elections are held on the first Tuesday following the first Monday in June in even-numbered years. The direct primary primarily serves an election to nominate. When a presidential election primary is consolidated with the regular primary, voters also select delegates to their party's national convention. They do not vote for the delegates as individuals, but as a slate pledged to support a particular candidate. Slates may also be unpledged.

### **General Elections**

General elections are held on the first Tuesday following the first Monday in November in even-numbered years. The same ballot is distributed to everyone for the general election. Each voter selects from among all candidates nominated by the political parties in the June primary and those who file as independents.

### **Non-partisan Elections**

While a candidate for a non-partisan office may be a member of a political party, she cannot list a party affiliation on the ballot. Many non-partisan offices are selected at the primary election if they receive a majority of all votes cast. If no one receives more than 50%, the two candidates with the greatest number of votes run against each other in the general election.

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## **Political Parties Synopsis**

A political party is a public organization of citizens working to advance its governmental policies by nominating candidates for office and waging campaigns on their behalf.

Anyone who declares a party preference when registering to vote is legally a party member. About 80% of California voters belong to a political party. The chief function of these grass roots members is to select a party nominee in the primary election and support candidates in the general election. Those who wish a more active role within the party may seek a position on the county or state central committee.

The central committees are the permanent organizations for each party. Their organization and operation, including title, membership, function, selection of officers, and time and place of meetings, are determined by law.

The **County Central Committee** organizes campaigns for party candidates in the county. Any registered party member may file a petition asking to be nominated to the committee. Members are elected at the primary election for two year terms; vacancies are usually filled by appointment. In addition to elected members, party incumbents and nominees from that county are members with full privileges, including voting. The membership of the committee

ranges from 20 to 200, depending on county population and voting patterns.

The **State Central Committee** conducts campaigning and fund raising on a larger scale than the county committee. State party chairpersons serve two year terms and cannot succeed themselves. The chair alternates between northern and southern California. All office holders and nominees at the state level are also members, so the membership of the committee is very large.

Some of the continuous work of the *committee* is done by voluntary political groups, not a part of the official organization and not bound by the laws governing parties. These groups provide a forum of party members of similar convictions and work to influence their party's policies by supporting candidates who represent their views. They are free to endorse candidates in the primary election and so have a significant influence on party policy.

In states like California, which has a **direct primary law**, the individual party members have an opportunity to express their preference for the various candidates who want to secure the party nomination to run in the general election. Primary elections are held in early summer and voters choose one candidate for each office. A voter without a party affiliation cannot vote for partisan offices at the primary election and can only vote for non-partisan offices. For this reason, it is wise to choose a party affiliation so you can help select the candidates that will appear on the general election ballot.

The United States is traditionally a nation of two political parties, but whenever neither party represents the wishes of some people a new party may be formed. There are usually two or three other parties in existence at all times. Usually these additional parties have a platform of only a few planks. Whenever a third party seems to be getting lots of support because of a particular position, it is not unusual for a major party to incorporate that position into its platform. In this way, third parties accomplish their purpose and the two major parties change to meet new conditions.

### **Political Party Procedure at California Girls State**

At Girls State, each citizen chooses to join a party: Whigs or Tories. Since city and county offices are non-partisan, political parties are not organized until it is time to hold elections for state offices.

Each city will select one representative from each party to be a member of the **Steering Committee**, and another for the **Platform Committee**. They will also select one representative from each party to be a candidate for **Party Leader**. The total members of the political party will select their **Party Chairman** from that group of candidates. Once elected, the party leader will conduct the party meetings and coordinate all party activities.

The Platform Committee (16 members) will select a chairman and formulate a platform. The steering committee (16 members) will also select a chairman and will conduct the campaign. Party counselors will give more information on the responsibilities of these two committees at scheduled meetings.

A meeting will be held to give the party members an opportunity to discuss the party platform and decide what parts of the platform to adopt. A meeting will also be held before the primary election to give the candidates an opportunity to present themselves to the total group. Before the general election the candidates from each party will give speeches to the total citizenry of California Girls State.