

1. CANDIDATES' STATEMENTS (Content)

Loza vs. Panish 162 Cal. Rptr. 596 (Feb. 1980)

Petitioners sought writ to prohibit candidate from including anything other than information on candidate's own education and qualifications in statement filed under Election Code Section 10012. Also sought particularly to prohibit candidate from references to opposing candidate.

The Court held that portion of Section 10012 which directs the Clerk to reject a statement which includes obscene, vulgar or defamatory language, or any language that advocates hatred, abuse, violence or hostility toward any person by reason of sex, race, color, religion, manner of worship, -- etc. --- all violates that portion of the Constitution protecting the right of freedom of expression.

Only one justice concurring -- in this writer's opinion -- made some sense in stating that the fault lay with the legislature in not clearly expressing its intent -- the rest of the justices in the majority went along with this "XXXXXX" interpretation.

The Court in its infinite wisdom pointed out there were other legal remedies open to a person injured by virtue of use of such language.

2. CANDIDATES' STATEMENTS (Payments of Costs)

Mackey vs. Panish 164 Cal. Rptr. 771 (May 1980)