



THE CONSTITUTION OF THE FREE REPUBLIC OF CALIFORNIA

OCTOBER 20, YEAR ONE

EXPLAINED

Mission

We, the People of California, in order to form a more perfect and peaceful society, establish justice, ensure tranquility, preserve the earth, promote the general welfare, and secure our collective liberty and posterity, do ordain and establish this Constitution for the Free Republic of California.¹

Article 1 – General

The Free Republic of California (“California”) is a sovereign republic.

¹ This is no preamble. This is a mission statement. It redefines a constitution for modern times with dreams of peace and environmental sustainability at the forefront.

The Constitution of California ('Constitution') shall guarantee the inviolability of human dignity and the freedom and rights of the individual and promote justice in society.

The Constitution is a living document, insofar as it should adapt in implementation with the progression of society and technology towards a more enlightened community.²

Section 1 – Democracy and the rule of law

The powers of California are vested in the people, who are represented by the Legislative, Executive and Judiciary branches as articulated herein.

At the time of adoption of this Constitution, the laws of the former state of California, as well as, United States ("U.S.") federal laws shall be adopted by California, insofar as they were in-use, applicable to and not in conflict with this Constitution. The hierarchy of controlling laws shall be: (1) this Constitution, (2) the laws and acts of California, (3) adopted former state laws, and (4) adopted U.S. federal laws. With all laws and acts, courts shall look to the common law interpretation of said laws whether in California courts or previously in U.S. federal and state courts for precedent in legal analysis and ruling.³

International agreements shall become the law of California upon ratification by the Congress and signature by the President.

² Directly proclaiming that the Constitution is a 'living document' is critical in order for it to organically grow unburdened by constructionist or textualist theories of judicial interpretation.

³ This hierarchy allows for a smooth transition of the judicial system, maintaining the U.S. style legal structure while common law and legislation begin to develop under the new system. Specifying that laws 'were in-use' allows for California to clean any out-of-date, irrelevant statutes from the books.

Section 2 – Elections

Elections of officials shall be by a direct, proportional and secret vote.⁴

The right to nominate candidates in elections is held by any registered political party with at least one Representative serving in the Congress at that time, as well as by any group of persons with the right to vote constituting one percent of the eligible voter population as per the most recent census.⁵

The candidate who receives more than one-half of the votes cast in the election shall be elected. If none of the candidates has received a majority of the votes cast, a new election shall be held between the two candidates who have received the most votes. In the new election, the candidate receiving the most votes shall be elected.⁶

Section 3 – Separation of powers

The legislative powers are exercised by the Congress.

The executive powers are exercised by the President of California and the Executive branch, the members of which shall have the confidence of the Congress.

⁴ Proportionality is the critical descriptor here. Whereas 'direct' and 'secret' are assumed in the U.S., proportionality is not.

⁵ This allows for a multi-party democracy, one where any candidate with a modicum of support, irrespective of party allegiance can get on the ballot.

⁶ This change in voting procedure allows for a more fair democratic process and requires an actual majority in order to elect a candidate. It prevents a rogue candidate in a multi-candidate field from taking office without majority support.

The judicial powers are exercised by the Judiciary branch, consisting of independent courts of law, with the Supreme Court as the highest court of the land.

Citizens of California have a right to a government free of bias from outside influence. Government employees of all levels shall not receive significant monetary support or a monetizable in-kind benefit of any kind during their term of employment, nor any promised gift to be paid post-employment, nor any campaign support outside the scope of monies and support defined in this Constitution or by Act.⁷

Section 4 – The territory of California

The territory of California is indivisible. The national borders cannot be altered without the consent of the Congress.

Section 5 – Californian citizenship

A child acquires Californian citizenship at birth by being born in California or through the citizenship of at least one parent. Citizenship may also be granted upon notification or application, subject to the criteria determined by Act.

No one can be divested of or released from his, her, or their Californian citizenship except on grounds determined by Act. Citizens may maintain citizenship in other nations, so long as the societal mission of the other nation is deemed to align with the societal mission of California by Act. U.S. citizens residing in California at the time this Constitution is adopted may maintain dual citizenship at their discretion, as shall one additional future generation, after which, the U.S. will be analyzed in a similar manner as to any other nation.⁸

⁷ Simply put: Bribes are not allowed. Promises of future jobs are not allowed. There are no golden lobbying parachutes. There are no side hustles for our government officials.

⁸ This citizenship standard is intentionally welcoming in order to allow for an enriching community, a peaceful relationship with the

Section 6 – Census

An unbiased census of the entire populous of California shall occur every five years.⁹

Article 2 – Basic rights and liberties

The public authorities shall guarantee the observance of basic rights and liberties. It is the primary mission of the government to protect these rights in the furtherance of a free, kind, enlightened and just society.¹⁰

Section 1 – Equality

Everyone is equal before the law.

No one shall, without an acceptable reason, be treated differently from other persons solely on the ground of race, sex, age, origin, language, religion, sexual orientation, conviction, health and/or disability.¹¹

U.S. and an international standard that supports the societal growth of our fellow nations.

⁹ The word ‘unbiased’ is critical to the Census clause, as it protects against undue influence on the process. Additionally, the Census is every five years (versus every ten in the U.S.) in order to nimbly adapt to shifts in demographics.

¹⁰ The adjectives: ‘free, kind, enlightened and just’ amplify the point of protecting basic human rights in the first place: humanity.

¹¹ California will equally protect all its people from discrimination. The implications of this are wide-reaching, guaranteeing the entire breadth of rights to all. For example, this allows transgendered people to serve in the military and returns suffrage to rehabilitated criminals.

Children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development.¹²

Equality of the sexes is promoted in societal activity and working life, especially in the determination of pay and other terms of employment, as provided in more detail by Act.¹³

Section 2 – The right to life, personal liberty and integrity

Everyone has the right to life, personal liberty, integrity and security.

No one shall be sentenced to death, tortured or otherwise treated in a manner violating human dignity.¹⁴

¹² Children have no specifically separable rights or treatment in the U.S. Constitution, nor age relativity in relation to their freedoms, whereas, here, a sixteen-year-old is less beholden to the whims of others than a three-year-old.

¹³ Although this is arguably provided for in the other Article 2 sections, it felt necessary to state outright that California shall support equal access and pay regardless of sex.

¹⁴ As with every other modern society (except you, Japan), the death penalty will be illegal. It is cruel, unusual and ineffective as a deterrent.

California will also not put people in inhumane, violent or degrading situations. Humanity and effectiveness reign, as use of torturous techniques is not only cruel, but also highly ineffective. There will be no waterboarding. There will be significant prison reform.

No person shall be compelled to be a witness against themselves, nor shall any person be deprived of life, liberty or property without due process of the law.¹⁵

The personal integrity of the individual shall not be violated, nor shall anyone be deprived of liberty, arbitrarily or without a reason prescribed by Act. A penalty involving deprivation of liberty may be imposed only by a court of law.¹⁶

No punishment shall be excessive, unusual, cruel or extraordinary.¹⁷ No excessive bail shall be required, nor excessive fines imposed.¹⁸

No one shall be punished for a crime that was not a crime at the time it was committed, nor shall one be charged twice for the same crime. Should a crime later become legal by Act or Constitutional amendment it shall be

¹⁵ Due process is crucial in a democracy. The U.S. waivers on its due process commitment, whether it be holding prisoners indefinitely at Guantánamo Bay or arresting peaceful protestors without badges nor charge in the streets of Portland, Oregon.

¹⁶ The Judiciary protects against authorities depriving people of their freedoms herein. The police cannot be the judge nor the White House the jury.

¹⁷ This is a call for sentencing reform and prison re-conceptualization. The time should fit the crime and the time should be for rehabilitation not physical and mental degradation. See *Article 6, Section 7 – Sentencing Tribunals* for the infrastructure shift to enable this change.

¹⁸ Banning excessive bail is critical to reforming the U.S. style bail system, one that punishes the financially encumbered, creating a modern day debtors' prison and violating basic concepts of humanity and rationality.

retroactively applied to those imprisoned for it, unless the societal risk far outweighs the imperative of freedom.¹⁹

In all criminal trials, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county wherein the crime has been committed and shall be provided assistance of counsel free of charge.

In civil trials, should the amount claimed exceed ten percent of the average annual salary of a California citizen, as per the most recent census, the right to a trial by impartial jury shall be preserved and should the accused demonstrate an undue financial burden, assistance of counsel shall be provided free of charge.²⁰

Additional provisions concerning the publicity of proceedings, the right to be heard and the right of appeal, as well as additional guarantees of a fair trial and good governance shall be laid down by Act.

All weapons shall be strictly regulated by Act, with some weapons prohibited from use or possession without authorization from appropriate authorities. Citizens may only store and maintain their weapons in controlled regulated sport and hunting facilities as determined by Act or may turn their weapons into the State for reasonable compensation. Prohibited weapons shall include guns, explosive devices, and any other item chiefly manufactured for similar

¹⁹ You cannot go to jail for something that is not illegal. You cannot be charged twice for the same crime. And, did you get busted for a bag of weed a decade ago? Now you'll be free. No one should stay in jail for something that is no longer illegal.

²⁰ This is a significant change to the judicial system. People will not be bullied in civil cases by the financial burden that comes in the U.S. system from a trial against a deep pocket corporation. An individual can now fight for their rights without concern of bankruptcy. The ten percent component prevents overburdening the courts and allows for a quick and effective small claims system for financially smaller civil issues.

violent use or the misuse of which is likely to result in grievous bodily injury. The list of prohibited weapons may be expanded upon by Act.²¹

Section 3 – Freedom of movement

Californian citizens and non-citizens legally residing in California have the right to freely move within the country and to choose their place of residence.

Everyone has the right to leave the country. Limitations on this right may be provided by Act if they are necessary for the purpose of safeguarding legal proceedings or for the enforcement of legal penalties.

Californian citizens shall not be prevented from entering California or deported or extradited or transferred from California to another country against their will. However, it may be laid down by Act that due to a criminal act, for the purpose of legal proceedings, or in order to enforce a decision concerning the custody or care of a child, a Californian citizen may be extradited or transferred to a country in which his, her or their human rights and legal protection are guaranteed.

California endeavors to be a sanctuary country, in that a non-citizen shall not be deported, extradited or returned to another country, if in consequence he, she or they are in danger of a death sentence, torture or other treatment violating human dignity. The right of non-citizens to enter California and to remain in the country is additionally regulated by Act.²²

²¹ This clause empowers us to stop gun violence. We will create a safe environment for our children and not be threatened by the irrationality of a loud U.S.-based minority. Individuals can still hunt, shoot targets, train for the Olympics or sell their weapons back and make some money. They cannot keep a deadly weapon under their pillow, destined to shoot a family member in coldness of night. They cannot stockpile an arsenal while plotting a shooting spree.

²² We welcome all asylum seekers. We will not be a place that turns away those in need or those facing imminent danger. The U.S. turned away Jewish refugees in World War Two, sentencing them to imminent death in their homeland, it tear gassed children at the

Section 4 – The right to privacy

Privacy, honor and the sanctity of the home are guaranteed. The right of people to be secure in their persons, houses, documents, data (digital or otherwise), recordings, and effects against unreasonable search and seizure shall not be violated and no warrants shall issue, but upon probable cause, supported by oath or affirmation and approved by the appropriate judicial overseer.²³ A warrant shall be particular to the place to be searched and the persons or things to be seized and authorities shall take care to not cause fear, violence, or the violation of other rights in the execution of warrants. If authorities violate such a standard, evidence gathered via the warrant shall be inadmissible in the courts of law.²⁴

More detailed provisions on the protection of personal data are laid down by Act.

Section 5 – Freedom of speech and right of access to information

Freedom of speech is guaranteed to all. Freedom of speech entails the right to express, disseminate and receive information, opinions and other communications without prior restraints or other interference by any

Mexican border and it prevented Syrians from escaping chemical warfare. That is inhumane, immoral, and unjustifiable. We can be better.

²³ This allows for overarching protection of private property, including one's personal data against improper capture, distribution or manipulation. This protection of data specifically results in a safer more equitable society in an internet-driven age.

²⁴ This warrant clause holds the police to a high standard in their manner of executing warrants. Police can't bust in, destroy property, cause fear, or instigate violence. This could have saved Breonna Taylor or Fred Hampton or thousands of others.

individual or entity. The press shall be expressly protected herein and provided all reasonable government access to information and officials.²⁵

Documents and recordings in the possession of the authorities are public, unless their publication has for compelling reasons been specifically restricted by Act. Everyone has the right of access to public documents and recordings, which shall be accessible physically and digitally in the most convenient of manners feasible.²⁶

In regards to political campaigns, campaign advertising in all forms may only begin ninety days prior to the final day of voting. Campaign financing shall be provided via public funds as specified by Act. All private campaign support shall be by individuals with restrictions, limitations and disclosures as provided by Act. Political speech in all forms shall not provide intentionally misleading or incorrect information. While these standards and those prescribed by Act may limit one's freedom of speech, these limitations are subject to reason and judged by their necessity in preserving the democracy itself.²⁷

²⁵ Specific access to information and officials protects the democracy from corrupt influence and prevents officials from concealing their behavior.

²⁶ Making information collected by authorities easily accessible allows for the public to monitor their behavior efficiently in order to expeditiously enforce our collective societal rights. This coupled with an independent Department of Justice (See *Article 4, Section 11*) creates a transparent government where honesty is the only option.

²⁷ This clause is critical to saving elections from undue influence. Its language precludes a *Citizens United*-like court ruling (See *Citizens United v. Federal Election Commission*, 558 U.S. 310). Corporations and political action committees are not treated as people and they are not allowed to intentionally affect elections. The campaign advertising cycle is also limited to a three month

Section 6 – Freedom of religion and conscience

The freedom of religion and conscience is guaranteed.

Freedom of religion and conscience entails the right to profess and practice a religion, the right to express one's convictions and the right to be a member of or decline to be a member of a religious community. No one is under the obligation, against his, her, or their conscience, to participate in the practice of a religion. Religion may not be used as a justification to violate other laws, to discriminate, or to violate the basic human rights of anyone.²⁸

No religious test shall be applied or required to hold any office or job, nor shall religion be used for political gain or legislative mandate.²⁹

Section 7 – Freedom of association

The freedom of association is guaranteed. Freedom of association entails the right to arrange meetings and demonstrations without a permit, as well as, the right to participate in them, the right to form an association without a

period. Collectively, these restrictions allow for incumbents to actually govern versus endless campaigning and fundraising. Additionally, it saves the populous billions of dollars in campaign support.

²⁸ Neither the religious or the non-religious can use their religious feelings to discriminate or encroach on the basic human rights of others. No *Hobby Lobby* sexism will pass judicial scrutiny under this clause and gay couples can purchase wedding cakes at any bakery they prefer (See *Burwell v. Hobby Lobby*, 573 U.S. 682 and *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 584 U.S. ___ ; 138 S. Ct. 1719).

²⁹ Government officials are prevented under this clause from using religion as a justification for fundraising or access. California will actually separate church & state.

permit, to be a member or not to be a member of an association, and to participate in the activities of an association. The freedom to form unions and organizations in order to look after the interests of participant groups is likewise guaranteed.³⁰

Freedom of association may be limited in certain situations by a court of law, should it critically infringe upon the rights and freedoms of others or lead to serious and significant disruption of public order.

Section 8 – Electoral and participatory rights

It is the mission of California to develop an all-encompassing and literate voting populous.³¹

It is the obligation of the government to take all reasonable measures to promote voting by every eligible person, including providing for an annual national voting holiday, providing adequate locations and means of transportation to polling stations, allowing other secure manners of voting, and promoting societal awareness of forthcoming elections.³²

³⁰ “Good trouble,” as John Lewis called it, is always allowed in a true democracy. One has the right here to protest free of unreasonable restraint or violence. This protection of the collective voice also allows for the organization of unions, giving workers a say in their own employment well-being.

³¹ If a constitution is ‘by the people’ and ‘for the people’ should it not strive for the peoples’ literacy and participation? This clause is a rarity in constitutional language, in that it demands governmental proactivity towards the goal of a literate and voting populous.

³² This paragraph specifically articulates manners in which to dramatically improve accessibility for eligible voters. The hope is for the act of voting to be inclusive, positive and easy, not a burden on individuals.

Every Californian citizen and non-citizen permanent resident who has reached eighteen years of age has the right to vote in all national elections and referendums and all local elections and referendums as associated with their place of domicile. The right of citizens of California and non-citizen permanent residents to vote shall not be denied or abridged by California nor its employees, representatives, contractors and similarly mandated peoples on account of race, color, sex, or any other protected category or due to previous incarceration or due to a failure to pay any tax.³³

Section 9 – Protection of property

The property of everyone is protected. Private property shall not be taken for public use without just compensation.

There is no reason to limit accessibility as the U.S. system does. Why isn't election day a holiday? Why aren't there more polling places? Why can't people vote ahead of time in person? Why are there government campaigns to mislead and discourage voting?

Governments that implement or encourage such intentional hurdles to voting fear real democracy. This fear weighs heavily on the U.S. which currently ranks 46th in the world in voter participation. Many an election have been stolen by government suppression of turnout...not here, not now.

³³ If you're a citizen or permanent resident, former criminal or pre-school teacher, everyone that has a personal and physical stake in the community deserves the right to vote. This paragraph protects that universal suffrage.

Section 10 – Educational rights

An equal opportunity to education free of charge is guaranteed. Provisions on the scope of education and right to receive education are laid down by Act.³⁴

The freedom of science, the arts and higher education to teach, pursue, and discuss knowledge without restriction or interference is guaranteed.³⁵

Section 11 – Right to one's language and culture

The operative languages of California are English and Spanish. However, California endeavors to provide all translations and translators necessary for the full understanding of its operations for the betterment of its people and its desire for an inclusive society.³⁶

The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed.

Section 12 – The right to social security

California endeavors to have the healthiest, happiest and longest living society possible. To that end, those who cannot obtain the means necessary

³⁴ Access to education for all is the most important component of any society. When cross-referenced with *The Free Republic of California, Year One, General Budget Overview*, one finds that this includes free higher education.

³⁵ This prevents educational influence from outside bias sources. Creationism will not be taught in science class; those fossils are not six-thousand years old.

³⁶ *Mi casa es su casa*. We welcome all languages and want people to be able to properly understand their rights.

for a life of dignity have the right to receive indispensable subsistence, shelter, and care.³⁷

Everyone shall be guaranteed the right to basic subsistence in the event of unemployment, illness, or disability and during old age, as well as, at the birth of a child or the loss of a provider.³⁸

California shall promote the health of the populous and everyone shall be provided adequate social, health and medical services. Moreover, the public authorities shall support families and others responsible for providing for children so that these caregivers have the mental, physical and financial ability to ensure the well-being and personal development of the children.³⁹

Section 13 – The right to a healthy environment

Protection of the environment, nature and biodiversity is a basic human right and is the responsibility of all government officials, agencies and the populous itself. To that end, California shall be carbon neutral and fossil fuel

³⁷ We shall house and feed our neighbors in times of need, it is our pleasure and obligation.

³⁸ This expands upon the social services of the U.S., guaranteeing social security, unemployment stipends, paternity and maternity leave, elder care, and loss of a financial provider's support.

³⁹ All residents of California will have social services, health consultations, and medical care (See *The Free Republic of California, Year One, General Budget Overview* for a financial overview of Universal Healthcare). Included in this social support are caregivers, such as stay-at-home parents, who will receive support in recognition of their important societal role and need for financial support.

independent within ten years of the ratification of this Constitution. Additional protectionary measures shall be determined by Act.⁴⁰

The public authorities shall endeavor to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment, subject to any minimum environmental protections determined by Act.⁴¹

Section 14 – Limitations on basic rights and liberties

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage other rights retained by the people. The essence of a right shall not be impaired by a restriction, and any restriction shall be proportional to the end to be achieved, shall be suitable and shall be imposed by the least intrusive means feasible. Restrictions must also be accompanied by adequate remedies.

Such temporary encroachments on basic rights and liberties that are compatible with California's mission, goals, and international human rights obligations and that are deemed necessary in the case of an armed attack against California or in the event of other situations of emergency which pose a serious threat to the nation may be provided by Act or by Decree to be

⁴⁰ No nation in the world has set forth this kind of environmental goal, but it is achievable and necessary. It is time to treat climate change as a world war, a five-alarm fire, a weapon of mass destruction. It is the greatest threat humankind has faced and there is no time left to placate deniers. The earth is also not flat. By specifically including this language in the Constitution, it leaves the government with no choice but to comply. This clause is supported by a significant budgetary commitment in *The Free Republic of California, Year One, General Budget Overview*.

⁴¹ This paragraph further illustrates the viewpoint of California that a healthy sustainable environment should be considered a basic human right and treated as such.

issued on the basis of authorization given by Act for a special reason and subject to a precisely circumscribed scope of application.⁴²

Article 3 – The Legislative branch

It is the role of the Legislative branch, as led by the Congress, to legislate and execute its other powers articulated herein in a manner supportive of the collective societal goals of California and of the needs of their constituents.

Congressional Representatives are obliged to follow justice and truth in his, her, or their office and swear to the following oath “I do solemnly swear that I will faithfully execute the Office of Congressperson of the Free Republic of California and will to the best of my ability, preserve, protect, and defend the Constitution of the Free Republic of California and justly represent my constituency.”⁴³

⁴² There are times in which a right needs to be restrained for the greater good, for example, requiring automotive drivers’ licenses or wearing masks during a pandemic. *Article 2, Section 14* limits these restraints to what preserves the overall portfolio of rights most effectively. It also sets a high bar for the authorities to overcome in order to encroach on the rights of an individual. Coupling this with the other protections of *Article 2* preserves freedom and liberty from government intrusion while guaranteeing the preservation of a just society.

⁴³ As history has shown, politicians will swear to oaths, violate oaths, lie under oath, and do whatever they want. However, oaths are legally binding and there is something personal and honorable in them, hence we find the oaths herein for elected officials. The oath’s wording intentionally points to the Constitution and the people as the sole responsibilities of Congresspeople.

Section 1 – Duties of the Congress

The Congress shall have power to lay and collect taxes, duties, and tariffs, in order to pay the debts and provide for the general welfare of California but all duties and tariffs shall be uniform throughout the California; to borrow money on the credit of California; to regulate commerce with other nations; to establish uniform laws of naturalization and residency visas; to establish uniform bankruptcy statutes; to coin and regulate the value and production of its own currency; to regulate use of foreign currency; to fix the standard of weights and measures; to establish infrastructural systems; to establish a public postal and communications systems; to protect intellectual property rights; to constitute tribunals inferior to the Supreme Court; to ratify and enforce international and maritime agreements; to declare war and establish terms of surrender; to raise and support military defense but only to the extent absolutely necessary within the limitations and mission of this Constitution; to make all laws which shall be necessary and proper for carrying into execution the foregoing powers; and, all other powers vested by this Constitution in the Legislative branch of California or in any Department or Officer thereof.⁴⁴

Section 2 – Composition and term of the Congress

The Congress shall be unicameral. Previous state assembly and state senate members may finish their terms, adapting their roles as appropriate, however, California shall within four years, as said assembly and senate terms expire, and using the most recent census reports, merge its previous assembly and senate into the singular Congress of California. The Congress shall be split into districts sized by population and shaped by rational natural geographic lines by a non-partisan districting committee as established by Act. Each

⁴⁴ *Article 3, Section 1* lists the powers of Congress in a manner akin to the role of Congress in the U.S. Constitution. The key differences in verbiage are in reference to: the establishment of not only a postal service, but also other communications systems and infrastructure programs, allowing Congress to provide a wider range of services to the people and the expressed limitation and distaste for unnecessary military engagement.

district shall have two Congressional Representatives, who each hold four-year terms on election cycles that are staggered by two years of each other. No individual shall hold office as a Congressperson for more than three terms total.⁴⁵

Section 3 – Eligibility and qualifications for the office of Representative

Anyone who has the right to vote and who is not under guardianship may be a candidate in Congressional elections. A Representative cannot hold simultaneous employment in the public and private sectors. All candidates for elected office must disclose pertinent medical information and their financial holdings and institute blind trusts and any other mechanisms as

⁴⁵ *Article 3, Section 2* adjusts the structure of Congress from that of the U.S. Congress and previous California State Congress. First, it eliminates the bicameral system in favor of a unicameral one. In the U.S. Supreme Court case, *Reynolds v. Sims* (377 U.S. 533) the Court ruled that states maintaining a Senate structure irrespective of population distribution had to re-district in a manner aligned to the volume of eligible voters. The Court exempted the U.S. Senate from the ruling, preserving an entirely undemocratic U.S. federal structure, one in which a Wyomingite's vote is equal to seventy Californians' votes. Following the ruling, California re-districted and the California state senate and assembly became relational to population. There simply isn't a need for this duplication of regional Representatives. It muddles the waters of effective governing by creating duplicative roles and committees.

Secondly, the section mandates term limits for Congresspeople, ensuring accountability, reducing corruption and allowing for fresh voices to engage in the democratic process.

Lastly, the section staggers the terms of district Representatives in order to give a more fluid voice to district constituencies

reasonably necessary to achieve transparency and avoid the appearance of bias or improper influence in office.⁴⁶

Section 4 – Suspension of the office of a Representative and release or dismissal from office

The Congress may grant a release from office for a Representative upon his, her, or their request and reasonable notice.

If a Representative neglects his, her, or their duties as a Representative or is found guilty of a crime which prevents his, her, or their legitimate service in the role, the Congress may, after having obtained the opinion of the Constitutional Law Committee, dismiss him, her, or them from office permanently or for a given period by a decision supported by at least two-thirds of the votes cast.⁴⁷

Section 5 – Congressional Rules of Procedure

Provisions on the procedures to be followed in the Congress, as well as, in Congressional organs and Congressional work are issued in the Congress' Rules of Procedure. The Congress' Rules of Procedure shall mirror the former state of California's rules of procedure with amendment to said rules

⁴⁶ *Article 3, Section 3* provides for safeguarding mechanisms against bias in office, specifically, via the separation of private monies and private obligations from public office and the disclosure of relevant financial information and medical records to properly inform the public. In the U.S. these were considered common practice and courtesy, but were not properly articulated in the law, hence politicians could simply ignore the practice and nefariously misinform the public for their own benefit.

⁴⁷ The Constitutional Law Committee mentioned here acts as a safety mechanism to ensure the preservation of the Constitution in government activities. The bar for voting a Representative out of office is also high in order to protect the process against rash or biased decision-making.

as necessary for the new independent governmental structure and shall be adopted in plenary session by a two-thirds vote. Until such point as the new rules of procedure are passed, the former state of California's rules of procedure shall apply.

Section 6 – The Speaker and the Speaker's Council

The Congress elects from among its members a Speaker, Speaker Pro Tempore, Assistant Speaker Pro Tempore and two Deputy Speakers for each Congressional session by a secret ballot and simple majority. Should a simple majority not be reached, a second vote between the two candidates for the position with the largest number of first round votes will occur and the candidate receiving the most votes shall be elected.

The Speaker, Speaker Pro Tempore, Assistant Speaker Pro Tempore and the Deputy Speakers form the Speaker's Council. The Speaker's Council issues instructions on the organization of Congressional work and decides, as specifically provided in this Constitution or in the Congress' Rules of Procedure, on the procedures to be followed in the consideration of matters in the Congress. The Speaker's Council may put forward initiatives for the enactment or amendment of Acts governing Congressional officials or the Congress' Rules of Procedure, as well as, proposals for other provisions governing the work of the Congress.

Section 7 – Committees of the Congress

For each electoral term, the Congress shall appoint the following Committees: (i) Accountability and Administrative Review; (ii) Aging and Long-Term Care; (iii) Agriculture; (iv) Ambassadorial; (v) Appropriations; (vi) Arts, Entertainment, Sports, Tourism, and Technology; (vii) Banking and Financial Institutions; (viii) Budget and Fiscal Review; (ix) Business, Professions and Economic Development; (x) Constitutional Law; (xi) Education; (xii) Elections and Redistricting; (xiii) Energy, Utilities and Communications; (xiv) Environmental Safety and Toxic Materials; (xv) Finance; (xvi) Foreign Affairs; (xvii) Governance; (xviii) Governmental Organization; (xix) Health; (xx) Higher Education; (xxi) Housing and Community Development; (xxii) Human Services; (xxiii) Insurance; (xxiv) Jobs, Economic Development, and the Economy; (xxv) Judiciary; (xxvi) Labor and Employment; (xxvii) Local Government; (xxviii) Natural Resources; (xxix) Privacy and Consumer Protection; (xxx) Public

Employment, Retirement, and Social Security; (xxxii) Public Safety; (xxxiii) Revenue and Taxation; (xxxiv) Rules; (xxxv) Transportation; (xxxvi) Veterans Affairs; (xxxvii) Water, Parks, and Wildlife; and (xxxviii) the other standing Committees provided in the Congressional Rules of Procedure or by Act.⁴⁸

In addition, the Congress appoints Committees ad hoc for the preparation of, or inquiry into, a given matter.

Each Committee shall have no fewer than five and no more than fifteen Representatives as members. Congress shall appoint Committee members in a manner which best mirrors the demographic and partisan breakdown of the Congress and California itself.⁴⁹ A Committee has a quorum when at least two-thirds of its members are present, unless a higher quorum has been specifically required for a given matter.

Section 8 – Duties of the Speaker in a plenary session

The Speaker convenes the plenary sessions, presents the matters on the agenda, oversees the debate, and ensures that the Constitution is complied with in the consideration of matters in plenary session.

The Speaker shall not refuse to include a matter on the agenda or a motion in a vote, unless he, she, or they consider it to be in conflict with the Constitution, another Act or a prior decision of the Congress. In this event, the Speaker shall explain the reasons for the refusal. If the Congress does not accept the decision of the Speaker, the matter is referred to the Constitutional

⁴⁸ These Committees constitute a combination of former California state Committees and U.S. Congressional Committees, they are in general maintained in this similar fashion in order to ensure a smooth transition of government functions.

⁴⁹ The use of the words ‘demographic and partisan breakdown of the Congress and California itself’ protect against unfair party influence in Committee formation.

Law Committee, which shall without delay rule whether the action of the Speaker has been correct.⁵⁰

Section 9 – Congressional right to receive information

The Congress has the right to receive from governmental bodies the information it needs in the consideration of matters. The appropriate Representative shall ensure that Committees and other Congressional organs receive without delay the necessary documents and other information in the possession of the authorities. A Committee has the right to receive information from any governmental body on any matter within its competence unless doing so would greatly threaten an ongoing investigation or public safety.⁵¹

Section 10 – Public nature of Congressional activity

The plenary sessions of the Congress are open to the public, unless the Congress for a compelling and non-partisan reason decides otherwise for a given matter. The Congress publishes its papers, as provided in more detail in the Congress' Rules of Procedure.

The meetings of Committees are open to the public, except when the Committee has a compelling and non-partisan reason for limiting access. The minutes and other related documents of the Committees shall be made available to the public, unless a Committee for a compelling and non-partisan reason decides otherwise for a given matter.

⁵⁰ *Article 3, Section 8* prevents arbitrary freezing of matters by the Speaker of Congress, checking the power of the Speaker, who may otherwise stalemate Congress for his, her or their own agenda. For example, hundreds of bills have been 'killed' without even a debate in the U.S. Senate by its speaker.

⁵¹ *Article 3, Section 9* protects against authorities stonewalling Congressional information requests.

The members of a Committee shall observe the level of confidentiality considered absolutely necessary by the Committee on a case-by-case basis and in consultation with experts in the field or subject matter as appropriate. Requests for release of any withheld information or documentation can be made by citizens of California to the appropriate court of law.⁵²

Section 11 – Congressional voting

The Congress votes by a simple majority with the exception of Constitutional amendments and matters of war which require a two-thirds majority and are also subject to additional requirements of this Constitution.

No law varying the compensation for services of the Representatives shall take effect until an election of the majority of Representatives shall have intervened.⁵³

Article 4 – The Executive branch

It is the roll of the Executive branch, as led by the President to act in a manner supportive of the collective societal and environmental goals of California and the betterment of its citizenry.

Section 1 – Duties of the Executive branch

The Executive branch has the duties specifically provided in this Constitution, as well as the other governmental and administrative duties

⁵² *Article 3, Section 10* protects against the biased and capricious withholding of Congressional activities and documentation, notably in the necessity of a ‘compelling and non-partisan reason’ and in the use of experts to determine any need for confidentiality.

⁵³ This clause prevents Congress from raising their own salaries without citizen oversight (*i.e.* Californians have the right to vote Congresspeople out of office before any raise takes effect).

which have been assigned to the departments of the Executive or which have not been assigned to another public authority.

The Executive branch implements the decisions of the President and of the Executive Cabinet, individually and collectively.

Section 2 – Term and citizenship of the President

The Presidency of California is for a term of four years. The same person may be elected President for no more than two total terms of office. The President shall be a Californian citizen without citizenship in any other nation. The time of the election and the procedure in the election of a President are laid down by Act.⁵⁴

Section 3 – Duties of the President

The President shall oversee the Executive branch in its administration of the government, insofar as permitted in this Constitution and by Act. For all Executive departments not under the Constitutionally specified domain of another elected official, the President shall be the executive-in-chief.

The President shall swear to and carry out the duties stated in this Constitution or specifically directed by Act. Before entering office, the President must swear to the following oath: “I do solemnly swear that I will faithfully execute the Office of President of the Free Republic of California

⁵⁴ This departs from the U.S. candidate restrictions in that there is no age nor birth requirement. If the people decide to elect a younger candidate who is a citizen, but was not born in California, that is their collective democratic prerogative. As a side note, the U.S. rule requires the candidate to be older than thirty-five, but does not specify a maximum age; this coupled with the lack of mandatory medical disclosures has resulted in the U.S. struggling through presidencies hindered by dementia and similar age-related brain diseases.

and will to the best of my ability, preserve, protect, and defend the Constitution of the Free Republic of California.”⁵⁵

Prior to election, the President shall name a Vice President. Should that Vice President vacate the office for any reason during their simultaneous term, the President may nominate a new Vice President, subject to the approval of a simple majority in the Congress, which shall be considered in a timely manner and shall not be unreasonably withheld.

Section 4 – Decisions of the President

The President makes decisions in the Executive branch on the basis of Constitutional mandate, motions proposed by the Executive Cabinet or by the Congress, orders of the Judiciary, or Acts under the law.⁵⁶

The President shall have final signatory approval of Acts of the Congress. The President shall decide on the approval within fourteen days of the submission of the Act. The President may obtain a statement on the Act from the Supreme Court. If the President does not confirm the Act, it is returned for the consideration of the Congress. If the Congress readopts the Act by a two-thirds majority without material alterations, it enters into force without confirmation. If the Congress does not readopt the Act, it shall be deemed to have lapsed.

Notwithstanding the provision above, the President makes decisions on the following matters without a motion, order or Act: (i) The appointment of non-elected Executive branch department heads, who all shall also sit on the Executive Cabinet, with the approval of the Congress of each individual by simple majority; (ii) The issuance of an order concerning extraordinary Congressional elections; and (iii) Other matters, as specifically laid down by

⁵⁵ See Footnote 43.

⁵⁶ This portion of Article 4, Section 3 provides for a collaborative decision-making process in which a president cannot act alone.

Acts, concerning private individuals or matters not requiring consideration in a plenary session of the Congress.⁵⁷

The President makes decisions on other appointments and matters pertaining to the Office of the President as within Constitutional guidelines and bounded by oath, good faith and reason.

Decisions on California's participation in matters of war are made by Act approved by a two-thirds majority of the Congress and signed by the President. It is the responsibility of the Department of Peace to consider all routes of diplomacy, assist in all manners of non-violent protest, and assist in amnesty and immigration to California for those at risk in war torn areas prior to deploying any armed force to a foreign arena of war.⁵⁸

Section 5 – Presidential pardon

In individual cases, the President may, after obtaining the approval of the Supreme Court and the Sentencing Tribunal's senior administrator, grant full or partial pardon from a penalty or other criminal sanction imposed by a court of law.⁵⁹

⁵⁷ This is a dramatic departure from the wide-reaching powers of the U.S. presidency. It is a direct limit on unilateral decision-making which otherwise unrestricted can lead to misguided presidential dreams of omnipotence. (See *Article 4, Section 5 for further specific distribution of powers amongst independent agencies*).

⁵⁸ California's commitment to non-violence requires this high standard of approvals and scrutiny for military engagement, as is reiterated in the *Mission* of the Constitution, in the duties of Congress (See *Article 3, Section 1*) and in the independency of the Department of Peace (See *Article 4, Section 5*).

⁵⁹ Pardons require three approvals here in order to be constitutionally valid. Comparatively, the U.S. president is allowed to pardon anyone for any reason. This blanket pardoning right

A general amnesty may be provided only by Act.

Section 6 – Vice President

The Vice President serves in a capacity and breadth as determined by the President. The Vice President also serves on the Executive Cabinet and as the tie-breaking vote in matters of the Congress. The Vice President swears to the following oath: “I do solemnly swear that I will faithfully execute the Office of Vice President of the Free Republic of California and will to the best of my ability, preserve, protect, and defend the Constitution of the Free Republic of California.”⁶⁰

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a simple majority vote of the Congress.

Section 7 – Executive branch departments

The following departments are independent bodies under the law: (i) Justice; (ii) Environmental Protection; (iii) Peace; and (iv) Public Safety. Each is under the authority of their elected head official, the Attorney General at the Department of Justice, the Administrator of Environmental Protection at the Department of Environmental Protection, the Secretary of Peace at the Department of Peace and the Secretary of Safety at the Department of Public Safety, each of whom is elected by eligible voters, may serve a maximum of two six-year terms, and sits on the Executive Cabinet but is not under the command of the President.⁶¹

gives the U.S. president a power easily used to manipulate the judicial system or seek personal gain.

⁶⁰ See Footnote 43.

⁶¹ The U.S. faces a system where the president in essence controls the judiciary (via judicial appointments and the Department of Justice), the military (via the role as commander-in-chief, the *U.S. War Powers Resolution* and the *U.S. Patriot Act*), domestic security

The following departments are under the authority of the President and their department heads are appointed at the discretion of the President subject to confirmation by a simple majority of the Congress: (i) Agriculture; (ii) Commerce; (iii) Education; (iv) Health & Human Services; (v) Interior; (vi) Labor; (vii) Transportation; (viii) Treasury; and, (ix) Veteran Affairs. Prior to Congressional approval, an acting department head may serve for a maximum of thirty days. The Congress, nor the acting department head, nor the President shall unreasonably delay information sharing, hearings, and Congressional vote regarding appointment of a department head.⁶²

(via control of the FBI, CIA, NSA, Immigration/ICE and ATF), and environmental policy (via control of the EPA). *Article 4, Section 5* makes certain that California will not face the same demagoguery by segmenting those roles into independent departments shielding against undue influence from the President and other departments of the Executive branch.

Having an elected versus appointed heads of these departments further guarantees independency of the department and again puts the power in the hands of the people. Term limits ensures accountability, reduces potential for corruption, and prevents an intellectual staleness that could come from too many years in the same position. The extended length of terms as compared to the presidency adds a supplemental safeguard from presidential influence.

⁶² This standard for the appointment process and the limited tenure of acting department heads prevents a Congressional runaround from the Executive in which acting department heads could sit in perpetuity without Congressional approval.

Section 8 – Executive Cabinet

The Executive Cabinet consists of the elected department heads, the appointed department heads and the Vice President. The President chairs the Executive Cabinet, except in matters of incapacity, as specified in this Constitution. Cabinet members duties are specific to their department(s) and by Act. Each member pledges the following oath: “I do solemnly swear that I will faithfully execute my duties to the Free Republic of California and will to the best of my ability, preserve, protect, and defend the Constitution of the Free Republic of California.”⁶³

Section 9 – Peace and protection

The President of California is the commander-in-chief of the defense forces and appoints the officers of the defense forces, to the extent allowed in this Constitution and under the oversight of the Department of Peace.

The Department of Peace is responsible for the international obligations of the State as well as oversight of defense. Domestically, public safety duties of the Executive branch are under the jurisdiction of the Department of Public Safety, which shall, as appropriate, work in coordination with any relevant intelligence agencies and local officials and in conjunction with the Department of Justice.⁶⁴

Section 10 – Department of Justice

The Department of Justice shall enforce and defend the interests of California according to the law; to ensure public safety against threats foreign and domestic; to provide leadership in preventing and controlling crime; to seek just punishment for those found guilty of unlawful behavior; to ensure fair and impartial administration of justice for all; and to protect the democracy against internal governmental malfeasance.

⁶³ See Footnote 43.

⁶⁴ This is a direct limit on presidential power in order to safeguard against violence (domestic or international), warmongering and the creation of an industrial military complex.

The Department of Justice shall also ensure that the courts of law, other authorities, civil servants, public employees, and other persons, when the latter are performing a public task, obey the law and fulfill their obligations. The Department of Justice shall diligently enforce the laws of California as they pertain to all, including the investigation of government officials at any level. It shall use all reasonable measures, such as providing guidance, comment, and when necessary filing criminal or civil suit.⁶⁵

The Department of Justice shall, upon request, provide the President, the Executive department heads, and/or Representatives with information and opinions on legal issues, as long as the communication of said information does not significantly hinder any investigation or is not improper due to the requesting party's relationship to said information.

The Department of Justice submits an annual report to the Congress and the Executive on its activities and observations on how the law has been obeyed.

The Department of Justice has the right to receive from public authorities or others performing public duties the information needed for their supervision of legality.

Section 11 – Department of Environmental Protection

The Department of Environmental Protection is responsible for the administration and oversight of environmental policy, as well as, of energy production, maintenance and use.⁶⁶

⁶⁵ This puts the responsibility on the Department of Justice to fairly police all internal government activity, not to cover it up.

⁶⁶ The Department of Environmental Protection duties recasts the role of a Department of Energy to fall under the umbrella of environmental protection, shifting its inherent overall mission and power structure.

Section 12 – Incapacity of the President

When the President is prevented from carrying out the duties of office, these are taken over by the Vice President or, if the Vice President too is incapacitated, by the Secretary of Peace followed by the Speaker of the Congress, then the Speaker Pro Tempore and so forth as provided by Act.

Whenever the Vice President and a simple majority of the Executive Cabinet transmit to the Speaker of the Congress their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President. Thereafter, when the President transmits to the Speaker of the Congress a written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a simple majority of the Executive Cabinet transmit within four days to the Speaker of the Congress their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon the Congress shall decide the issue, assembling within forty-eight hours for that purpose if the Congress is not then in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if the Congress is not in session, within twenty-one days after the Congress is required to assemble, determines by two-thirds vote that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.⁶⁷

Section 13 – Criminal liability of the President

If the Attorney General or a simple majority of the Executive Cabinet deem that the President is guilty of treason, bribery, a crime against humanity, or other high crime or misdemeanor, the matter shall be communicated to the

⁶⁷ Given the fact that four cabinet members are independent elected officials (See *Article 4, Section 5*), the incapacitation language here holds more weight than it would in the U.S. system. In the U.S., a president can fill the cabinet with sycophants, unwilling to tell the populous the truth regarding presidential capacity.

Congress. In this event, if the Congress, by two-thirds of the votes cast, decides that charges are to be brought, the Attorney General shall prosecute the President in the High Court of Impeachment and the President shall abstain from office for the duration of the proceedings.⁶⁸

Section 14 – Official accountability

Government officials are responsible for the lawfulness of their official actions. They are also responsible for a decision made by an official multi-member body that they have supported as one of its members.⁶⁹

Article 5 – Legislation

Section 1 – Propositions, referendums, amendments and citizens' initiatives

The decision to organize a Congressional referendum is made by Act, which shall contain provisions on the time of the referendum and on the choices to be presented to the voters.

Any citizen of California may submit a proposition or governmental initiative for inclusion on the next statewide ballot with the support of signatories totaling at least one percent of the voting age population as per the most recent census.⁷⁰

⁶⁸ This brings a level of impartiality to impeachment process of a President, and while the trial proceeds, limits the President's ability to directly influence its outcome.

⁶⁹ No one, regardless of level of office or department is above the law, even the president.

⁷⁰ Traditionally, the necessary volume of signatory supporters needed to place a measure on a statewide ballot was based on a percentage of people who voted in a previous election, however, in an additional attempt to promote universal voting, this percentage is now tied to the entire number of eligible voters. It is

Section 2 – Legislative initiative

The proposal for the enactment of an Act is initiated in the Congress through a government proposal submitted by the Executive Cabinet, through a legislative motion submitted by a Representative, or through a public referendum or initiative passed by statewide ballot fulfilling the guidelines set in this Constitution and/or by Act. Legislative motions can be submitted when the Congress is in session.

An Executive Cabinet member or Representative submitted proposal may be supplemented through a new complementary proposal or it may be withdrawn. A complementary proposal cannot be submitted once the proposal has passed any relevant Committee oversight and has reached the floor for debate.

Once relevant reporting has been submitted to the Congress, a proposal is considered in a plenary session of the Congress using the Congress' Rules of Procedure. No Committee, oversight body or Representative may withhold or delay a proposal from debate or vote without a reasonable and publicly disclosed rationale, which are subject to judicial review by the Supreme Court.⁷¹

Section 3 – Procedure for Constitutional enactment

A proposal on the enactment, amendment or repeal of the Constitution or on the enactment of a limited derogation of the Constitution shall be subject to the approval (in the order listed herein) of (1) two-thirds of the Congress, (2) the President and (3) the majority of citizens, to whose vote shall be called

also a lower percentage (down from five percent to one) in order to not serve as a more difficult barrier of entry.

⁷¹ This standard for withholding a proposal ('a reasonable and publicly disclosed rationale') reiterates the desire to maintain a productive legislative body, one that cannot simply grind to a halt for irrational, biased, or political purposes.

upon in a timely manner after signature of the proposed enactment, amendment, or repeal by the President.⁷²

Section 4 – Supervision of Constitutionality

The Constitutional Law Committee shall issue statements on the Constitutionality of legislative proposals and other matters brought for its consideration. The Constitutional Law Committee shall consist of the Chief Justice of the Supreme Court, a Congressionally appointed expert in Constitutional law, and a Presidentially appointed expert in Constitutional law.⁷³

Section 5 – Issuance of Decrees and delegation of legislative powers

The President of California, the Congress, or an Executive Cabinet member may issue Decrees on the basis of authorization given to them in this Constitution or by Act.

Moreover, other authorities may be authorized by Act to lay down legal rules on given matters if there is a special reason pertinent to the subject matter and if the material significance of the rules does not require that they be laid down by Act or Decree. The scope of such an authorization shall be precisely circumscribed.

General provisions on the publication and entry into force of Decrees and other legal norms are laid down by Act.

⁷² The three-step approval process of *Article 5, Section 2* makes constitutional changes a difficult one in order to maintain the long term stability of the nation over short-term mindsets or a rogue administration's poor ideas.

⁷³ The Constitutional Law Committee acts as a safety valve to prevent legislative proposals that clearly violate the Constitution from becoming acts of law. It preserves democracy and saves the Judiciary from the unnecessary burden of reviewing clearly illegitimate acts post-ratification.

Article 6 – The Judiciary branch

It is the role of the Judiciary branch to protect and preserve the rights and liberties of all the people, as guaranteed by this Constitution and the laws of California by providing a fair, independent, and accessible forum for the just, timely, and economical resolution of legal affairs.⁷⁴

Section 1 – Courts of law

The Judiciary branch shall consist of one Supreme Court, with the Courts of Appeals and District Courts as the other general courts of law. Additional inferior courts may be established as necessary by the Supreme Court.

Section 2 – Duties of the Judiciary branch

The judicial power of the Judiciary branch shall extend to all cases, in law and equity, arising under this Constitution, the laws of California, and treaties made, or which shall be made, under their authority. Justice in civil, administrative and criminal matters is in the final instance under the jurisdiction of the Supreme Court, however the Supreme Court shall only intervene when an appropriate appeal has been lodged; in an instance prescribed by Act; or in a situation where seriousness and timeliness is critical to the preservation of society and requires a ruling from the Supreme Court in order to sufficiently address the issue at hand.⁷⁵

Section 3 – Composition of the Supreme Court

The Supreme Court shall be composed of the Chief Justice of the Supreme Court and nine primary Justices with two secondary Justices for times of

⁷⁴ 'Fair, independent, and accessible...just, timely, and economical' are the key phrases here as California aims to have most effective and fair judicial system possible.

⁷⁵ This limits the Supreme Court's power in influencing the law to protect against judicial overreach from this highest court of the land.

recusal of a primary Justice. As this Constitution goes into force, the seven Supreme Court Justices of the former state of California shall become Justices of the Supreme Court with the remaining seats filled via the nomination process established herein and by Act.⁷⁶

The Supreme Court has a competent quorum when five members are present, unless a different quorum has been laid down by Act.

Section 4 – High Court of Impeachment

The High Court of Impeachment shall have original jurisdiction with charges brought against the President, a member of the Executive Cabinet, a Representative or a member of the Supreme Court.

The High Court of Impeachment consists of the Chief Justice of the Supreme Court presiding, as well as the two most senior-ranking Justices of the Courts of Appeals, an elected Impeachment Overseer and five non-partisan persons elected by simple majority of the Congress. The persons elected by the Congress and the Impeachment Overseer each hold a term of four years, with the opportunity to serve two terms total. Should any of these individuals be involved in, conflicted, or the subject of an impeachment, the next senior official from their respective office without a similar conflicting issue shall serve, or in the case of a Congressionally elected individual, they shall be replaced by a newly elected individual for that specific case.

It is the role of the Department of Justice to prosecute cases in the High Court of Impeachment.

⁷⁶ This Supreme Court structure allows for 'back up' judges, so that judges will be more likely to recuse themselves when it is appropriate to do so and so that the Court will have the flexibility to take on more cases while maintaining reasonable schedules.

More detailed provisions on the composition, quorum and procedure of the High Court of Impeachment are laid down by Act.⁷⁷

Section 5 – Appointment of judges

Judges shall be recommended by the non-partisan Judicial Nomination Committee, approved by a simple majority in the Congress and appointed by the President, all of which shall be in a timely manner, not unreasonably withheld, and in accordance with the procedure laid down by Act.⁷⁸

Section 6 – The right of judges to remain in office

Judges shall serve a maximum of two ten-year terms at each tier of court.⁷⁹

A judge shall not be suspended from office, except by a judgment of a court of law or tribunal with due process under the law. In addition, a judge shall not be transferred to another office without his, her, or their consent, except where the transfer is a result of a reorganization of the Judiciary branch.

⁷⁷ Article 6, Section 4 provides for a competent, separate judicial venue for the impeachment of high officials. This structure allows for a more fair, less biased manner of dealing with such cases.

⁷⁸ Article 6, Section 5 structures the judicial appointment process to flow through the Judicial Nominating Committee, favoring a non-political panel of experts over the unilateral presidential power to nominate judges which is embraced by the U.S. system.

⁷⁹ Lifetime judicial appointments are illogical, as are short term ones. So, in California, the middle ground is that of two ten-year terms, enough time to not fall prey to the politics and whims of the day, but not so much time as to engender irrational invincibility complexes, hinder intellectual development, or physically and emotionally tax the judges themselves.

More detailed provisions on the other terms of service of a judge are laid down by Act.

Section 7 – Sentencing Tribunal

In order to protect the mission and liberty of California, a Sentencing Tribunal shall be established and tasked with the role of sentencing in criminal cases. The Tribunal will work in co-ordination with the judge and jury in criminal cases to provide a just term of imprisonment. The Tribunal shall be composed of former judges, elected overseers, mental health professionals, prison experts, rehabilitation experts, criminal law scholars and human rights observers, all tasked with the furtherance of safety, humanity and rehabilitation.⁸⁰

Article 7 – International relations

California participates in international co-operation for the protection of peace and human rights and for the development of society.⁸¹

Section 1 – Acceptance or denouncement of international obligations

Ratification by simple majority of the Congress is required for such treaties and other international obligations that contain provisions of a legislative nature, are otherwise significant, or otherwise require ratification by the Congress under this Constitution or under the treaty or obligation itself. The

⁸⁰ *Article 6, Section 7* is a revolutionary stance on sentencing practices. It shifts the power from individual judges and mandatory sentencing guidelines to a consortium of experts whose goals and knowledge align with the great responsibility of taking away a person's freedom.

⁸¹ From the onset, it is important to establish the principle motivations for the government in international relations. California will support the world in its shared desires of peace and the protection of human rights.

simple majority vote of the Congress is also required for the denouncement of such obligations.⁸²

An international obligation shall not endanger the democratic foundations of this Constitution.

Section 2 – Continuing agreements

All agreements in force between California and foreign bodies at the time of this Constitution's adoption shall remain in force to the extent reasonably possible, until the time that said agreements can be amended to reflect the new governmental structure.

All international agreements the former state of California was bound by within the context of U.S. participation shall continue to be upheld by California to the extent reasonably possible and to the degree the former state of California would have been itself responsible originally, until the time the appropriate governmental bodies agree or disagree to the inclusion of California and the Congress ratifies any relevant instruments.

Upon recognition as a valid member state by the United Nations, California shall adopt and ratify all geographically relevant human rights and environmental instruments, including but not limited to, conventions, covenants and protocols of the United Nations. However, it is California's mission to treat these agreements as just the starting point of a diplomatic effort to dramatically improve human rights and environmental protection worldwide.⁸³

⁸² This standard is similar in most democracies because it makes treaties dependent on the governing body of the people, not the subject of unilateral ratification by one individual, *i.e.* a president.

⁸³ *Article 7, Section 3* allows for the smooth transition of international obligations. Additionally, it raises the California's international commitment via the U.N.'s human rights and environmental mechanisms.

Section 3 – Congressional right to receive information on international affairs

The Foreign Affairs Committee of the Congress shall receive from the Executive branch, upon request and when otherwise necessary, reports of matters pertaining to foreign and security policy.

Section 4 – Ambassadorships

Ambassadorships shall be determined by the Ambassadorial Committee whose decisions are approved by the President. In the selection of ambassadors, the Committee and the President shall take into account factors such as, diplomatic abilities, relevant cultural and linguistic knowledge, and expertise in the fields of international law, trade and financial markets. Should an Ambassador be vetoed by the President, said veto can be overruled by a two-thirds vote of the Congress. The Committee's structure, membership and additional criteria for review shall be determined by Act.⁸⁴

The U.N. has eighteen mechanisms specifically drafted to protect human rights worldwide. The U.S. has ratified a pitiful five of these mechanisms. California, on the other hand, is here obligated to support all of these instruments that aid in the protection of basic human rights. The clause also requires the ratification of environmental standards, such as the Paris Agreement.

⁸⁴ This clause requires California to use a Committee (instead of just the President) as the arbiter of candidates and to exclusively nominate individuals with the critical knowledge and experience necessary for the job at hand. No longer will ambassadorships be gifted to major political donors as in the U.S. The ambassador role will be treated as one critical to California's diplomatic presence around the globe.

Article 8 – State finances

Section 1 – State taxes and charges

State taxes are governed by Act, which shall contain provisions on the grounds for tax liability and the amount of the tax, as well as, on the legal remedies available to the persons or entities liable to taxation.

The general criteria governing the charges to be levied for official functions, services and other activities of State authorities and on the amount of the charges are laid down by Act.⁸⁵

Section 2 – State debt and guarantees

The incurrence of State debt shall be based on the consent of the Congress, which indicates the maximum level of new debt or the total level of State debt.

A State security and a State guarantee may be given on the basis of the consent of the Congress.

Section 3 – State budget

The Congress shall adopt an annual budget in a timely advanced manner for one budget year at a time. The contents of the budget shall be determined by Act and subject to prior timely and reasonable review by the Finance Committee of the Congress. Upon ratification, it shall be published by the legislature and available to the public.⁸⁶

⁸⁵ In *The Free Republic of California, Year One, General Budget Overview* all taxpayers receive a five percent overall reduction in tax obligation as compared to their previous level of total income tax.

⁸⁶ *Article 8, Sections 2-3* represent the Congressional ‘power of the purse’ which grants general Congressional oversight and provides for a barrier to government overspending.

An Executive or Legislative proposal concerning the State budget and the other proposals pertaining to it shall be submitted to the Congress not less than ninety days prior to the next budgetary year. A Representative may, on the basis of the budget proposal, through a budgetary motion, initiate a separate proposal for an appropriation or other decision to be included in the State budget. Specific structure and contents requirements shall be provided by Act.

If the ratification of the State budget is delayed beyond the new budgetary year, the budget proposal shall be applied as a provisional budget in a manner decided by the Congress.⁸⁷

Section 4 – Supplementary budget

A proposal from the Executive or the Judiciary for a supplementary budget shall be submitted to the Congress if there is a justified reason for amending the budget. A Representative may submit budgetary motions for a budget amendment immediately linked to the supplementary budget request.

Section 5 – Extra-budgetary funds

An extra-budgetary fund may be created by Act, if the performance of a permanent duty of the State requires this in an essential manner. However, the decision of the Congress to adopt a legislative proposal for the creation of an extra-budgetary fund or the extension of such a fund or the expansion or retraction of its purpose must be supported by at least two-thirds of the votes cast.

Section 6 – Legitimate receivables from the State to private parties

Regardless of the budget, everyone has the right to collect his, her, or their legitimate receivables from the State.

⁸⁷ This paragraph of *Article 8, Section 3* assists in preventing delays or government shutdowns during budget debates.

Section 7 – Supervision and audit of State finances

The Congress supervises State finances and compliance with the State budget. For this purpose, the Congress shall have a Budget and Fiscal Review Committee. The Budget and Fiscal Review Committee shall report any significant supervisory findings to the Congress. For the purpose of auditing State finances and compliance with the State budget, there shall be an independent National Audit Office in connection with the Congress. More detailed provisions on the status and duties of the National Audit Office are laid down by Act. The Budget and Fiscal Review Committee and the National Audit Office have the right to receive information needed for the performance of their duties from public authorities and other entities that are subject to their control.

Section 8 – The California Reserve and Sovereign Fund

The California Reserve shall conduct the nation's monetary policy, promote the stability of the financial system and the safety and soundness of individual financial institutions, ensure payment and settlement system safety and efficiency, foster consumer protection and community development, and manage the California Sovereign Investment Fund.⁸⁸

The California Reserve shall also establish a California Public Bank to provide access to banking for all citizens and permanent residents. It shall prioritize accessibility and communal growth over profit. At birth, every Californian shall automatically be given a complimentary California Public Bank account deposited with a savings bond. The bond will be in an amount determined by Act and adjusted for inflation with a maturation date of eighteen years from each person's birthdate.⁸⁹

⁸⁸ This governing financial institution is a necessity of any self-governing economy, one variation from the U.S. system is the introduction of a sovereign fund, allowing California to invest monies as appropriate to support business initiatives and develop its positive financial standing.

⁸⁹ The California Public Bank, its bank accounts, and savings bonds allow for a more equitable monetary system for all Californians. No

Section 9 – State assets

All U.S. governmental assets previously held physically within California shall be returned to the U.S. or shall become the property of California upon execution of this Constitution, notwithstanding all agreements negotiated between California and relevant governmental bodies and/or non-governmental organizations. All real estate holdings shall be subject to the same possession or treaty terms as appropriate on a case-by-case basis.

Provisions on the competence and procedure in the use of shareholder authority in companies effectively controlled by California shall be laid down by Act. Provisions on the necessity for the consent of the Congress for the acquisition or relinquishment of effective control by the State in a company are likewise laid down by Act.⁹⁰

Article 9 - Administration and local governance

Section 1 – State administration

In addition to the Executive branch, the administration of California may consist of agencies, institutions, and other bodies. California may also have regional and local public authorities in a structure and hierarchy akin to local, county, and state laws previously chartered by the former state of California. More detailed provisions on the administrative subordination to the Congress and/or the Executive branch are laid down by Act.

longer will accessibility be an issue in banking and from birth Californians will be better positioned to understand and thrive within a modern financial infrastructure, while avoiding the interest and debt pitfalls common to low income communities where private banks are not an option.

⁹⁰ *Article 8, Section 9* attempts to define the most equitable distribution of assets during the transition period.

The general principles governing the bodies of California administration shall be laid down by Act if their duties involve the exercise of public powers. The principles governing the regional and local authorities of the State shall likewise be governed by Act. In other respects, provisions on the entities of State administration may be laid down by Decree.

Section 2 – Indigenous nations

All separable Indigenous nations formerly recognized by the U.S. shall remain in place with all rights imparted therein by California. California endeavors to work with Indigenous communities to create an environment of mutual respect, rights and benefits.

Section 3 – Municipal and other regional self-government

California is divided into municipalities, whose administration shall be based on the self-government of their residents. Provisions on the general principles governing municipal administration and the duties of the municipalities are laid down by Act.

The municipalities have the right to levy municipal taxes. Provisions on the general principles governing tax liability and the grounds for the taxes as well as on the legal remedies available to the persons or entities liable to taxation are laid down by Act.

Provisions on self-government in administrative areas larger than a municipality are laid down by Act.

All city, county, and regional laws in place at the time of this Constitution's adoption shall remain in place insofar as they are still pertinent to governing and taxation.⁹¹

⁹¹ *Article 9, Sections 1-3 allow for the simple transition of governing bodies within California's borders as the new nation takes shape.*

Section 4 – Delegation of administrative tasks to non-public authorities

A public administrative task may be delegated to non-public authorities only by Act or by virtue of an Act, if this is necessary for the appropriate performance of the task and if basic rights and liberties, legal remedies and other requirements of good governance are not endangered. However, a task involving the significant exercise of public powers can only be delegated to public authorities.⁹²

Section 5 – Appointment to State offices

The Executive branch departments appoint state officials unless the appointment is a role designated by this Constitution or by Act as a prerogative of the President of California, the Legislature, or other public authority.

Article 10 – Entry into force

This Constitution shall enter into force on October 20, Year One.⁹³

Detailed provisions necessary for the implementation of this Constitution are laid down by Act.

⁹² This equates to a simple fact: California will not fund privatization of the management of basic human rights. There will be no private jails or mercenary forces.

⁹³ This date is in many ways arbitrary, however, it is a date that is possible. It is a reference to October 19-20, 1842, when the United States Navy, mistakenly thinking it was at war with Mexico, pulled into Monterey and declared California the property of the U.S. A day later, October 20th, the forces realized they were not in fact at war, apologized, took down the American flag, and went on their peaceful way.