



## **THE CONSTITUTION OF THE FREE REPUBLIC OF CALIFORNIA**

**JANUARY 21, 2021**

### ***Mission***

We, the People of California, in order to form a more perfect and peaceful society, establish justice, insure 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.

### ***Article 1: General***

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

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.

#### ***Section 1 – Democracy and the rule of law***

The powers of the Free Republic of California are vested in the people, who are represented by the Congress, Executive and Judicial 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 and non-contradictory to 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 former 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.

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

### *Section 2 - Elections*

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

The right to nominate candidates in elections is held by any registered political party from whose candidate list at least one Representative was elected to the Congress in the most recent elections, 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.

The candidate who receives more than 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 most votes. In the new election, the candidate receiving the most votes is elected.

### *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.

The judicial powers are exercised by the Judicial 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 may 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 by Act.

### *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 or her Californian citizenship except on grounds determined by an Act. Citizens may maintain citizenship in other nations, so long as the nation is deemed to align with the societal mission of California by Act. Current citizens of the United States 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's societal goals by Act.

### *Section 6 – Census*

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

## ***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.

*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 sex, age, origin, language, religion, sexual orientation, conviction, health and/or disability.

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.

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.

*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.

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.

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

No punishment shall be excessive, unusual, cruel or extraordinary. Excessive bail shall not be required, nor excessive fines imposed.

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

In all criminal prosecutions, 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 to 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.

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 deadly weapons shall be illegal. Citizens may 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. Deadly weapons shall include guns, explosive devices, and any other item chiefly manufactured for similar violent use. The list of prohibited weapons may be expanded upon by Act.

### *Section 3 - Freedom of movement*

Californian citizens and foreigners 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 can be extradited or transferred to a country in which his or her human rights and legal protection are guaranteed.

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

### *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. 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.

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. Freedom of speech entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. The press shall be expressly protected herein and provided all reasonable government access to information and officials.

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.

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 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.

### *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 or her conscience, to participate in the practice of a religion. Religion may not be used to violate other laws to discriminate or to violate the basic human rights of anyone.

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.

#### *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 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.

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.

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 locations and promoting societal awareness of forthcoming elections.

Every Californian citizen or foreign 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 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.

#### *Section 9 - Protection of property*

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

#### *Section 10 - Educational rights*

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

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

#### *Section 11 - Right to one's language and culture*

The operative languages of 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.

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 it can. To that end, those who cannot obtain the means necessary for a life of dignity have the right to receive indispensable subsistence, shelter and care.

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

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

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

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.

*Section 14 – Limitations on basic rights and liberties*

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. The essence of a right should not be impaired by a restriction, any restriction shall be proportional to the end to be achieved, shall be suitable and shall be 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 an Act or by a Government Decree to be issued on the basis of authorization given in an Act for a special reason and subject to a precisely circumscribed scope of application.

***Article 3 - The Congress***

Representatives shall act in a manner supportive of the collective societal and environmental goals of California and the betterment of its citizenry. A Representative is obliged to follow justice and truth in his or her 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.”

*Section 1 – Duties of Congress*

Congress shall have power to lay and collect taxes, duties and tariffs, 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 coin currency, regulate the value thereof, and of foreign currency, and fix the standard of weights and measures; to establish infrastructural 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 Government of the California, or in any Department or Officer thereof.

#### *Section 2 – Composition and term of the Congress*

The Congress shall be unicameral. California shall within four years, as current 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 district shall have two representatives who hold four-year terms whose election cycles are staggered by two years of each other. No individual shall hold office as a representative for more than three terms.

#### *Section 2 - Eligibility and qualifications for the office of Representative*

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

#### *Section 3 - 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 or her request if it deems there is an acceptable reason for granting such release.

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

#### *Section 4 – Congress’ Rules of Procedure*

Provisions on the procedures to be followed in the Congress, as well as on congressional organs and congressional work are issued in the Congress’ Rules of Procedure. The Congress’ Rules of Procedure shall mirror the previous California state rules of procedure with amendment to said rules 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 previous state rules of procedure shall apply.

#### *Section 5 - 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 nominees for the position with the largest number of first round votes will occur.

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 6 - 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 Committee;
- (v) Appropriations;
- (vi) Arts, Entertainment, Sports, Tourism, and Internet Media;
- (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, Quality, 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;
- (xxxi) Public Safety;
- (xxxii) Revenue and Taxation;
- (xxxiii) Rules;
- (xxxiv) Transportation;
- (xxxv) Veterans Affairs;
- (xxxvi) Water, Parks, and Wildlife; and
- (xxxvii) the other standing committees provided in the Congress' Rules of Procedure or by Act.

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. 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 7 - 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 or she considers it to be contrary to 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 Law Committee, which shall without delay rule whether the action of the Speaker has been correct.

*Section 8 - Congressional right to receive information*

The Congress has the right to receive from the government 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.

*Section 9 - 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.

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.

*Section 10 – Congressional voting*

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.

*Section 11 – Propositions, Referendums, Amendments and citizens' initiatives*

The decision to organize a Congressional referendum is made by an 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.

Any amendment to the Constitution itself 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 upon in a timely manner after signature of the proposed amendment by the President.

#### ***Article 4 - The Executive Branch***

It is the roll of the Executive Branch, as lead 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 – Term and Citizenship of the President of the Republic*

The Presidency of the Republic 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 an Act.

##### *Section 2 - Duties of the President*

The President shall oversee the Executive branch in its administration of the government, in so far as is allowed in this Constitution and relevant Acts. For all Executive departments not under the constitutionally specified domain of another elected official, the President shall be the executive-in-chief.

The President of the Republic shall swear to and carry out the duties stated in this Constitution or specifically stated in other Acts. 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, and will to the best of my ability, preserve, protect and defend the Constitution of the Free Republic of California.”

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 Congress, which shall be considered in a timely manner and shall not be unreasonably withheld.

##### *Section 3 - Decisions of the President*

The President of the Republic makes decisions in the Executive branch on the basis of motions proposed by the Executive, orders of the Judiciary or Acts under the law.

The President of the Republic shall have final signatory approval of Acts of Congress. The President shall decide on the approval within fourteen (14) 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 from the Government:

- (i) The appointment of non-elected Executive branch department heads, who all shall also sit on the Executive Cabinet, with the approval of 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 Acts, concerning private individuals or matters not requiring consideration in a plenary meeting of the Congress.

The President makes decisions on other appointments and matters pertaining to the Office of the President of the Republic 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 Congress and signed by the President. It is the responsibility of the Government through 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.

#### *Section 4 - Presidential pardon*

In individual cases, the President of the Republic 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.

A general amnesty may be provided only by an Act.

#### *Section 5- Independent Departments*

The following departments are under the authority of their individual elected officials, who sit on the Executive Cabinet but are not under the command of the President:

- (i) The Department of Justice;
- (ii) The Department of Environmental Preservation;
- (iii) The Department of Peace; and
- (iv) The Department of Public Safety.

#### *Section 6 - Incapacity of the President*

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

Whenever the Vice President and a 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 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 Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after 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.

#### *Section 7 - Duties of the Executive Branch*

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

administrative duties which have been assigned to the departments of the Executive, Legislature or Judiciary, or which have not been attributed to the President specifically or another public authority.

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

#### *Section 8 – 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 Congress. He 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.”

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 majority vote of Congress.

#### *Section 9 – Executive Cabinet*

The Executive Cabinet consists of the elected department heads, the Presidentially appointed department heads and the Vice President. The President chairs the Executive Cabinet, except in matters of incapacity, as specified in this Constitution. Their duties are specific to their departments and by Act. Each member pledges the following oath: “I do solemnly swear that I will faithfully execute my duties for 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.”

#### *Section 10 – Peace and Protection*

The President of the Republic 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.

#### *Section 11 – 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 guilty of unlawful behavior; to ensure fair and impartial administration of justice for all; and to protect the democracy against internal governmental malfeasance. It is an independent body under the law.

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 fulfil 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.

The Department of Justice is headed by the Attorney General, who is elected by the citizenry. He or she may serve a maximum of two six-year terms. More detailed provisions on the Department of Justice are laid down by an Act.

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 inappropriate 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 12 - Criminal liability of the President of the Republic*

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

#### *Section 13 - Official accountability*

One is responsible for the lawfulness of their official actions. One is also responsible for a decision made by an official multi-member body that they have supported as one of its members.

### **Article 5 - Legislation**

#### *Section 1 - 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. 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 Congress, a proposal is considered in a plenary session of 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.

#### *Section 2 - 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 left in abeyance, by a majority of the votes cast, until the first Congressional session following Congressional elections. The proposal shall then, once the Constitutional Committee has issued its report, be adopted without material alterations in a plenary session by a decision supported by at least two-thirds of the votes cast.

However, the proposal may be declared urgent by a decision that has been supported by at least five-sixths of the votes cast. In this event, the proposal is not left in abeyance and it can be adopted by a decision supported by at least two-thirds of the votes cast.

### *Section 3 - Supervision of constitutionality*

The Constitutional Law Committee shall issue statements on the constitutionality of legislative proposals and other matters brought for its consideration, as well as on their relation to international human rights treaties. 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.

### *Section 4 - Issuance of decrees and delegation of legislative powers*

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

Moreover, other authorities may be authorized by an 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 an Act or a 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.

## **Article 6 – Judiciary**

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

### *Section 1 - Courts of law*

The Judiciary of California, 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*

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the 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 whose 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.

### *Section 3 - Composition of the Supreme Court*

The Supreme Court shall be composed of the Chief Justice of the Court and nine primary Justices with two secondary judges for times of recusal of a primary Justice. As this Constitution goes into force, the previous seven State Supreme Court Justices of California, shall become Justices of the Court with the remaining seats filled via the nomination process established herein and by Act.

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

#### *Section 4 - High Court of Impeachment*

The High Court of Impeachment shall have original jurisdiction with charges brought against the President of the Republic, 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, the two most senior-ranking Justices of the Courts of Appeals, an elected Impeachment Overseer and five non-partisan persons elected by the Congress. The persons elected by 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, or in the case of an 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.

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

#### *Section 5 - Appointment of judges*

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

#### *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.

A judge shall not be suspended from office, except by a judgement 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 or her consent, except where the transfer is a result of a reorganization of the Judiciary.

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

#### *Section 7 – Sentencing Tribunal*

In order to protect the mission and liberty of California, a Sentencing Tribunal will be established and tasked with the role of sentencing in criminal cases. The tribunal will work in co-ordination with the judge and jury on in criminal cases to provide a just term of imprisonment. The tribunal will 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.

### ***Article 7 - International relations***

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

#### *Section 1 - Acceptance of international obligations and their denouncement*

The acceptance 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 approval by the Congress under this Constitution. The acceptance of the Congress is required also for the denouncement of such

obligations.

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

*Section 2 - Bringing into force of international obligations*

The provisions of treaties and other international obligations, in so far as they are of a legislative nature, are brought in to force by an Act.

*Section 3 – Continuing agreements*

All agreements in force between California and foreign bodies at the time of succession from the U.S. 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 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 California would have been itself responsible originally, until the time the appropriate governmental bodies agree to the inclusion of California and the Congress ratifies said agreements.

Upon recognition as a valid member state by the United Nations, California shall adopt and ratify all geographically relevant human rights and environmental standards, conventions, covenants and protocols of the United Nations. However, it is California's mission to treat these agreements as a merely the starting point of a diplomatic effort to dramatically improve human rights and environmental protection worldwide.

*Section 4 - Congressional right to receive information on international affairs*

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

*Section 5 – Ambassadorships*

Ambassadorships shall be determined by the Ambassadorial Committee whose decisions are approved by the President. In the selection of ambassadors, the Committee and President shall take into account factors such as, diplomatic relations, 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 Congress. The Committee's structure, member and additional criteria for review shall be determined by Act.

**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.

*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 Congress. Upon ratification, it shall be published by the legislature and available to the public.

A Executive or Legislative proposal concerning the State budget and the other proposals pertaining to it shall be submitted to the Congress well in advance of the next budgetary year. A Representative may, on the basis of the budget proposal, through a budgetary motion initiate a proposal for an appropriation or other decision to be included in the State budget. The provisions in Article 5, Section 1 apply to the supplementation and withdrawal of the budget proposal. 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 of the Government shall be applied as a provisional budget in a manner decided by the Congress.

### *Section 4 - Supplementary budget*

A proposal from the Government 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 an 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 or her legitimate receivables from the State.

### *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 an Budget and Fiscal Review Committee. The Budget and Fiscal Review Committee shall report any significant supervisory findings to 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 an 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.

#### *Section 9 - State assets*

All previous U.S. governmental assets 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 an 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 an Act.

### ***Article 9 - Administration and local governance***

#### *Section 1 – State administration*

In addition to the Executive, 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 U.S. State of California. More detailed provisions on the administrative subordination to the Congress and/or the Executive are laid down by Act.

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 a Decree.

#### *Section 2 - 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 tax. 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. In their native region, indigenous tribes have linguistic and cultural self-government, as provided by Act.

All city, county and regional laws in place at the time of succession shall remain in place insofar as they are still pertinent to governing and taxation.

#### *Section 3 - Delegation of administrative tasks to others than the authorities*

A public administrative task may be delegated to others than public authorities only by an 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 significant exercise of public powers can only be delegated to public authorities.

*Section 4 - Appointment to State offices*

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

***Article 10 - Final provisions***

*Section 1 - Entry into force*

This Constitution shall enter into force on January 21, 2021.

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