

4-20-2018

REQUIRES A VOTE IN 2021 ON WHETHER CALIFORNIA SHOULD BECOME AN INDEPENDENT COUNTRY. INITIATIVE STATUTE.

Follow this and additional works at: https://repository.uchastings.edu/ca_ballot_inits

Recommended Citation

REQUIRES A VOTE IN 2021 ON WHETHER CALIFORNIA SHOULD BECOME AN INDEPENDENT COUNTRY. INITIATIVE STATUTE. California Initiative 1852 (2018).
https://repository.uchastings.edu/ca_ballot_inits/2129

This Initiative is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Initiatives by an authorized administrator of UC Hastings Scholarship Repository.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

REQUIRES A VOTE IN 2021 ON WHETHER CALIFORNIA SHOULD BECOME AN INDEPENDENT COUNTRY. INITIATIVE STATUTE. Requires a special election in May 2021 to ask voters whether California should become an independent country, in the form of a republic. If approved by a majority of voters, requires the Legislature to declare California's independence from the United States. Requires California to invite and encourage international election monitors to observe and monitor the measure, including the voting process, collection of ballots, and certification of results. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Potential one-time state and local costs in the tens of millions of dollars to hold a statewide special election.** (18-0001.)

Ms. Emily Gargiulo
Initiative Coordinator
Office of the Attorney General
1300 I Street, Sacramento, California 95814-2919

RECEIVED

FEB 14 2018

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

FEBRUARY 14, 2018

Re: Request for title and summary

Dear Ms. Gargiulo:

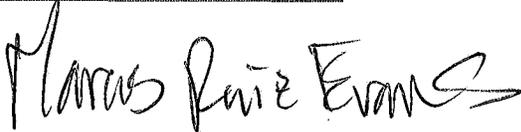
Pursuant to Article II, Section 10(d) of the California Constitution, this letter respectfully requests that the Attorney General prepare a circulating title and summary of the enclosed ballot initiative: "The California Self-Determination Referendum Act".

The proponents of this initiative are Marcus Evans and Louis Marinelli, the founders of the California independence campaign and movement known as "Calexit". Also enclosed are the required signed statements pursuant to California Elections Code 9001 and 9608, and a check in the amount of \$2000.

Please direct all inquiries and correspondence regarding this proposed initiative to:

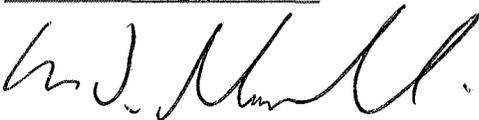
Marcus Ruiz Evans
Co-Founder, Yes California

1-415-595-3394
marcus.ruiz.evans@gmail.com



Louis J. Marinelli
Co-Founder, Yes California

1-916-524-0631
louisjmarinelli@gmail.com



CALIFORNIA SELF-DETERMINATION REFERENDUM ACT

ARTICLE 1. TITLE

24000. This law shall be known as the California Self-Determination Referendum Act, and shall be added as the next available numerical Division to the Elections Code.

ARTICLE 2. OBJECTIVE

24001. This Act governs the holding of a binding self-determination referendum on the independence of California and its effects from the United States.

ARTICLE 3. SOVEREIGNTY OF CALIFORNIA AND ITS LEGISLATURE

24002. The people of California are a sovereign political subject and, as such, exercise their right to freely and democratically decide upon their political condition.

24003. The Legislature of California acts as the representative of the sovereignty of the people of California and is responsible for implementing the collective general will, which shall be established through the self-determination referendum held under this Act.

24004. This Act establishes a legal regime aimed at governing and guaranteeing the self-determination referendum of California. It has hierarchical prevalence over any other regulations that may come into conflict with it, in that it governs the exercising of a fundamental and inalienable right of the people of California.

24005. Pursuant to Article VI of the United States Constitution, treaties made under the Authority of the United States are the supreme law of the land and supersede the California State Constitution. The Charter of the United Nations, a treaty ratified under the Authority of the United States, guarantees the right of peoples to self-determination and the people of California hereby exercise that right through this Act.

ARTICLE 4. SELF-DETERMINATION REFERENDUM

24006. The people of California are called upon to decide the political future of California by means of holding a referendum, the terms of which are detailed in this Article.

24007. The question to be asked in the referendum is: *"Do you want California to be an independent country in the form of a republic?"*

24008. The result of the referendum shall be binding in nature.

24009. Pursuant to Article I, Section 3 of the California Constitution, the people of California have a right to "instruct their representatives," and do hereby instruct their representatives in the Legislature, as follows: *Pursuant to Section 24008 of this Article, if the counting of votes validly cast gives a result of more affirmative than negative votes, the Legislature shall, within seven days of the certification of the results, hold an ordinary session to issue the formal declaration of independence of California and its effects from the United States.*

24010. If the counting of votes cast gives a result of more negative than affirmative votes, the Legislature shall take no action.

24011. The scope of the referendum is the entire territory of California, and those persons with the right to vote in state elections shall be able to vote, if registered in accordance with existing state election laws. Those Californians resident abroad whose most recent registration to vote was in California shall also be entitled to vote.

24012. The ballot papers shall contain the question established in Section 24007. The question shall be worded in English and Spanish on all ballots, paper and electronic.

24013. There shall be a specimen ballot paper: a ballot paper with the question and the words 'Yes' and 'No' ('Sí' and 'No') in boxes.

24014. The vote may be affirmative (Yes/Sí), or negative (No), depending upon the option marked by the voter, or blank if neither of the two options is chosen.

24015. The referendum shall be held on Tuesday, May 4, 2021.

24016. California government agencies must remain neutral in the referendum campaign and no state, county, or local government worker or civil servant may utilize public funds or resources to promote or oppose the referendum campaign.

24017. The Government of California shall encourage the presence of international election observers. To this end, international election observers are invited to observe and monitor the carrying out and implementation of the referendum.

24018. The California Secretary of State shall accredit international election observers and shall ensure the unfettered carrying out of their activities.

24019. Accredited international election observers may freely attend all processes associated with the holding of the referendum, including, but not limited to, the preparation for the opening of polling stations, the voting process, the collection of ballots, the counting of ballots, and the certification of the results.



RECEIVED

APR 05 2018

April 5, 2018

Hon. Xavier Becerra
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ms. Emily Gargiulo
Initiative Coordinator

Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed a statutory initiative (A.G. File No. 18-0001) proposing to ask voters whether California should become an independent country.

Background

California Inseparable Part of United States. In 1850, Congress and President Fillmore approved the act admitting California into the United States of America. Section 1 of Article III of the State Constitution provides that California “is an inseparable part of the United States of America.” This section of the State Constitution also states that the U.S. Constitution is “the supreme law of the land.” The U.S. Constitution has no mechanism for a state to secede. In 1869, following the Civil War, the U.S. Supreme Court ruled in *Texas v. White* that the initial act admitting a state to the Union “was final.” “There was no place for reconsideration, or revocation,” the court said, “except through revolution, or through consent of the states.”

Initiative Power. In 1911, California voters approved Proposition 7, which amended the State Constitution to create the statewide voter initiative process. A voter initiative may enact a law or amend the State Constitution. However, there are limits on the initiative power. Specifically, the California Supreme Court has prohibited certain advisory measures from appearing on the ballot.

Proposal

Calls Statewide Election on Independence in May 2021. This measure amends state statute to call for a statewide special election on May 4, 2021. At this election, voters would be asked: “Do you want California to be an independent country in the form of a republic?” If approved by the voters, the measure requires the Legislature to “issue the formal declaration of independence of California and its effects from the United States” within seven days after the vote is certified.

Legislative Analyst's Office
California Legislature
Mac Taylor • Legislative Analyst
925 L Street, Suite 1000 • Sacramento CA 95814
(916) 445-4656 • FAX 324-4281

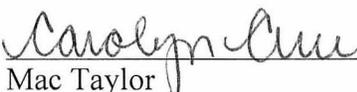
Fiscal Effects

Potential Election Costs. If the measure were to appear on the ballot, the one-time cost of holding a statewide special election would be tens of millions of dollars. Whether the measure appears on the ballot would depend on potential legal challenges. For instance, the courts could find the measure to be outside the scope of the statewide voter initiative process, which could prevent the initiative from going forward. Were the measure to appear on the ballot, however, there would be no direct fiscal effects beyond the election costs. This is because the measure—by itself—does not make California an independent country. At minimum, other changes to the State and U.S. Constitutions would need to be made for California to secede.

Summary of Fiscal Impact. This measure would have the following fiscal effect:

- Potential one-time state and local costs in the tens of millions of dollars to hold a statewide special election.

Sincerely,

for 
Mac Taylor
Legislative Analyst

for 
Michael Cohen
Director of Finance