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REQUIRES VOTE ON WHETHER CALIFORNIA SHOULD BECOME A SEPARATE COUNTRY. INITIATIVE STATUTE.

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

REQUIRES VOTE ON WHETHER CALIFORNIA SHOULD BECOME A SEPARATE COUNTRY. INITIATIVE STATUTE. Places question of whether California should leave the United States on a future ballot. Treats result of such future vote as a vote of no confidence in the United States and an expression of the electorate's desire for California to be an independent country if: (1) 50 percent of registered voters participate in election; and (2) 55 percent of those voting approve. Creates commission to evaluate and report on California's current ability to govern itself independently, and California's future economic and political viability as an independent country. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: **Around \$1 million in added state costs for a new state commission on national sovereignty and independence. Potential state and local election administration costs in the tens of millions of dollars to ask voters to respond to a question on independence. Unknown, potentially major, fiscal effects if California voters approved changes to the state's relationship with the United States at a future election after the approval of this measure.** (20-0001A1.)

20 - 0001

ATTORNEY GENERAL

Xavier Becerra, Attorney General
ATTN: Initiative Coordinator
P.O. Box 944255 Sacramento, CA 94244-2550

Amdt. # /

July 28, 2020

Re: amendment to proposed initiative

Pursuant to Article I, Section 9002(b) of the Elections Code, this letter respectfully requests that the Attorney General's Initiative Coordinator accept the enclosed amendment to the previously proposed initiative measure: "Calexit: The California Independence Plebiscite of 2024", (20-0001). The amendment amends the process for selection of the panel and I request that the Attorney General's Office prepare a circulating title and summary for initiative measure 20-0001, as amended.

In accordance with the provisions of the Elections Code, I, Marcus Ruiz Evans, the sole proponent of ballot measure 20-0001, hereby submit this signed request. Enclosed is a copy of the ballot measure as it reads with the amendment, which is reasonably germane to the theme, purpose, and subject of initiative measure 20-0001 as originally proposed on July 3 2020.

Thank you for your prompt attention to this matter.



Marcus Ruiz Evans
President, Yes California Independence campaign
6083 N. Figarden Drive, #356
Fresno, California, 93722
president@yescalifornia.org

RECEIVED

JUL 29 2020

**INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE**

CALEXIT: THE CALIFORNIA INDEPENDENCE PLEBISCITE OF 2024

An act to add Article 6 to Chapter 1 of Division 1 of Title 1 of the Government Code, relating to the establishment of a commission of inquiry on California sovereignty and independence from the United States of America, and Division 22 to the Elections Code, relating to an independence plebiscite.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. THE INDEPENDENCE PLEBISCITE OF 2024

Division 22 is hereby added to the Elections Code, to read:

DIVISION 22. THE INDEPENDENCE PLEBISCITE OF 2024

22002. On November 5, 2024, the election date for even-year statewide elections established by Division 1 of this Code, the Secretary of State shall submit the following independence plebiscite question to the voters:

"Should California leave the United States and become a free and independent country?"

22003. The words "Yes" and "No" on separate lines with an enclosed voting space to the right of each shall be placed to the right of the independence plebiscite question.

22004. The independence plebiscite shall constitute a vote of no confidence in the United States of America and an expression of the will of the people of California to become a free and independent country if both of the following conditions are met:

- (1) At least 50% of registered voters participate.
- (2) At least 55% vote "Yes".

22005. Pursuant to the conditions in Section 22004 having been met, the independence plebiscite shall be deemed approved by the voters of this state. As a result, the will of the people of California to establish a free and independent country shall be in the public record.

22006. Pursuant to the conditions in Section 22004 having been met, neither California's system of government nor its relationship with the United States shall change.

22007. Pursuant to the conditions in Section 22004 having been met, the United States national flag shall be removed from public display at all California government buildings,

including the State Capitol, and at all public properties under the jurisdiction of the California state government.

22008. The California state flag shall thereafter be displayed in position of first honor at all California government buildings, including the State Capitol, and at all public properties under the jurisdiction of the California state government.

22009. For the fiscal year starting July 1, 2024, the Governor shall include in the Governor's Budget submitted to the Legislature pursuant to Section 12 of Article IV of the California Constitution amounts of funding necessary for the Independence Plebiscite to be held pursuant to the provisions of this act.

22010. The Legislature shall make the necessary appropriation in the budget act for the fiscal year starting July 1, 2024 to ensure the independence plebiscite question is added to the 2024 election ballot in accordance with the provisions of this act.

SECTION 2. THE CALIFORNIA COMMISSION ON NATIONAL SOVEREIGNTY AND INDEPENDENCE FROM THE UNITED STATES OF AMERICA

The following Article is hereby added to Chapter 1 of Division 1 of Title 1 of the Government Code, as follows:

ARTICLE 6. THE CALIFORNIA COMMISSION ON NATIONAL SOVEREIGNTY AND INDEPENDENCE FROM THE UNITED STATES OF AMERICA [220-225]

220. ESTABLISHMENT OF THE COMMISSION.

220.1 The Commission on National Sovereignty and Independence from the United States of America (in this Article referred to as the "Commission") is hereby established as an independent, nonpartisan commission of inquiry.

220.2 It is the sense of the people of California that individuals serving on the Commission should be prominent residents of the state with significant depth of experience in such professions as governmental service, law, public administration, economics, commerce, business, civil rights, academics, and history.

220.3 It is the intent of the people of California to create a Commission that is independent from legislative influence and reasonably representative of the state's diversity.

221. PURPOSE AND FUNCTION.

221.1 The purpose and function of the Commission is to prepare a complete public report on California sovereignty and independence from the United States of America, and to specifically:

- a) ascertain, evaluate, and report on the current ability of the State of California to govern itself independently should the need arise due to an unforeseen collapse of the United States government, open rebellion, revolution, or in the event of civil war.
- b) ascertain, evaluate, and report on the future economic and political viability of California as an independent country, including its ability to defend itself;
- c) ascertain, evaluate, and report on the global use of ranked-choice voting and other proportional representation systems, and recommend which, if any, should be established in the event California becomes an independent country;
- d) study, evaluate, and report on the global use of plebiscites as a peaceful means to obtaining independence;
- e) analyze and report to the public on its findings, conclusions, and recommendations.

222. COMPOSITION OF THE COMMISSION.

1.1 The Commission shall be composed of 20 members, of whom -

- (1) Ten (10) shall be male
- (2) Ten (10) shall be female
- (3) Eight (8) shall identify as "Latino"
- (4) Seven (7) shall identify as "Caucasian"
- (5) Three (3) shall identify as "Asian"
- (6) One (1) shall identify as "African American"
- (7) One (1) shall identify as "Other" race

223. QUALIFICATIONS AND DISQUALIFICATIONS TO SERVE.

223.1 An individual may not serve on the Commission if he or she is an officer or employee of the Federal Government of the United States, or any State or local government.

223.2 The people of California hereby establish the following additional criteria for serving on the Commission:

- a) No person shall be eligible to serve on the Commission who has not been a resident of the State

of California for at least five (5) years immediately preceding November 8, 2022.

- b) No person shall be eligible to serve on the Commission who has not earned a degree from an institution accredited by the University of California.

- c) No person shall be eligible to serve on the Commission who, within the 10 years immediately preceding November 8, 2022, neither the applicant, nor a member of his or her immediate family, may have done any of the following:
 - (1) Been appointed or elected to any federal or state office, or
 - (2) Served as an officer, employee, or paid consultant of a qualified political party or of the campaign committee or a candidate for elective federal or state office, or
 - (3) Served as a member of a qualified political party central committee, or
 - (4) Been a registered federal, state, or local lobbyist, or,
 - (5) Served as paid congressional, legislative, or Board of Equalization staff member, or
 - (6) Contributed \$2,000 or more to any congressional, state, or local candidate for elective public office.

- d) No person shall be eligible to serve on the Commission who were staff or consultants to, persons under a contract with, or any person with an immediate family relationship with the Governor, a member of the Legislature, a current or former member of the United States Congress, or a member of the State Board of Equalization.
 - (1) As used in the above subdivision d, a member of a person's "immediate family" is one with whom the person has a bona fide relationship established through blood or legal relation, including parents, children, siblings, and in-laws.

224. CANDIDATE APPLICATION PROCESS

- 224.1** Any person qualified to serve on the Commission pursuant to Section 223 of this Act may declare their candidacy by submitting to the Secretary of State an application of interest that is substantially biographical in nature..

224.2 The application of interest shall include, but shall not be limited to, each of the following biographical pieces of information, but may contain any such information deemed necessary and appropriate by the Secretary of State:

- a) Full legal name
- b) Date of birth
- c) Sex as indicated on birth certificate
- d) Race (options shall be limited to: "Latino", "Caucasian", "Asian", "African-American", "Other" and applicants shall be instructed to choose the category that best represents their race.)
- e) Current home address
- f) Date California residency established
- g) Name of educational institution attended
- h) Dates attended and date of graduation
- i) Type and field of degree earned

224.3 The Secretary of State shall additionally create declarations under penalty of perjury affirming the above information, as well as affirming that the applicant is in fact eligible to serve on the Commission (is not disqualified per Section 223 of this Act) to be signed before a witness at the time of application.

224.4 The applicant shall be required to submit a copy of his or her birth certificate, passport, driver license, or other government-issued document verifying the applicant's name, date of birth, and sex.

224.5 The applicant shall be required to submit a copy of his or her driver license or other government-issued document verifying the applicant's current home address.

224.6 The applicant shall be required to submit a copy of his or her degree, transcripts, or other document issued by the educational institution verifying the applicant received a degree upon their successful completion of study.

224.7 The applicant shall be required to submit the names, addresses, and signatures of a hundred registered voters, who, by providing their signatures, nominate the applicant as a candidate to serve on the Commission.

224.8 The Secretary of State shall establish a process substantially similar to the process by which a candidate is nominated as a candidate for elective office by petition, including a procedure to verify signatures.

225. SELECTION PROCESS

225.1 The Secretary of State, using data obtained from the applicants' applications of interest, shall create a master pool of candidates from which twenty will be randomly chosen.

225.2 The random selection of candidates shall take place substantially in the following manner:

- a) Applicants shall be categorized based on the biographical information provided in their applications of interest such so that each candidate is categorized into the appropriate sex and race groups.
- b) The applicants shall first be divided into a male pool and a female pool of candidates.
- c) Using racial data obtained from the male applicants' applications of interest, 4 Latino, 3 Caucasian, 2 Asian, and 1 Other shall be selected randomly from the male pool of candidates, so that there are ten males fairly representative of California's racial diversity.
- d) Using racial data obtained from the female applicants' applications of interest, 4 Latino, 4 Caucasian, 1 Asian, and 1 African American shall be selected randomly from the female pool of candidates, so that there are ten females fairly representative of California's racial demographic.

225.3 The Commission shall therefore consist ten male (50%) and ten female (50%), of which eight are Latino (40%), seven are Caucasian (35%), three are Asian (15%), one is African American (5%), and one is Other (5%).

226. MEETINGS; PUBLICATION OF REPORT.

226.1 The Commission shall meet and begin the operations of the Commission as soon as practicable, but no later than August 1, 2023, and conclude its work and publish its report no later than August 1, 2024.

226.2 The Commission shall include in its final report a summary of its findings, conclusions, and recommendations specifically to be published in the Secretary of State's official Voter Information Guide for the 2024 Statewide General Election.

227. QUORUM; VACANCIES.

227.1 After its initial meeting, the Commission shall meet upon the call of the chairman, whom shall be elected together with the vice chairman (as well as any other officers deemed necessary by the members) during their first meeting, or a majority of its members. Twelve members of the Commission shall constitute a quorum.

227.2 Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original vacancy was filled.

228. POWERS OF COMMISSION.

228.1 The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this Article:

- a) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and
- b) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

229. SUBPOENAS.

229.1 In general, a subpoena may be issued under this subsection only:

- a) by the agreement of the chairman and the vice chairman; or
- b) by the affirmative vote of 11 members of the Commission.

229.2 Subject to clause (a), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

229.2 In the case of contumacy or failure to obey a subpoena issued under this Act, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence.

229.3 Any failure to obey the order of the court may be punished by the court as a contempt of that court.

230. COMPENSATION FOR MEMBERS OF THE COMMISSION.

- 230.1** The members of the Commission shall be compensated at the rate of three hundred thirty-five dollars (\$335) for each day the member is engaged in Commission business.
- 230.2** The members of the Commission shall be eligible for reimbursement of personal expenses incurred in connection with the duties performed pursuant to this act. A member's residence is hereby deemed to be the member's post of duty for purposes of reimbursement of expenses.

231. APPROPRIATIONS OF STATE FUNDS FOR COMMISSION.

- 231.1** For the fiscal year starting July 1, 2023, the Governor shall include in the Governor's Budget submitted to the Legislature pursuant to Section 12 of Article IV of the California Constitution amounts of funding for the Commission established by this act that are sufficient to meet the Commission's estimated expenses.
- 231.2** The Legislature shall make the necessary appropriation in the budget act for the fiscal year starting July 1, 2023 to ensure the Commission may start and complete its work on time.
- 231.3** The Governor shall make adequate office space available for the operation of the Commission.



September 4, 2020

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

Attention: Ms. Anabel Renteria
Initiative Coordinator

Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed the proposed statutory initiative that would express the intent of California voters to seek changes in the state's relationship with the United States of America (A.G. File No. 20-0001, Amendment #1).

Background

California's Constitution. In 1850, Congress and President Fillmore approved the act admitting California into the United States of America. Section 1 of Article III of the current State Constitution provides that California "is an inseparable part of the United States of America." The State Constitution provides that the U.S. Constitution is the supreme law of the land.

U.S. Constitution Does Not Provide for Secession. The U.S. Constitution includes neither a mechanism for a state to secede from the United States nor a provision for a single state to be an autonomous nation within the United States. 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."

Initiatives and Constitutional Revisions. In 1911, California voters approved Proposition 7, which amended the State Constitution to create the statewide voter initiative process. A voter initiative, such as this proposal, may not institute changes—known as constitutional revisions—that substantially alter the basic governmental framework of the state. Only the Legislature or a state constitutional convention may place proposed constitutional revisions before the voters.

Proposal

Proposes Statutory Changes. This measure proposes to enact new California statutory law and proposes no constitutional amendments. State statutory law generally cannot override the State Constitution or the U.S. Constitution. In addition, voter initiative measures such as this one

may not institute changes, known as revisions, which alter the "basic governmental framework" set forth in the State Constitution.

Creates New State Commission. This measure creates a 20-member state commission on national sovereignty and independence. The commission would be required to produce a public report—by August 1, 2024—on the ability of California to govern itself as an independent nation and possible means to achieve independence. The measure specifies the commission’s composition, selection process, and eligibility criteria for members. The commission would hold hearings and have subpoena power.

Calls for Voters to Respond to a Question on Independence in November 2024. This measure calls for voters to consider a question related to independence on November 5, 2024—a date when a statewide election is scheduled to be held. At this election, voters would be asked: “Should California leave the United States and become a free and independent country?” The measure states this election “shall constitute a vote of no confidence in the United States of America and an expression of the will of the people of California to become a free and independent country” if both of the following conditions are met:

- At least 50 percent of registered voters participate.
- At least 55 percent vote “Yes.”

If both conditions are met, this measure requires the state to remove the national flag of the United States of America from all state buildings and properties and instead display the state flag. The measure does not state how, when, or whether California would become an independent country.

Fiscal Effects

Various Uncertainties. There are many legal uncertainties concerning this measure and, therefore, uncertainties about its economic and fiscal effects. For example, this measure could be found by the courts to be an unconstitutional revision of California’s basic governmental framework, either (1) preventing it from ever reaching the ballot or (2) invalidating it in whole or in part if voters approved it at an election. Even if voters approved this measure and a later vote for independence, it is not clear that there would be any change without the consent of the rest of the United States.

Cost of New State Commission and Future Election. The measure would involve added state costs to form the new state commission on national sovereignty and independence. These costs would vary depending on decisions by the Legislature in funding the new commission. However, existing state commissions of similar size have budgets around \$1 million annually. By calling for voters to respond to a question on independence in a future election, the measure also could increase state and local election administration costs on a one-time basis by tens of millions of dollars. However, the State Constitution outlines a specific process by which a voter initiative can appear on the ballot and the initiative does not follow that process.

Major Economic and Fiscal Changes if California Becomes Sovereign Nation. Assuming that California actually became a sovereign and independent nation, there could be major

economic and budgetary changes for the state and local governments. For example, this would include: California's use of the U.S. dollar as a currency, the ability of Californians to travel to and trade with the U.S., and Californian's participation in federal programs like Social Security and Medicare. The details of these changes are unknown. They would depend on the terms of any arrangement reached between California and the United States, which would have to be approved by voters at some point in the future after the approval of this measure.

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

- Around \$1 million in added state costs for a new state commission on national sovereignty and independence.
- Potential state and local election administration costs in the tens of millions of dollars to ask voters to respond to a question on independence.
- Unknown, potentially major, fiscal effects if California voters approved changes to the state's relationship with the United States at a future election after the approval of this measure.

Sincerely,



Gabriel Petek
Legislative Analyst



Keely Martin Bosler
Director of Finance