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Division of California into Six States. Initiative Statutory and Constitutional Amendment.

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Timothy Cook Draper
2882 Sand Hill Road, Suite 150
Menlo Park, Ca 94025

12/19/2013

RECEIVED

DEC 20 2013

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Request for Title and Summary for Proposed Initiative

Dear Initiative Coordinator:

With this letter I submit a proposed statewide ballot measure in accordance with Article II of Section 10(d) of the California Constitution. I am the proponent of the measure and a registered voter in the State of California. Please prepare a circulating title and summary of the measure as provided by law.

Enclosed with this letter and text of the proposed measure is a check in the amount of \$200 and the affidavits required by the Elections Code.

For purposes of inquiries from the public and the media, please direct them as follows:

Tim Draper
2882 Sand Hill Road
Menlo Park, Ca 94025
650-233-9000
tim@dfj.com

Thank you for your time and attention processing my request.

Sincerely,


Timothy C Draper

Timothy Cook Draper

SIX CALIFORNIAS

INITIATIVE MEASURE SUBMITTED DIRECTLY TO VOTERS

SECTION 1. STATEMENT OF FINDINGS

- A. California is the nation's most populous state, nearly six times larger than the average population of the fifty states. However, much of the state's population is concentrated in certain urban and coastal areas, particularly in Southern California.
- B. California is the nation's third largest state by geography, over two times larger than the average of the fifty states, with enormous and diverse economies, including agriculture, energy, technology, and entertainment.
- C. As a consequence of these and other socio-economic factors, political representation of California's diverse population and economies has rendered the state nearly ungovernable. Additionally, vast parts of our state are poorly served by a representative government dominated by a large number of elected representatives from a small part of our state, both geographically and economically.
- D. It is not surprising that efforts to divide the state have been part of its history for over one hundred years. In fact, voters overwhelmingly approved the splitting of California into two states in 1859, but Congress never acted on that request due to the Civil War.
- E. The citizens of the whole state would be better served by six smaller state governments while preserving the historical boundaries of the various counties, cities, and towns.
- F. Moreover, the voters in any given county should be permitted to choose a different state then assigned by this law, thereby creating competition in proposed governance which will lead to better and more responsive governance.
- G. The legal processes for division of the State will take time. In the interim, we the people desire to empower local governments and lessen the role of Sacramento over every aspect of our lives, to encourage regional cooperation, and to begin the process of new state identification.

SECTION 2. STATEMENT OF PURPOSE

- A. The people, acting as the legislative body of the State pursuant to their reserved legislative power provided by the California Constitution, hereby:
- (1) Establish new boundaries for six new states within the boundaries of the State of California;

(2) Establish a procedure for county voters to choose to associate with a different state than assigned by this law prior to each State's formation;

(3) Establish a procedure for the transformation of the single State of California into six new states;

(4) Provide the legislative consent for the formation of six new states to Congress as required by the United States Constitution; and

(5) Provide interim relief to the people by empowering local government and promoting regional cooperation in recognition of the new states proposed herein.

SECTION 3. LEGISLATIVE CONSENT FOR THE CREATION OF SIX NEW STATES WITHIN THE CURRENT BOUNDARIES OF CALIFORNIA.

Section 2 of Article III of the California Constitution is amended to read:

Sec. 2. The boundaries of the State are those stated in the Constitution of 1849 as modified pursuant to statute changing said boundaries or providing legislative authorization to divide the State into two or more new states and providing for such transformation. Sacramento is the capital of California.

Article 3.1 of Chapter 1 (commencing with Section 173) of the Government Code is added to read:

§ 173(a) Upon enactment of this section, the legislative consent required by Section 3 of Article IV of the United States Constitution for the creation of six (6) states within the current boundaries of the State of California, established pursuant to Article 3 of this Code, is given by the people.

(b) The boundaries of the six (6) new states shall be as follows:

(1) A new state, named Jefferson, including the territory represented by the boundaries of the following counties: Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Plumas, Siskiyou, Shasta, Tehama, and Trinity.

(2) A new state, named North California, including the territory represented by the following counties: Amador, El Dorado, Marin, Napa, Nevada, Placer, Sacramento, Sierra, Solano, Sonoma, Sutter, Yolo, and Yuba.

(3) A new state, named Central California, including the territory represented by the boundaries of the following counties: Alpine, Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, San Joaquin, Stanislaus, Tulare, and Tuolumne.

(4) A new state, named Silicon Valley, including the territory represented by the following counties: Alameda, Contra Costa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Monterey.

(5) A new state, named West California, including the territory represented by the following counties: Santa Barbara, San Luis Obispo, Los Angeles, and Ventura.

(6) A new state, named South California, including the territory of Imperial, Orange, Riverside, San Bernardino, and San Diego.

(c) On or before November 15, 2017, the voters of any county, pursuant to the initiative power or upon action of the Board of Supervisors placing a measure on the ballot, may enact an ordinance to become part of a contiguous state other than the state assigned pursuant to this section. Within thirty (30) days after certification of the vote approving the ordinance, the Boards of Supervisors in the state to which the county seeks to be re-assigned shall vote to approve the reassignment, and if a majority of those county Boards approve, the reassignment shall become effective and the Registrar of Voters shall transmit the certification and ordinance to the Governor.

(d) On January 1, 2018, the Governor shall transmit a copy of the certified election results enacting this Article, including the results of any subsequent county election to associate with a different state than assigned by this section, and a copy of this Article to Congress, with a request that Congress act upon the consent of the people within twelve (12) months.

§ 174(a) Upon enactment of this section, there shall be a Board of Commissioners established with the authority to provide for the division and transformation of California. Not less than 180 days after Congress acts to approve the creation of six (6) states from within the boundaries of the state of California, established pursuant to section 173, the Legislature shall appoint twelve (12) Commissioners, six (6) by the Assembly and six (6) by the Senate to serve on a Board of Commissioners for a term not to exceed two (2) years.

(b) The Board of Supervisors of each county within a newly created state shall convene and collectively appoint two Commissioners to represent that new state on the Board of Commissioners for a term not to exceed two (2) years.

(c) The twenty-four (24) member Board of Commissioners shall, settle and adjust the property and financial affairs between the State of California and the newly created states. In the event the Commissioners fail to reach resolution of such matters before the end of their terms, the debts of the State of California shall be distributed among the newly created states based on the population of the new states proportionately to the whole population of California at the time of Congressional action and the assets within the boundaries of each newly created state shall become the assets of that state.

(d) The Legislature shall provide the financial and staff resources needed for the Board of Commissioners to conduct its business.

(e) Except as provided in section 4.5 of Article XI, the legal relationship between the counties and the State of California shall continue until the organization and establishment of a separate government in a newly created state, including the adoption of a Constitution by convention or popular vote within each newly created state.

SECTION 4. COUNTY AND REGIONAL POWER DURING INTERIM PERIOD OF TRANSFORMATION

Article XI of the California Constitution is amended to add section 4.5 to read:

Sec. 4.5(a) Upon enactment of this section, it shall be competent in any county charter to provide that the county governed thereunder may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. County charters adopted pursuant to this Constitution shall supersede any existing charter, and with respect to municipal affairs shall supersede all laws inconsistent therewith.

(b) A county charter may provide for the delegation of authority in respect to municipal affairs, by way of compact, or other agreement, to a regional association of counties, consisting of the other counties within the boundaries of the new states provided for in section 2.5 of Article II, during the interim period of time before Congressional approval of the new states.

(c) For purposes of this section, any law intended by the Legislature to be a general law or matter of statewide concern that supersedes the authority of a county over its municipal affairs and also requires an annual subvention of funds to reimburse the county for the costs of the program or service pursuant to section 6 of Article XIII B, shall require an annual transfer of funds from the state treasury to a county treasury, as needed, and in the absence of such reimbursement, the county shall have no obligation to enforce the law. The state shall have no power to incur debt owed to a county pursuant to this subdivision.

SECTION 5. GENERAL PROVISIONS

(a) If any provision of this Act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

(b) This Act is intended to be comprehensive. It is the intent of the People that in the event this Act or measures relating to the same subject shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this Act. In the event that this Act receives a greater number of affirmative votes, the provisions of this Act shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

(c) In recognition of his personal and financial stake in the enforcement, implementation, and defense of the initiative, the official proponent of the initiative is hereby appointed “agent of the State of California” for purposes of defending the initiative against any legal challenge. In that capacity, he will supervise the legal defense provided by the Attorney General. If, in his sole determination, the Attorney General is not providing an adequate defense, the proponent shall be authorized to retain outside counsel to be compensated from the budget of the Department of Justice, and the Attorney General shall appoint such counsel as “Special Deputy Attorney General of the State of California” for the limited purpose of defending the initiative against any and all legal challenges, both at trial and on any appeal, including appeal by way of petition for writ of certiorari to the Supreme Court of the United States.