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CALIFORNIA NATIONHOOD. INITIATIVE STATUTE.

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

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JUL 09 2015

INITIATIVE COORDINATOR
 ATTORNEY GENERAL'S OFFICE

Re: request for title and summary for proposed initiative

Pursuant to Article II, Section 10(d) of the California Constitution, this letter respectfully requests, on the 165th anniversary of the American military annexation of California, that the Attorney General prepare a circulating title and summary of the enclosed proposed state-wide initiative: "2020 California Referendum", which adds Division 22 to the Elections Code.

Also enclosed are the required signed statements pursuant to California Elections Code 9001 and 9608, and a money order in the amount of \$200.

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

Louis J Marinelli,
 President, Sovereign California
LJMarinelli@sovereignca.org
 Sovereign California (FPPC ID: 1373550)
 P.O. Box 121165
 San Diego, California, 92112-1165

Thank you for your time and attention to this matter.

Sincerely,



Signature of Proponent

Louis J. Marinelli

Printed Name

July 7, 2015

Date

ELECTIONS CODE - ELEC**DIVISION 22. THE CALIFORNIA NATIONHOOD REFERENDUM****CHAPTER 1. FINDINGS AND DECLARATIONS****100. American Annexation of California is Comparable to American Annexation of Hawaii**

(a) *Whereas*, on the issue of the American annexation of Hawaii following an American-supported overthrow of the Kingdom of Hawaii, President Cleveland concluded that a "substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair" and called for the restoration of the Hawaiian monarchy;

(b) *Therefore*, on the issue of the American annexation of California, a substantial wrong was committed which a due regard for the national character of the United States as well as the rights of Californians requires the United States to endeavor to repair by calling for the restoration of the California Republic.

101. Hawaiians and Californians Alike Never Held a Referendum on Statehood

(a) *Whereas*, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum;

(b) *Therefore*, considering that the Californian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their government or through a plebiscite or referendum, the people of California must have the right to finally hold a referendum on statehood.

102. The United States Government Has Apologized to Hawaii

(a) *Whereas*, the Government of the United States has officially and formally apologized to the people of Hawaii for the illegal overthrow of the Kingdom of Hawaii;

(b) *Similarly*, the Government of the United States has yet to officially and formally apologize to the people of California for the illegal annexation of the California Republic;

103. The United States Government Has Acknowledged the Illegality of their Annexation of Hawaii

(a) *Whereas*, the Government of the United States has officially and formally acknowledged the historical significance of the illegal overthrow of the Kingdom of Hawaii which resulted in the suppression of the inherent sovereignty of the Native Hawaiian people;

(b) *Similarly*, the Government of the United States has yet to officially and formally acknowledge the historical significance of the illegal annexation of the California Republic which resulted in the suppression of the inherent sovereignty of the people of California;

104. The United States Militarily Annexed California and No Statehood Referendum Was Held

(a) *Whereas*, California was compelled to join the United States as a result of military annexation and that every state in the United States except California and Hawaii requested admission into the Union as a state, held a referendum on the matter, or otherwise joined voluntarily;

(b) *Therefore*, California has the right to hold a referendum on statehood, nationhood, and independence.

105. People May Not be Compelled to Belong to an Association, Such as a Particular Government

(a) *Whereas*, Aristotle wrote, “the state is an association and is the highest form of human association.”

(b) *Whereas*, modern political philosopher Robert Morrison MacIver echoed this interpretation, writing that the state is “an association”;

(c) *Whereas*, Article 20, Clause 2 of the Universal Declaration of Human Rights adopted by the United Nations states, “No one may be compelled to belong to an association.”

106. United States Has Historically Recognized Nations to Advance Geopolitical Goals

(a) *Whereas*, the United States recognized Kosovo independence in 2008 after a unilateral declaration of independence by the Kosovar people;

(b) *Whereas*, the Head of the American delegation to the International Court of Justice in The Hague, said in 2009 on behalf of the United States government, “For as a general matter, international law does not regulate declarations of independence, nor is there anything about Kosovo’s particular Declaration that would render it not in accordance with international law. Standing alone, a declaration neither constitutes nor establishes political independence; it announces a political reality or aspiration that must then be achieved by other means. Declaring independence is fundamentally an act of popular will – a political act, made by a body politic, which other States then decide whether to recognize or not.”

(c) *Whereas*, it is the further the position of the United States Government, as expressed by the Head of the American delegation to the International Court of Justice in The Hague in 2009 that “[A]n important measure of human liberty is the freedom of a people to conduct their own affairs.”

CHAPTER 2. ESTABLISHED REFERENDUM DATE

200.

Pursuant to Section 1000 of Division 1 of the Elections Code, there shall be a nationhood referendum on the on the first Tuesday after the first Monday in November beginning November of 2020, and every four years thereafter in accordance with the United States presidential election cycle.

CHAPTER 3. REFERENDUM TEXT

300.

Pursuant to Section 100 of Division 22 of the Elections Code, the Secretary of State shall place the following nationhood referendum on the ballot every four years beginning in the year 2020:

“Do you agree that California should acquire the exclusive power to make its laws, levy its taxes and establish its own relations abroad – in other words, sovereignty – and at the same time to maintain with United States an economic, political, and military partnership?”

301.

Pursuant to Section 200 of Division 22 of the Elections Code, the nationhood referendum shall include the possible answers “Yes” to indicate agreement with the question, and “No” to indicate disagreement.

CHAPTER 4. REFERENDUM RESULTS

400.

Pursuant to Chapter 2 of Division 22 of the Elections Code, if a majority of the voters approve the nationhood referendum, the Government of California shall present a formal offer to the United States for a new economic, political and military partnership that redefines California as a “distinct society” – a nation within the United States.

400.5.

The formal offer pursuant to Section 300 of Chapter 3 of Division 22 the Elections Code must include a non-negotiable clause demanding federal recognition of California as a nation and a “distinct society”.

401.

Pursuant to Chapter 2 of Division 22 of the Elections Code, if a majority of the voters do not approve the nationhood referendum, the Secretary of State shall place the referendum on the subsequent ballot pursuant to Chapter 1 of Division 22 of the Elections Code.

402.

Pursuant to Section 300 of Chapter 3 of Division 22 of the Elections Code, any formal offer accepted by United States shall not take effect until approved by the voters in the subsequent general election.

402.5

The Secretary of State shall have the authority and responsibility to formulate the appropriate text of the referendum pursuant to Section 302 of this Chapter, and to set standards for its inclusion on the ballot in the subsequent even-year general election, but the referendum must be similar, to the extent possible, to the following template:

“Do you accept the terms of the agreement approved by the United States Government on (Month, Day, Year) that grants California the exclusive power to make its laws, levy its taxes and establish its own relations abroad – in other words, that grants California sovereignty – and at the same time to maintain with United States an economic, political, and military partnership?”

403.

Pursuant to Chapter 2 of Division 22 of the Elections Code, if a majority of the voters approve the nationhood referendum, the Government of California in good faith presents a formal offer to the United States for a new economic, political and military partnership that redefines California as a “distinct society” – a nation within the United States, and the United States refuses to acknowledge, or otherwise fails to accept the formal offer, the Secretary of State, ipso facto, shall place the following referendum on the ballot in lieu of the nationhood referendum: “Should California be an independent country?”

404.

Pursuant to Section 303 of Chapter 3 of Division 22 of the Elections Code, the independence referendum shall include the possible answers “Yes” to indicate a preference for independence, and “No” to indicate preference for continued statehood.

405.

Pursuant to Section 303 of Chapter 3 of Division 22 of the Elections Code, the California Government shall invite the United Nations to send election observers to monitor the independence referendum.

CHAPTER 5. INDEPENDENCE REFERENDUM RESULTS

500.

Pursuant to Chapter 3 of Division 22 of the Elections Code, if a majority of the voters approve the independence referendum, the Government of California shall establish a state commission to declare independence from the United States.

501.

Pursuant to Section 403 of Chapter 4 of Division 22 of the Elections Code, if a majority of the voters approve the independence referendum, the chief executive of California shall send a letter to the Secretary-General of the United Nations requesting admission to membership in the United Nations. The letter shall include, but is not limited to, (1) a reference to the date and results of the independence referendum, (2) a request for the letter to be submitted to the Security Council and General Assembly as soon as possible, and (3) the following declaration shall be signed and appended to the letter:

“In connection with the application for the Republic of California for membership in the United Nations, I have the honor, on behalf the Republic of California and in my capacity as the chief executive of the Republic, to solemnly declare that the Republic of California accepts the obligations contained in the Charter of the United Nations and undertakes to fulfill them.”

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

CALIFORNIA NATIONHOOD. INITIATIVE STATUTE. Places question of whether California should become a separate nation on the ballot every four years, beginning November 2020. Voter approval of nationhood in any such election would then require California to demand federal recognition as a separate nation and distinct society. Federal government refusal to recognize California's nationhood would require future placement on the ballot, every four years, the second question of whether California should unilaterally declare independence from the United States. Voter approval of unilateral independence from the United States in any such election would require California to declare independence and request admission to the United Nations. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Potentially large changes in California public budgets, assuming that this measure can be implemented legally, that voters approve changes to California's relationship with the United States in later elections, and that these changes actually occur.** (15-0037.)