

**CONSTITUTION OF THE  
STATE OF NEW CALIFORNIA**

December 2018

**PREAMBLE AND DECLARATION OF RIGHTS.  
PREAMBLE.**

*WE, the People of the State of New California, grateful to Almighty God for our freedom,  
in order to secure and perpetuate its blessings, do establish this Constitution.*

# **ARTICLE I**

## **DECLARATION OF RIGHTS**

### **SECTION 1. Inherent Rights**

All individuals are by nature free and independent, and have certain unalienable rights, among which are the natural right to life, liberty, and the pursuit of happiness, the right and freedom of conscience, the enjoyment of the rewards of their own industry, all individuals are equal and entitled to equal rights, opportunities, and protection under the law, and the right to defend life, liberty; acquire possess, and protect property.

### **SECTION 2. Source of Government**

All political power is inherent in the people. Government originates with the people, and is founded upon their will only, and s instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

### **SECTION 3. Source of Law**

The State of New California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land. No other source of law be it international, global, or foreign shall be recognized within the boundaries of New California State.

### **SECTION 4. Civil Rights**

No person shall be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin. No property qualification shall ever be required for any person to vote or hold office.

### **SECTION 5. Freedom of Religion**

The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

### **SECTION 6. Freedom of Speech**

Every citizen may freely speak, write, and publish his sentiments, on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.

## SECTION 7. Freedom of Assembly & Petition

The people shall have the right to freely assemble together to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

## SECTION 8. Due Process

No person shall be deprived of life, liberty, or property without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed.

## SECTION 9. Grand Jury

No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a grand jury, except in cases arising in the armed forces in time of war or public danger. Indictment may be waived by the accused in that case the prosecution shall be by information. The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.

## SECTION 10. Treason

Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open Court. Enemies of the State are defined as any entities who have avowed the annihilation, invasion, political, financial, or religious take-over of the State of New California.

## SECTION 11. Rights of the Accused

In criminal prosecutions, in any Court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the Court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law. The Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases, other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

## SECTION 12. Criminal Administration

All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

## SECTION 13. Habeas Corpus

The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

#### SECTION 14. Searches and Seizures

The right of the people to be secure in their persons, private conversations, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated by any means ; and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

#### SECTION 15. Prohibited State Action

No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature; nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.

#### SECTION 16. Trial by Jury

The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases; not amounting to felony, by the consent of both parties, expressed in open Court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions, and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open Court.

#### SECTION 17. Imprisonment for Debt

No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud, nor in civil actions for torts, except in cases of willful injury to person or property; and no person shall be imprisoned for a militia fine in time of peace.

#### SECTION 18. Eminent Domain

Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into Court for, the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into Court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a Court of record, as shall be prescribed by law.

#### SECTION 19. Right to Keep and Bear Arms.

A well-regulated militia is necessary to the security of a free state. The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State.

#### SECTION 20. Quartering Soldiers

The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace, and no soldier shall, in time

of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

#### SECTION 21. Naturalization

Foreigners eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of property as native-born citizens.

#### SECTION 22. Voting

Citizenship in the United States is required for any person to vote or hold office. Residence within the district of the office being held is required for anyone holding office in the State of New California.

#### SECTION 23. Privileges and Immunities

No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature; nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.

#### SECTION 24. Construction

All laws of a general nature shall have a uniform operation. This enumeration of rights shall not be construed to impair or deny others retained by the people. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

## ARTICLE II

### VOTING AND ELECTIONS

#### SECTION 1. *Qualified Voter.*

Every citizen, and every person who shall have acquired the right of citizenship of the United States of America, who has been a resident of the State of New California for 90 days prior to an election, and who is at least 18 years of age, and who meets registration residency requirements as prescribed by law may vote in state and local elections.

#### SECTION 2. *Disqualifications*

No person may vote who has been convicted of a felony involving moral turpitude unless his or her civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

#### SECTION 3. *Electors*

Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning there from. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

#### SECTION 4. *Residency*

For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; not while a student at any seminary of learning. Qualified voters shall be eligible to vote only in the district of their primary residence.

## SECTION 5. *Methods of Voting*

Election Contests. All elections by the people shall be by ballot. Methods of voting, including absentee voting, shall be prescribed by law. Secrecy of voting shall be preserved. The procedure for determining election contests, with right of appeal to the courts, shall be prescribed by law.

## SECTION 6. *General Elections*

General election shall be held on the first Tuesday after the first Monday in November of every even-numbered year, but the month and day may be changed by law.

## **ARTICLE III**

### **POWERS**

#### **SECTION 1.**

The powers of the Government of the State of New California shall be divided into three separate departments; the legislative, executive and judicial, and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others as in this Constitution expressly directed or permitted.

#### **SECTION 2.**

The Legislative body shall be a bicameral body with the upper house or Senate representing counties and the lower body or Assembly representing the people of New California.



## **ARTICLE IV**

### **LEGISLATIVE DEPARTMENT**

#### **SECTION 1.**

The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated The Legislature of the State of New California, and the enacting clause of every law shall be as follows: "The People of the State of New California, represented in Senate and Assembly, do enact as follows."

#### **SECTION 2.**

The sessions of the Legislature shall commence at twelve o'clock M. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year two thousand and twenty, shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No pay shall be allowed to members for a longer time than sixty days, except for the first session after the adoption of this Constitution, for which they may be allowed pay for one hundred days. And no bill shall be introduced in either House, after the expiration of ninety days from the commencement of the first session, nor after fifty days after the commencement of each succeeding session, without the consent of two-thirds of the members thereof.

#### **SECTION 3**

Members of the Assembly shall be elected in the year [date TBD], at the time and in the manner now provided by law. The second election of members of the Assembly, after the adoption of this Constitution, shall be on the first Tuesday after the first Monday in November, [date TBD]. Thereafter, members of the Assembly shall be chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

#### SECTION 4.

Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he or she shall be chosen one year, next before his or her election.

#### SECTION 5.

The Senate shall consist of forty members, and the Assembly of eighty members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty Senators elected in the year [date TBD]-two from the odd numbered districts shall be vacated at the expiration of the second year, so that one half of the Senators shall be elected every two years; provided, that all the Senators elected at the first election under this Constitution shall hold Office for the term of three years.

#### SECTION 6.

For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and in the assembly districts shall be numbered from one to eighty, in the same order, commencing at the northern boundary of the State, and ending at the southern boundary thereof. In the formation of such districts, no county, or city and county, shall be divided, unless it contain a sufficient population within itself to form two or more districts; nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the United States in the year [date TBD], and every ten years thereafter, shall be the basis of fixing and adjusting the legislative, districts, and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

## SECTION 7

Each House shall choose its officers, and judge of the qualifications, elections, and returns of its members.

## SECTION 8

A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as each House may provide.

## SECTION 9

Each house shall determine the rule of its proceeding, and may, with the concurrence of two thirds of all the members elected, expel a member.

## SECTION 10

Each House shall keep a Journal of its proceedings, and publish the same, and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the Journal.

## SECTION 11

Members of the Legislature shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

## SECTION 12

When vacancies occur in either House, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

## SECTION 13

The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

## SECTION 14

Neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting. Nor shall the members of either House draw pay for any recess or adjournment for a longer time than three days.

## SECTION 15

No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each House, unless, in case of urgency, two thirds of the House where such bill may be pending shall, by a vote of yeas and nays, dispense with this provision. Any bill may originate in either House, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas, and nays upon each bill separately, and shall be entered on the Journal; and no bill shall become a law without the concurrence of a majority of the members elected to each House.

## SECTION 16

Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter such objections upon the Journal and proceed to reconsider it. If, after such reconsideration, it again pass both Houses, by yeas and nays, two thirds of the members elected to each House voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to the Governor (Sundays excepted), the same shall become a law in like manner as if he or she had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within ten days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him or her before adjournment. If any bill presented to the

Governor contains several items of appropriation of money, he or she may object to one or more items, while approving other portions of the bill. In such case the Governor shall append to the bill, at the time of signing it, a statement of the items to which he or she objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the House in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

## SECTION 17

The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members elected.

## SECTION 18

The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Chief Justice and Associate Justices of the Supreme Court, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

## SECTION 19

No Senator or member of Assembly shall, during the term for which. He or she shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which have been increased, during such term, except such offices as may be filled by election by the people.

## SECTION 20

No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; provided, that officers in the militia, who

receive no annual salary, local officers, or Postmasters whose compensation does not exceed [amount TBD] per annum, shall not be deemed to hold lucrative offices.

## SECTION 21

No person convicted of the embezzlement or defalcation of the public funds of the United States, or of any State, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this State, and the Legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony.

## SECTION 22

No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; provided, that notwithstanding anything contained in this or any other section of this Constitution the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; provided further, that the State shall have, at any time, the right to inquire into the management, of such institutions provided further, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half orphans, or abandoned children or aged persons in indigent circumstances, such county, city and county, city, or town, shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

## SECTION 23

The members of the Legislature shall receive for their services a per diem and mileage, to be fixed by law, and paid out of the public treasury; such per diem shall not exceed [amount TBD] dollars, and such mileage shall not exceed [amount TBD] per mile, and for contingent expenses not exceeding [amount TBD] dollars for each session. No increase in compensation or mileage

shall take effect during the term for which the members of either House shall have been elected, and the pay of no attaché shall be increased after he is elected or appointed.

## SECTION 24

Every Act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in its title, such Act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be reenacted, and published at length as revised or amended; and all laws of the State of New California, and all official writings, and the executive, legislative, and judicial proceedings shall be conducted, preserved, and published in no other than the English language.

## SECTION 25

The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

First—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of Courts of justice.

Fourth—Providing for changing the venue in civil or criminal actions.

Fifth—Granting divorces.

Sixth—Changing the names of persons or places.

Seventh—Authorizing the laying out, opening., altering, maintaining, or vacating roads, highways, streets, alleys, town plats, parks, cemeteries, graveyards, or public grounds not owned by the State.

Eighth—Summoning and impending grand and petit juries, and providing for their compensation.

Ninth—Regulating county and township business, or the election of county and township officers.

Tenth—For the assessment or collection of taxes.

Eleventh—Providing for conducting elections, or designating the places of voting, except on the organization of new counties.

Twelfth—Affecting estates of deceased persons, minors, or other persons under legal disabilities.

Thirteenth—Extending the time for the collection of taxes.

Fourteenth--Giving effect to invalid deeds, wills, or other instruments. Fifteenth—Refunding money paid into the State treasury.

Sixteenth—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

Seventeenth—Declaring any person of age, or authorizing any minor to sell, lease, or incumber his or her property.

Eighteenth—Legalizing, except as against the State, the unauthorized or invalid act of any officer.

Nineteenth—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

Twentieth—Exempting property from taxation.

Twenty-first—Changing county seats.

Twenty-second—Restoring to citizenship persons convicted of infamous crimes.

Twenty-third—Regulating the rate of interest on money.

Twenty-fourth—Authorizing the creation, extension, or impairing of liens.

Twenty-fifth—Chartering or licensing ferries, bridges, or roads.

Twenty-sixth—Remitting fines, penalties, or forfeitures.

Twenty-seventh—Providing for the management of common schools.

Twenty-eighth—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, townships, election or school districts.

Twenty-ninth—Affecting the fees or salary of any officer.

Thirtieth—Changing the law of descent or succession.

Thirty-first—Authorizing the adoption or legitimation of children.



Thirty-second—For limitation of civil or criminal actions.

Thirty-third—In all other cases where a general law can be made applicable.

## SECTION 26

The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to regulate or prohibit the buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any association. All contracts for the sale of shares of the capital stock of any corporation or association, on margin or to be delivered at a future day, shall be void, and any money paid on such contracts may be recovered by the party paying it by suit in any Court of competent jurisdiction.

## SECTION 27

When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more Congressmen; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county, containing a population greater than the number required for one congressional district, shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts, no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

## SECTION 28

In all elections by the Legislature the members thereof shall vote viva voce, and the votes shall be entered on the Journal.

## SECTION 29

The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.

## SECTION 30

Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article.

## SECTION 31

The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

## SECTION 32

The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into and performed, in whole or

in part, nor to pay, or to authorize the payment of, any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

### SECTION 33

The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and wharfage, in which there is a public use; and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation.

### SECTION 34

No bill making an appropriation of money, except the general appropriation bill, shall contain more than one item of appropriation, and that for one single and certain purpose to be therein expressed.

### SECTION 35

Any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony; and it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any member of the Legislature who shall be influenced in his vote or action upon any matter pending before the Legislature by any reward, or promise of future reward, shall be deemed guilty of a felony, and, upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his or her vote or action, as a member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his or her testimony upon the ground that it may criminate himself or herself or subject him or her to public infamy; but such testimony shall not

afterwards be used against him or her in any judicial proceeding, except for perjury in giving such testimony.

## **ARTICLE V**

### **EXECUTIVE DEPARTMENT**

#### **SECTION 1.**

The supreme executive power of this State shall be vested in a Chief Magistrate who shall be styled the Governor of the State of New California.

#### **SEC. 2.**

The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his or her office four years from and after the first Monday after the first day of January subsequent to the Governor's election, and until his or her successor is elected and qualified.

#### **SEC. 3.**

No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding his or her election, and attained the age of twenty-five years at the time of such election.

#### **SEC. 4.**

The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of such persons so having an equal and the highest number of votes for Governor.

SEC. 5.

The Governor shall be Commander-in-Chief of the militia, the army and navy of this State.

SEC. 6.

The Governor shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department, upon any subject relating to the duties of their respective offices.

SEC. 7.

The Governor shall see that the laws are faithfully executed.

SEC. 8.

When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

SEC. 9.

The Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he or she has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session and other matters incidental thereto.

SEC. 10.

The Governor shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he or she shall deem expedient.

SEC. 11.

In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he or she may think proper; provided, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 12.

No person shall, while holding any office under the United States or this State, exercise the office of Governor except as hereinafter expressly provided.

SEC. 13.

There shall be a seal of this State, which shall be kept by the Governor, and used by the Governor officially, and shall be called "The Great Seal of the State of New California.

SEC. 14.

All grants and commissions shall be in the name and by the authority of the People of the State of New California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15.

A Lieutenant-Governor shall be elected at the same time and places, and in the same manner as the Governor; and his or her term of office and his or her qualifications of eligibility shall also be the same. The Lieutenant-Governor shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his or her office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office, except as specially provided in this Constitution, during the term for which he or she shall have been elected.

SEC. 16.

In case of the impeachment of the Governor, or the Governor's removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

SEC. 17.

A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant-Governor, and their terms of office shall be the same as that of the Governor.

SEC. 18.

The Secretary of State shall keep a correct record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned to the Secretary of State by law.

SEC. 19.

The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution, as follows: Governor, [amount TBD] dollars per annum; Lieutenant-Governor, the same per 'diem as maybe provided by law for the Speaker of the Assembly, to be allowed only during the session of the legislature; the Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General, [amount TBD] dollars each per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; provided, however, that the Legislature, after the expiration of the terms hereinbefore mentioned, may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this



Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding [amount TBD] dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

#### SEC. 20.

The Governor shall not, during his term of office, be elected a Senator to the Senate of the United States.

#### SEC. 21 *PARDONING POWER.*

The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he or she may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he or she was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court.

# **Article VI**

## **The Judiciary**

No BAR

### *SECTION 1. Judicial Power and Jurisdiction*

The judicial power of the State is vested in a supreme court, a superior court, and the courts established by the legislature. The jurisdiction of courts shall be prescribed by law. The courts shall constitute a unified judicial system for operation and administration. Judicial districts shall be established by law.

### *SECTION 2. Supreme Court*

(a) The Supreme Court shall be the highest court of the State, with final appellate jurisdiction. It shall consist of three justices, one of whom is chief justice. The number of justices may be increased by law upon the request of the Supreme Court.

(b) The chief justice shall be selected from among the justices of the Supreme Court by a majority vote of the justices. His term of office as chief justice is three years. A justice may serve more than one term as chief justice but he may not serve consecutive terms in that office.  
[Amended 1970]

### *SECTION 3. Superior Court*

The superior court shall be the trial court of general jurisdiction and shall consist of five judges. The number of judges may be changed by law.

#### SECTION 4. *Qualifications of Justices and Judges*

Supreme Court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, and possessing any additional qualifications prescribed by law. Judges of other courts shall be selected in a manner, for terms, and with qualifications prescribed by law.

#### SECTION 5. *Nomination and Appointment*

The Governor shall fill any vacancy in an office of Supreme Court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

#### SECTION 6. *Approval or Rejection*

Each Supreme Court justice and superior court judge shall, in the manner provided by law, be subject to approval or rejection on a nonpartisan ballot at the first general election held more than three years after his appointment. Thereafter, each Supreme Court justice shall be subject to approval or rejection in a like manner every tenth year, and each superior court judge, every sixth year.

#### SECTION 7. *Vacancy*

The office of any supreme court justice or superior court judge becomes vacant ninety days after the election at which he is rejected by a majority of those voting on the question, or for which he fails to file his declaration of candidacy to succeed himself.

#### SECTION 8. *Judicial Council*

The judicial council shall consist of seven members. Three attorney members shall be appointed for six-year terms by the governing body of the organized state bar. Three non-attorney members shall be appointed for six-year terms by the Governor subject to confirmation by a majority of the members of the legislature in joint session. Vacancies shall be filled for the unexpired term in like manner. Appointments shall be made with due consideration to area representation and without regard to political affiliation. The chief justice of the Supreme Court shall be ex-officio the seventh member and chairman of the judicial council. No member of the judicial council, except the chief justice, may hold any other office or position of profit under

the United States or the State. The judicial council shall act by concurrence of four or more members and according to rules which it adopts.

#### SECTION 9. *Additional Duties*

The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the Supreme Court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law.

#### SECTION 10. *Commission on Judicial Conduct*

The Commission on Judicial Conduct shall consist of nine members, as follows: three persons who are justices or judges of state courts, elected by the justices and judges of state courts; three members who have practiced law in this state for ten years, appointed by the Governor from nominations made by the governing body of the organized bar and subject to confirmation by a majority of the members of the legislature in joint session; and three persons who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. In addition to being subject to impeachment under section 12 of this article, a justice or judge may be disqualified from acting as such and may be suspended, removed from office, retired, or censured by the supreme court upon the recommendation of the commission. The powers and duties of the commission and the bases for judicial disqualification shall be established by law. [Amended 1968 & 1982]

#### SECTION 11. *Retirement*

Justices and judges shall be retired at the age of seventy except as provided in this article. The basis and amount of retirement pay shall be prescribed by law. Retired judges shall render no further service on the bench except for special assignments as provided by court rule.

#### SECTION 12. *Impeachment*

Impeachment of any justice or judge for malfeasance or misfeasance in the performance of his official duties shall be according to procedure prescribed for civil officers.

### SECTION 13. Compensation

Justices, judges, and members of the judicial council and the Commission on Judicial Qualifications shall receive compensation as prescribed by law. Compensation of justices and judges shall not be diminished during their terms of office, unless by general law applying to all salaried officers of the State.

### SECTION 14. Restrictions

Supreme Court justices and superior court judges while holding office may not practice law, hold office in a political party, or hold any other office or position of profit under the United States, the State, or its political subdivisions. Any Supreme Court justice or superior court judge filing for another elective public office forfeits his judicial position.

### SECTION 15. *Rule-Making Power*

The Supreme Court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. These rules may be changed by the legislature by two-thirds vote of the members elected to each house.

### SECTION 16. *Court Administration*

The chief justice of the Supreme Court shall be the administrative head of all courts. He may assign judges from one court or division thereof to another for temporary service. The chief justice shall, with the approval of the Supreme Court, appoint an administrative director to serve at the pleasure of the Supreme Court and to supervise the administrative operations of the judicial system.

### SECTION 17.

Establish a Constitutional Court which has five jurisdictions the purpose is to guard and defend the constitutional system as set forth in the Constitution.

There are five jurisdictions of the court, i.e. (i) constitutional review of law, (ii) disputes of constitutional jurisdiction between state institutions, (iii) disputes on electoral results, (iv) dissolution of political parties, and (v) impeachment of the president/vice-president.

(The other icon of success in Indonesian reform is the establishment of the Corruption Eradication Commission which independently fights against corruption and grafts. Corruption in Indonesia is regarded an extraordinary crime.) ]

## ARTICLE VII

### HEALTH AND WELFARE

#### SECTION 1. *Regulation of ambulances; powers of legislature*

The legislature may provide for the regulation of ambulances and ambulance services in this state in all matters relating to services provided, routes served, response times and charges.

#### SECTION 2.

##### *A. To preserve the freedom of New Californians to provide for their health care:*

1. A law or rule shall not compel, directly or indirectly, any person, employer or health care provider to participate in any health care system.
2. A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.

##### *B. Insurance*

Subject to reasonable and necessary rules that do not substantially limit a person's options, the purchase or sale of health insurance in private health care systems shall not be prohibited by law or rule.

##### *C. This section does not:*

1. Affect which health care services a health care provider or hospital is required to perform or provide.
2. Affect which health care services are permitted by law.
3. Affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or employer for paying

directly for lawful health care services or a health care provider or hospital for accepting direct payment from a person or employer for lawful health care services.

D. *For the purposes of this section:*

1. "Compel" includes penalties or fines.
2. "Direct payment or pay directly" means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.
3. "Health care system" means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants.
4. "Lawful health care services" means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services.
5. "Penalties or fines" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee with a similar effect established by law or rule by a government established, created or controlled agency that is used to punish or discourage the exercise of rights protected under this section.



## ARTICLE VIII

### MILITIA

*A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.*

#### SECTION 1

The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

#### SECTION 2

All military organizations provided for by this Constitution, or any law of this State, and receiving State support, shall, while under arms either for ceremony or duty, carry no device, banner, or flag of any State or nation, except that of the United States or the State of New California.

#### SECTION 3

The organized militia shall be designated "The National Guard of New California. In times of peace, arms shall be held by the free people; militia of the State of New California to maintain security and the peace.

#### SECTION 4

The militia of the State of New California is the free people of the State of New California.

#### SECTION 5

The word "regulated" shall reflect the intention of the Founders to mean well trained.

## SECTION 6

“Arms”, as represented in the Second Amendment shall be defined as any weapon or technology required to meet and repel the aggression or threat posed by the use of any system or technology utilized to intimidate, threaten, harm, destroy or otherwise infringe upon the natural rights of the sovereign individual or State or Nation. Systems or technologies that infringe upon constitutionally guaranteed and protected rights are weaponized systems or technologies,

## SECTION 7

The unalienable right of the free people of New California to refuse without penalty or retribution, any and all technologies and systemizations of tyranny and aggression shall be constitutionally guaranteed and protected.

## **ARTICLE IX**

### **EDUCATION**

#### *SEC. 1: PUBLIC SCHOOL SYSTEM*

The Legislature shall establish and maintain a system of public schools open to the children of the State of New California. A free education of at least 180 days of instruction in every year shall be supported in each district for children in pre-kindergarten through and including a 12th grade education.

The public school system shall include primary and grammar schools, and such high schools, evening schools, Adult Education, and technical schools as may be established by the Legislature, or by municipal or district authority; but the entire revenue derived from the State School Fund, and the State school tax, shall be applied exclusively to the support of pre-kindergarten, kindergarten, primary, grammar schools and High Schools.

The State shall require that the content of any educational material, including electronic or digital resources and textbooks shall be free of consensus driven social engineering designed to undermine the Constitution of the United States, including the Bill of Rights, or the Constitution of the State of New California and principles held therein.

#### *SEC. 2: FUNDAMENTAL PRINCIPLES OF KNOWLEDGE AND COMPREHENSIVE MASTERY*

To secure in the people a will and a means to recognize, protect and pass on to future generations those certain unalienable rights, the Legislature shall support and encourage the diffusion of knowledge, experience and intelligence for the promotion of intellectual, scientific, technical, moral and agricultural public improvement. All schools shall be responsible for the teaching of the content and meaning of the Founding Documents of our nation and state, the Declaration of Independence, and the Constitution of the United States including the Bill of Rights.

The State of New California shall support and encourage each of the following:

- a) the comprehensive mastery of literacy, both passive and active,
- b) a comprehensive mastery of arithmetic, advanced mathematics, personal accounting and finance
- c) a comprehensive mastery of natural, human, cultural, religious, societal, economic and political histories and their interrelationship
- d) a comprehensive understanding of nature and mastery of the sciences
- e) a comprehensive mastery of computer and electronic technology
- f) a comprehensive appreciation and mastery of the creative arts and music
- g) a comprehensive mastery of physical fitness and nutrition
- g) a comprehensive mastery of hands on physical skills necessary for self-reliance and skilled employment
- h) a comprehensive mastery of self-reliance and self-knowledge; the natural and psychological development of the individual. The individual with the family and culture being necessary to inform the intelligent discernment and wisdom necessary for the participation in and for the preservation of the Constitutionally guaranteed and protected natural rights and liberties of the people.

The Legislature and local districts shall encourage by all constitutionally suitable means, the access to and promotion of said comprehensive understanding and mastery. The Legislature and local school districts shall likewise provide for internship and apprenticeship programs for students transitioning to the work force.

The State shall not impose its will above and beyond the will of the parent to homeschool or to provide other educational opportunities for their dependent child(ren). The State may make available and provide guidelines of comprehensive mastery and understanding as described in this section.

At no time shall the State infringe on an individual's Inherent Rights as described in the Constitution of the State of New California, Article I, Section 1 or in the Constitution of the United States.

### *SEC. 3: STATE OF NEW CALIFORNIA SUPERINTENDENT OF PUBLIC INSTRUCTION*

A Superintendent of Public Instruction shall, at each gubernatorial election following the adoption of this Constitution, be elected by the Citizens of the State. He or She shall receive a salary equal to that of the Secretary of State of the State of New California, and shall enter upon the duties of his or her office on the first Monday after the first day of January next succeeding his or her election. The Superintendent of Public Instruction must be a resident of New California and a Citizen of the United States of America and shall have no felonies or charges against him or her. No Superintendent of Public Instruction may serve more than 2 four-year terms.

### *SEC. 4: STATE BOARD OF EDUCATION*

The State Board of Education shall be responsible for the successful implementation and operations of primary, secondary and post-secondary institutions, with input from local counties and districts.

The goal and responsibility of all educational institutions shall be to ensure that each student shall be provided opportunities for the comprehensive mastery of a broad based education and necessary life skills.

Accreditation is the responsibility of the State Board of Education.

The State Board of Education shall complete and publish an annual financial audit of its funds.

### *SEC. 5: COUNTY SUPERINTENDENT OF SCHOOLS*

A Superintendent of Schools for each county shall be elected by the Citizens of each county at each gubernatorial election; provided, that the Legislature may authorize two or more counties to unite and elect one Superintendent for the counties so uniting. The Superintendent of Schools for each county must be a resident of New California, live in the District for which he or she intends to serve, be a Citizen of the United States of America and shall have no felonies or charges against them.

## *SEC. 6: LOCAL SCHOOL BOARDS*

Local school boards shall have the responsibility for decision-making for the local school districts, to include the selection of educational resources and materials necessary to fulfill the requirements of a the comprehensive mastery of a broad based education and necessary life skills.

Each local school board shall complete and publish an annual financial audit of its funds.

## *SEC. 7: Pre-K and K-12 SCHOOL ACCOUNTABILITY*

Although there shall be a team approach between state, county, district, the responsibility for the final structure shall be carried out at the county level with accountability to the state level. Further, all schools, districts, and counties shall be responsible for obtaining and retaining nationally recognized accreditation status.

## *SEC. 8: SCHOOL CHOICE*

School choice shall be a basic tenant of the New California educational structure. All schools shall meet the requirements necessary to accommodate handicapped, gifted and special needs students. All schools will adapt their curriculum to the needs of their community while in accordance with Article IX, Sections 1 and 2.

## *SEC. 9: SCHOOL SAFETY*

School Boards and private educational agencies shall collaborate with the local authorities and comply with safety and emergency response plans, including preventative measures. It is incumbent upon educational agencies to be proactive in their training and preventive measures to provide safe environments for students and staff at all levels. All schools must have an emergency plan coordinated with staff to be properly trained and certified in accordance with State law and in conjunction with local authorities, IE: Law enforcement, fire marshal, health officials, etc.

## *SEC. 10: PUBLIC USE OF SCHOOL GROUNDS*

Public School fields and playgrounds shall be available to the public during non-school hours.

## SEC. 11: *EDUCATIONAL FUNDING FROM LAND PROCEEDS*

The proceeds of all lands that have been or may be granted by the United States to this State for the support of public schools which may be, or may have been, sold or disposed of, and all estates of deceased persons who may have died without leaving a will or heir, and also such percent as may be granted, or may have been granted, by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of public schools throughout the State.

## SEC. 12: *FUNDING ALLOCATIONS:*

### A. Classroom Funding.

The State shall require that a minimum of three fourths of the budget for pre-K and K-12 education shall be spent in the classroom on qualified teachers, textbooks and appropriate equipment. The State shall provide adequate funding to guarantee teachers the tools that they need to teach students in accordance with Article IX, Section 1.

### B. Teacher Salaries and Compensation:

The State, with the County Boards of Education shall develop and implement fair and equitable salaries and compensation for teachers and school employees.

### C. Restriction of Public Funds:

No public funds shall be appropriated for the support of a person who is not a citizen of the United States, except when that person has engaged the process of becoming a citizen of the United States or possesses federal documentation for temporary residency.

No public money shall ever be appropriated for the support of any theocratic influence or in support of religious or cultural behaviors or instruction that contradicts or challenges or infringes upon any rights guaranteed and protected by the United States Constitution and Bill of Rights and/or the Constitution of the New State of California.

## SEC. 13: *CONSTITUTIONALLY BASED EDUCATION*

No cultural or religious law may, in any way, supersede the laws of the State of New California or the United States Constitution, including the Bill of Rights.

Any religious or cultural behaviors or instruction that contradicts or challenges or infringes upon any rights guaranteed and protected by the United States Constitution and Bill of Rights and/or the Constitution of the New State of California shall not be permitted.

No public money (intent of original California Constitution) shall ever be appropriated for the support of any sectarian or denominational school, or any school not managed by the officers of the public schools; nor shall any sectarian or denominational creed, system or doctrine be taught, except for historical comparison, within the adopted curriculum of the public schools of this state.

*SEC. 14: VACCINES, PARENTAL CHOICE, NON-COMPLIANCE, PROTECTION FROM RETRIBUTION*

No child shall be refused equal access to the comprehensive education and mastery of subjects listed above because of non-compliance with mandatory vaccine policies. Parents' right to protect their child from excessive and or controversial vaccines shall be protected. No child shall be ostracized or otherwise punished for the exercise of parental rights.

The State shall not administer or direct by any agency or school district the administering of any inoculation or vaccine to any student without the informed consent and signature of the parent of any student under 18 years of age or without the informed consent and signature of any student 18 years of age or older.

*SEC. 15: CONFIDENTIALITY & PRIVACY*

The Constitutionally guaranteed and protected natural right to personal privacy of each child or adult student shall not be infringed, surveilled or otherwise monitored by human, electronic, technological or any other means or for mandatory intervention for the purposes of: a) separating the student from his or her family due to the family's non-compliance with vaccine policies or for the family's political beliefs; b) the data mining of the student's personal development and history for sale to any outside parties; c) the data mining of the student's personal development and history for psychological evaluation and subjective and politically motivated implementation of actions upon the student and his or her family by the local or state government.



## SEC. 16: *PROTECTED RIGHTS TO LIFE AND PROPERTY*

The Constitutionally guaranteed and protected right to life and property in so much as the body, mind and spirit of each person, regardless of age, is his or her own property, subject only to necessary parental guidance, shall be protected. To that point, the personal health and safety of each student shall not be infringed by the use of technologies on, near, or on the site of public instruction, for a minimum radius of (TBD); b) excessive use of any technology whose radiation or energy levels have been scientifically linked by correlation or conclusive evidence to brain impairment or damage; and/or c) any technology capable of entrainment.

## SEC. 17: *SEX EDUCATION*

Biologically accurate language including biologically accurate gender pronouns shall be recognized as protected speech. Instruction of sexual and reproductive biology shall be based in biologically accurate science. Parent(s) may choose to excuse their child(ren) from Sex Education classes or instruction.

## SEC. 18: *POST SECONDARY EDUCATION*

The State Legislature may establish a system of higher education at or above the high school level. The State Board of Education shall have the general supervision of post-secondary education including the community colleges and the control and direction of any State funds distributed thereto. The general supervision of the State's post-secondary institutions shall be vested in a branch of the State Board of Education.

## SEC. 19: *THE UNIVERSITY OF NEW CALIFORNIA*

The University of the State of New California shall constitute a public trust subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments, and the proper investment and security of its funds. It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its Regents, and in the administration of its Affairs.

All revenue shall be appropriated to the endowment, support, and maintenance of at least one College where the leading objects shall be scientific and classical studies and to teach such branches of learning as are related to scientific and practical educations, in accordance with the requirements and conditions of said Acts of Congress. No person shall be barred admission to any of the collegiate departments of the University on account of gender, race or religion.

**ARTICLE X**  
**STATE INSTITUTIONS AND PUBLIC BUILDINGS**  
**PRISONS**

**SECTION 1.**

There shall be a State Board of Prison Directors, to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy, occurring before the expiration of a term, shall hold office only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the Directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

**SEC. 2.**

The Board of Directors shall have the charge and superintendence of the State Prisons, and shall possess such powers, and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe.

**SEC. 3.**

The Board shall appoint the Warden and Clerk, and determine the other necessary officers of the Prisons. The Board shall have power to remove the Wardens and Clerks for misconduct, incompetency, or neglect of duty. All other officers and employees of the Prisons shall be appointed by the Warden thereof, and be removed at his pleasure.

SEC. 4.

The members of the Board shall receive no compensation other than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the Legislature may direct.

SEC. 5.

The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the Board, Wardens, and Clerks, and to carry into effect the provisions of this article.

SEC. 6.

After the, first day of January, [year TBD], the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

**ARTICLE XI**  
**CITIES, COUNTIES, AND TOWNS**

SECTION 1.

The several counties, as they now exist, are hereby recognized as legal subdivisions of this State. Each County shall have representation in the state government legislator by selecting electing one senator.

SEC. 2.

No county seat shall be removed unless two thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

SEC. 3.

No new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

SEC. 4.

The Legislature shall establish a system of county governments which shall be uniform throughout the State; and by SEC. 2. No person shall vote more than once vote per election of candidate, referendum, or initiative. general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and, whenever a county shall adopt township, organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted in the manner prescribed by such general laws.

## SEC. 5.

The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession.

## SEC. 6.

Corporations for municipal purposes shall not be created by special private laws; but the Legislature, by general public laws, shall provide for the incorporation, organization and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, shall be subject to and controlled by general public laws.

## SEC. 7.

City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes.. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or not prohibited to cities, shall be applicable to such consolidated government. In consolidated city and county governments, of more than one hundred thousand population, there shall be two Boards of Supervisors or houses of legislation—one of which, to consist of twelve Eleven persons, shall be elected by general ticket from the city and county at large, and shall hold office for the term of four years, but shall be so classified that after the first election only six then five shall be elected every two years; the other, to consist of twelve Eleven persons, shall be elected every two years, and shall hold office for the term of two years. Any vacancy

occurring in the office of Supervisor, in either Board, shall be filled by the Mayor or other chief executive officer.

## SEC. 8.

Any city containing a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, and the other to the Recorder of deeds of the county. Such proposed charter shall then be published and posted electronically on a public accessible County governance website and in two daily papers of general circulation in such city for at least twenty days, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such city at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, and if approved by a majority vote of the members elected to each House, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them, shall be made in duplicate and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the Recorder of deeds of the county, among the archives of the city; all Courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor, submitted by legislative authority of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

SEC. 9.

The compensation of any county, city, town, or municipal officer, shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

SEC. 10.

No county, city, town, or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

SEC. 11.

Any county, city, town, or township, may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws public laws.

SEC. 12.

The Legislature shall have no power to impose taxes upon counties, cities, towns, or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes. Funds collected by all agencies or vested authority for the city, county, township or state shall identify funds collected as a tax.

SEC. 13.

The Legislature shall not delegate to any special commission, private corporation, company, association, or individual, any power to make, control, appropriate, supervise, or in any way interfere with, any county, city, town, or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments, or perform any municipal functions whatever.

## SEC. 11.

(a) The Legislature may not delegate to a private person or body power to make, control, appropriate, supervise, or interfere with county or municipal corporation improvements, money, or property, or to levy taxes or assessments, or perform municipal functions.

(b) The Legislature may, however, provide for the deposit of public moneys in any bank in this State or in any savings and loan association in this State or any credit union in this State or in any federally insured industrial loan company in this State and for payment of interest, principal, and redemption premiums of public bonds and other evidence of public indebtedness by banks within or without this State. It may also provide for investment of public moneys in securities and the registration of bonds and other evidences of indebtedness by private persons or bodies, within or without this State, acting as trustees or fiscal agents.

(Sec. 11 amended Nov. 8, 1988, by Prop. 88. Res.Ch. 59, 1988.)

## SEC. 12.

The Legislature may prescribe procedure for presentation, consideration, and enforcement of claims against counties, cities, their officers, agents, or employees.

(Sec. 12 added June 2, 1970, by Prop. 2. Res.Ch. 331, 1969.)

## SEC. 13.

The provisions of Sections 1(b) (except for the second sentence), 3(a), 4, and 5 of this Article relating to matters affecting the distribution of powers between the Legislature and cities and counties, including matters affecting supersession, shall be construed as a restatement of all related provisions of the Constitution in effect immediately prior to the effective date of this amendment, and as making no substantive change.

The terms general law, general lawspublic laws, and laws, as used in this Article, shall be construed as a continuation and restatement of those terms as used in the Constitution in effect immediately prior to the effective date of this amendment, and not as effecting a change in meaning.

(Sec. 13 added June 2, 1970, by Prop. 2. Res.Ch. 331, 1969.)



SEC. 14.

No State office shall be continued or created in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers.

SEC. 15.

Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

SEC. 16.

All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depository, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they respectively belong.

SEC. 17.

The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

SEC. 18.

No county, city, town, township, Board of Education, or school district, shall incur any indebtedness or liability in any manner, or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void.

## SEC. 19.

No public work or improvement of any description whatsoever shall be done or made, in any city, in, upon, or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, unless an estimate of such cost and expense shall be made, and an assessment, in proportion to the benefits, on the property to be affected or benefited, shall be levied, collected, and paid into the city treasury before such work or improvement shall be commenced, or any contract for letting or doing the same authorized or performed. In any city where there are no public works owned and controlled by the municipality, for the supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, natural gas, communications and power, sewer or waste removal, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof.

## SEC. 20.

Regional or Council Governance (Soviet Governance) is prohibited. Is there a way to separate powers in county governance? Or should a county be legally defined as existing for administrative of state governance only. Leaving local legislative powers to the cities or towns only.???

**ARTICLE XII**  
**CORPORATIONS**

SECTION I.

*Creation, amendment, renewal or revival by general law; exceptions; revocation or forfeitures of charters; requisites for enactment of corporation laws.*

No corporation shall hereafter be created, amended, renewed or revived by special act, but only by or under general law, nor shall any existing corporate charter be amended, renewed or revived by special act, but only by or under general law; but the foregoing provisions shall not apply to municipal corporations, banks or corporations for charitable, penal, reformatory, or educational purposes, sustained in whole or in part by the State. The General Assembly shall, by general law, provide for the revocation or forfeiture of the charters of all corporations for the abuse, misuse, or non-user of their corporate powers, privileges or franchises. Any proceeding for such revocation or forfeiture, shall be taken by the Attorney-General, as may be provided by law. No general incorporation law, nor any special act of incorporation, shall be enacted without the concurrence of two-thirds of all the members elected to each House of the General Assembly.

SECTION 2.

*Acceptance of Constitution by existing corporations as prerequisite for amendment or renewal of charter.*

No corporation in existence at the adoption of this Constitution shall have its charter amended or renewed without first filing, under the corporate seal of said corporation, and duly attested, in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

SECTION 3.

*Rights, privileges, immunities and estates.*

The rights, privileges, immunities and estates of religious societies and corporate bodies, except as herein otherwise provided, shall remain as if the Constitution of this State had not been altered.

#### SECTION 4.

*Designation, by foreign corporation, of agent for service of process.*

No foreign corporation shall do any business in this State through or by branch offices, agents or representatives located in this State, without having an authorized agent or agents in the State upon whom legal process may be served.

#### SECTION 5.

*Taxation of stock owned by persons or corporations without the State.*

Shares of the capital stock of corporations created under the laws of this State, when owned by persons or corporations without this State, shall not be subject to taxation by any law now existing or hereafter to be made.

## **Article XIII**

### **Finance and Taxation**

#### **SECTION 1. Taxing Power**

The power of taxation shall never be surrendered. This power shall not be suspended or contracted away, except as provided in this article.

#### **SECTION 2. Nondiscrimination**

The lands and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to the residents of the State.

#### **SECTION 3. Assessment Standards**

Standards for appraisal of all property assessed by the State or its political subdivisions shall be prescribed by law.

#### **SECTION 4. Exemptions**

The real and personal property of the State or its political subdivisions shall be exempt from taxation under conditions and exceptions which may be provided by law. All, or any portion of, property used exclusively for non-profit religious, charitable, cemetery, or educational purposes, as defined by law, shall be exempt from taxation. Other exemptions of like or different kind may be granted by general law. All valid existing exemptions shall be retained until otherwise provided by law.

#### **SECTION 5. Interests in Government Property**

Private leaseholds, contracts, or interests in land or property owned or held by the United States, the State, or its political subdivisions, shall be taxable to the extent of the interests.

#### **SECTION 6. Public Purpose**

No tax shall be levied, or appropriation of public money made, or public property transferred, nor shall the public credit be used, except for a public purpose.

## SECTION 7. Dedicated Funds (Grandfather clause)

The proceeds of any state tax or license shall not be dedicated to any special purpose, except as provided in section 15 of this article or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this section by the people of New State of California.

## SECTION 8. State Debt

No state debt shall be contracted unless authorized by law for capital improvements or unless authorized by law for housing loans for veterans, and ratified by a two-thirds majority of the qualified voters of the State who vote on the question. The State may, as provided by law and without ratification, contract debt for the purpose of repelling invasion, suppressing insurrection, defending the State in war, meeting natural disasters, or redeeming indebtedness outstanding at the time this constitution becomes effective.

## SECTION 9. Local Debts

No debt shall be contracted by any political subdivision of the State, unless authorized for capital improvements by its governing body and ratified by a majority vote of those qualified to vote and voting on the question.

## SECTION 10. Interim Borrowing

The State and its political subdivisions may borrow money to meet appropriations for any fiscal year in anticipation of the collection of the revenues for that year, but all debt so contracted shall be paid before the end of the next fiscal year.

## SECTION 11. Exceptions

(Ditch this one)

The restrictions on contracting debt do not apply to debt incurred through the issuance of revenue bonds by a public enterprise or public corporation of the State or a political subdivision, when the only security is the revenues of the enterprise or corporation. The restrictions do not apply to indebtedness to be paid from special assessments on the benefited property, nor do they apply to refunding indebtedness of the State or its political subdivisions.

## SECTION 12. Budget

The governor shall submit to the legislature, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments, offices, and agencies of the State. The governor, at the same time, shall submit a general appropriation

bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

### SECTION 13. Expenditures

No money shall be withdrawn from the treasury except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law. Unobligated appropriations outstanding at the end of the period of time specified by law shall be void.

### SECTION 14. Legislative Post-Audit

The legislature shall appoint an auditor to serve at its pleasure. He shall be a certified public accountant. The auditor shall conduct post-audits as prescribed by law and shall report to the legislature and to the governor.

### SECTION 15. New California State Permanent Fund

At least twenty-five per cent of all State owned natural resources, lease rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments and bonuses received by the State shall be placed in a permanent fund, the principal of which shall be used only for those income-producing investments specifically designated by law as eligible for permanent fund investments. All income from the permanent fund shall be deposited in the general fund unless otherwise provided by law.

### SECTION 16. Appropriation Limit

Except for appropriations for New California State permanent fund dividends, appropriations of revenue bond proceeds, appropriations required to pay the principal and interest on general obligation bonds, and appropriations of money received from a non-State source in trust for a specific purpose, including revenues of a public enterprise or public corporation of the State that issues revenue bonds, appropriations from the treasury made for a fiscal year shall not exceed \$2,500,000,000 ( ? formula GDP percent) by more than the cumulative change, derived from federal indices as prescribed by law, in population and inflation since. Within this limit, at least one-third shall be reserved for capital projects and loan appropriations. The legislature may exceed this limit in bills for appropriations to the New California State permanent fund and in bills for appropriations for capital projects, whether of bond proceeds or otherwise, if each bill is approved by the governor, or passed by affirmative vote of three-fourths of the membership of the legislature over a veto or item veto, or becomes law without signature, and is also approved by the voters as prescribed by law. Each bill for appropriations for capital projects in excess of the limit shall be confined to capital projects of the same type, and the voters shall, as provided by law, be informed of the cost of operations and maintenance of the capital projects.

No other appropriation in excess of this limit may be made except to meet a state of disaster declared by the governor as prescribed by law. The governor shall cause any unexpended and unappropriated balance to be invested so as to yield competitive market rates to the treasury.

#### SECTION 17. Budget Reserve Fund

(a) There is established as a separate fund in the State treasury the budget reserve fund. Except for money deposited into the permanent fund under section 15 of this article, all money received by the State after State ratification as a result of the termination, through settlement or otherwise, of an administrative proceeding or of litigation in a State or federal court involving mineral lease bonuses, rentals, royalties, royalty sale proceeds, federal mineral revenue sharing payments or bonuses, or involving taxes imposed on mineral income, production, or property, shall be deposited in the budget reserve fund. Money in the budget reserve fund shall be invested so as to yield competitive market rates to the fund. Income of the fund shall be retained in the fund. Section 7 of this article does not apply to deposits made to the fund under this subsection. Money may be appropriated from the fund only as authorized under (b) or (c) of this section.

(b) If the amount available for appropriation for a fiscal year is less than the amount appropriated for the previous fiscal year, an appropriation may be made from the budget reserve fund. However, the amount appropriated from the fund under this subsection may not exceed the amount necessary, when added to other funds available for appropriation, to provide for total appropriations equal to the amount of appropriations made in the previous calendar year for the previous fiscal year.

(c) An appropriation from the budget reserve fund may be made for any public purpose upon affirmative vote of three-fourths of the members of each house of the legislature.

(d) If an appropriation is made from the budget reserve fund, until the amount appropriated is repaid, the amount of money in the general fund available for appropriation at the end of each succeeding fiscal year shall be deposited in the budget reserve fund. The legislature shall implement this subsection by law.

#### SECTION 18. TAX LAW

If each tax bill is approved by the governor, or passed by affirmative vote of three-fourths of the membership of the legislature over a veto or item veto, or becomes law without signature, and is also approved by the voters as prescribed by law.

#### SECTION 19.

Prohibited Taxes-no yearly land tax a one time sales tax for land purchase, no income tax levied on age and wage ability, nor estate nor inheritance taxation, no excise taxes.



## **ARTICLE XIV**

### **WATER AND WATER RIGHTS**

#### **SECTION 1.**

The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; provided, that the rates or compensation to be collected by any person, company, or corporation in this State for the use of water supplied to any city and county, or city or town, or the inhabitants thereof, shall be fixed, annually, by the Board of Supervisors, or city and county, or City or Town Council, or other governing body of such city and county, or city or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any Board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time, shall be subject to peremptory process to compel action at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company, or corporation collecting water rates in any city and county, or city or town in this State, otherwise than as so established, shall forfeit the franchises and water-works of such person, company, or corporation to the city and county, or city or town, where the same are collected, for the public use.

#### **SECTION 2.**

The right to collect rates or compensation for the use of water supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

## **ARTICLE XV**

### **HARBOR FRONTAGES ETC.**

#### **SECTION 1.**

The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

#### **SECTION 2.**

No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

#### **SECTION 3.**

All tide lands within two miles of any incorporated city or town in this State, and fronting on the waters of any harbor, estuary, bay, or inlet used for the purpose of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

## ARTICLE XVI

### STATE INDEBTEDNESS

#### SECTION 1.

The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of [amount TBD] dollars, except in case of war to repel an invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years of the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged ; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

## **ARTICLE XVII**

### **LAND, AND HOMESTEAD EXEMPTION**

#### **SECTION 1.**

The Legislature shall protect, by law, from forced sale, any portion of the homestead and other property of any citizen of New California.

#### **SEC. 2.**

The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

#### **SEC. 3.**

Lands belonging to this State, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.

## ARTICLE XVIII

### CONSTITUTIONAL AMENDMENT

**SECTION 1. Amendment by Legislative Referendum.** Amendments to this constitution may be proposed by any member of the legislature. If adopted by an affirmative roll call vote of two-thirds of all the members thereof, whether one or more bodies, the proposed amendment shall be submitted to the qualified electors at the next general election. If approved by a majority of the electors voting thereon, the amendment shall become a part of this constitution on the first day of July after certification of the election returns unless the amendment provides otherwise.

**SECTION 2. Amendment by Initiative.**

(1) The people may also propose constitutional amendments by initiative. Petitions including the full text of the proposed amendment shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of at least one-half of the counties.

(2) The petitions shall be filed with the secretary of state. If the petitions are found to have been signed by the required number of electors, The Secretary of State shall send a full and complete copy of the proposed amendment or amendments to each county clerk who shall post the same in a public place at least 30 days prior to the election on said amendment. The first notice shall be published not more than 60 days nor less than 50 days before the date of the election, and the second notice shall be published on the same day in the succeeding week.

(3) At that election, the proposed amendment shall be submitted to the qualified electors for approval or rejection. If approved by a majority voting thereon, it shall become a part of the constitution effective the first day of July following its approval, unless the amendment provides otherwise.

**ARTICLE XIX**

**INHERITANCE**

**(TBD)**

## ARTICLE XX

### MISCELLANEOUS

#### SECTION 1.

The [Location of seat of government for the State of New California TBD] and shall so remain until changed by law; but no law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two thirds vote of each House, may provide, submitting the question of change to the people.

#### SEC. 2.

Any citizen of this State who shall, after the adoption of this Constitution, convicted as guilty of a capital crime, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

#### SEC. 3.

Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of New California, and that I will faithfully discharge the duties of the office of —, according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

#### SEC. 4..

All officers or Commissioners whose election or appointment is not provided for by this Constitution, and all officers or Commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

#### SEC. 5.

The fiscal year shall commence on the first day of July.

SEC. 6.

Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

SEC. 7. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 8. All property, real and personal, owned by either husband or wife before marriage, and that acquired by either of them afterwards by gift, devise, or descent, shall be their separate property. All property, acquired during a marriage is community property.

SEC. 9. No perpetuities shall be allowed except for eleemosynary (charity) purposes.

SEC. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 11. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 12. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

SEC. 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 14. The Legislature shall provide, by law, for the maintenance and efficiency of a State Board of Health.

SEC. 15. Mechanics, material laborers, artisans, and laborers of every class, shall have a lien upon the property upon which they have bestowed labor or furnished material for the value of such labor done and material furnished ; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

SEC. 16. When the term of any officer or Commissioner is not provided for in this Constitution, the term of such officer or Commissioner may be declared by law; and, if not so declared, such officer or Commissioner shall hold his or her position as such officer or Commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years.



SEC. 17. Eight hours shall constitute a legal day's work on all public work.

SEC. 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession.

SEC. 19. Nothing in this Constitution shall prevent the Legislature from providing, by law, for the payment of the expenses of the Convention framing this Constitution, including the per diem of the Delegates for the full term thereof.

SEC. 20. Elections of the officers provided for by this Constitution, except at the election in the year [date TBD], shall be held on the even numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

## **ARTICLE XXI**

### **BOUNDARIES**

#### **SECTION 1**

The State of New California shall consist of the following counties: [names of counties].

#### **SECTION 2**

[geographic, location description TBD]

## ARTICLE XXII

### SCHEDULE

That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon the adoption thereof, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in full force until the first day of July, [date TBD], unless sooner altered or repealed by the Legislature.

SEC. 2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to this State, or to any subdivision thereof, or any municipality therein, and all fines, taxes, penalties, and forfeitures due or owing to this State, or any subdivision or municipality thereof, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of, this Constitution. All indictments or informations which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

SEC. 3. All Courts now existing, save Justices' and Police Courts, are hereby abolished; and all records, books, papers, and proceedings from such Courts, as are abolished by this Constitution, shall be transferred on the first day of January, [date TBD] to the Courts provided for in this Constitution; and the Courts to which the same are thus transferred shall have the same power and jurisdiction over them as if they had been in the first instance commenced, filed, or lodged therein.

SEC. 4. The Superintendent of Printing of the State of **New California** shall, at least thirty days before the first Wednesday in May, [date TBD] cause to be printed at the State Printing Office, in pamphlet form, simply stitched, as many copies of this Constitution as there are registered voters in this State, and mail one copy thereof to the post-office address of each registered voter; provided, any copies not called for ten days after reaching their delivery office, shall be subject to general distribution by the several Postmasters of the State. The Governor shall issue his proclamation, giving notice of the election for the adoption or

rejection of this Constitution, at least thirty days before the said first Wednesday of May, [date TBD], and the Boards of Supervisors of the several counties shall cause said proclamation to be made public in their respective counties, and general notice of said election to be given at least fifteen days next before said election.

SEC. 5. The Superintendent of Printing of the State of **New California** shall, at least twenty days before said election, cause to be printed and delivered to the Clerk of each county in this State five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "For the new Constitution." He shall likewise cause to be so printed and delivered to said Clerks five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "Against the new Constitution." The Secretary of State is hereby authorized and required to furnish the Superintendent of State Printing a sufficient quantity of legal ballot paper, now on hand, to carry out the provisions of this section.

SEC. 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the. Inspectors of Elections, at each election precinct or polling place in their respective counties, suitable registers, pollbooks, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the. Presidential election in the year [dateTBD] shall serve as a basis of calculation for this and the preceding section; provided, that the duties in this and the preceding section imposed upon the Clerk of the respective counties shall, in the City and County of [location TBD] be performed by the Registrar of Voters for said city and county.

SEC. 7. Every citizen of the United States, entitled by law to vote for members of the Assembly in this State, shall be entitled to vote for the adoption or rejection of this Constitution.

SEC. 8. The officers of the several counties of this State, whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the City and County of [location TBD], shall meet at the usual places of meeting for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the Board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from time to time until all the returns are received, or. until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings of said Boards shall be the same as those prescribed for like Boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said Board shall immediately certify the same, in the usual form, to the Governor of the State of **New California**.

SEC. 9. The Governor of the State of **New California** shall, as soon as the returns of said election - shall be received by **him or her**, or within thirty days after said election, in the presence and with the assistance of the Controller, Treasurer, and Secretary of State, open and compute all the returns received of votes cast for and against the new Constitution. If, by such examination and .computation, it is ascertained that a majority of the whole number of votes cast at such election is in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California, and that it shall take effect and be in force on the days hereinafter specified.

SEC. 10. In order that future elections in this State shall conform to the requirements of this Constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this Constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen, after the adoption of this Constitution, shall be elected at the time and in the manner now provided by law. Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that State officers are elected.

SEC. 11. All laws relative to the present judicial system of 'the State shall be applicable to the judicial system created by this Constitution until changed by legislation.

SEC. 12. This Constitution shall take effect and be in force on and after the fourth day of July, [date TBD], at twelve o'clock meridian, so far as the same relates to the election of all officers, the commencement of their terms of office, and the meeting of the Legislature. In all other respects, and for all other purposes, this Constitution shall take. effect on the first day of January, [date TBD], at twelve o'clock meridian.