PART II - TEXT AND EXEGESIS OF THE ANTI-ELITIST CONSTITUTION

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The text of the Anti-Elitist Constitution will be in Calibri in a 16-point font. In the Exegesis the term *this document* refers to the Anti-Elitist Constitution.

The Exegesis will be in Times New Roman in a 14-point font, indented.

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PREAMBLE:

We, the Citizens of the United States, agree that this Constitution shall be the covenant between Us and Our Posterity to govern those who govern Us. By ensuring that Our Governments judge and rule Us by the content of Our character, not the color of Our skin, group affiliation, possessions, or kinship, this Constitution shall bind Us together as a Nation.

Therefore, We, the Citizens of this Nation and of Our respective States, do ordain and establish this Constitution for the United States of America to secure the Blessings of Liberty to Ourselves and Our Posterity.

> The Preamble establishes the theme that Federal and State Governments are instruments of Citizen power accountable to the Citizens.
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> The phrase *The covenant between Us and Our Posterity* means that this document does not derive its legitimacy and purpose solely from those alive today. This phrase emphasizes this document's connection between the present and the future and the duty that Citizens owe to their descendants.
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> A Constitution is the document that governs elected and appointed government officials, who in turn are governing those very same voters who placed them into power. That is the purpose of this document and any Constitution for Representative Government, and yet there is a kind of circularity to its logic.
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> All power of the State and National Governments is derived from its Citizens. Citizens must obey the laws, and they can only change the laws by electing different representatives. Nevertheless, those representatives are governed by a law above them, the Constitution. Citizens don't engage in direct democracy to govern each other. Instead, they set the rules that govern those whom they then hold accountable through elections. This is analogous to addressing the presiding officer during a debate instead of talking directly to your opponent. There is a mediating force. The

Constitution is a symbol of authority, in the same way that a king is a head of state in a Constitutional Monarchy.

Our representatives take an oath to preserve, protect, and defend the Constitution. They don't take an oath to do whatever their constituents ask them to do. This is why the application of Majoritarian Theories of governance fail. Majoritarianism cannot abide a constitution that restrains majority rule, so Majoritarianism inevitably devolves into tyranny by the many and the oppression of the few.

By ensuring that Our Governments judge and rule Us by the content of Our character, not the color of Our skin, group affiliation, possessions, or kinship, this Constitution shall bind Us together as a Nation. This sentence expands Dr. Martin Luther King, Jr.'s wish by including other attributes that erode individualism and promote group allegiances that can form the basis of bigotry and discrimination. This document's goal is to bind individuals together as a nation.

Federalism and Individualism receive recognition in the phrase *We, the Citizens of this Nation and of Our respective States*. This phrase promotes the image of disparate individuals from different corners of the Nation (i.e., States) coming together to establish a new government. National citizenship is the common bond that unites disparate individuals, but differences between Citizens in different States with different governing philosophies are also recognized as an essential characteristic protected by this document. Recognition and respect for these differences is an essential foundation for uniting Citizens into a single Nation. Suppressing these differences would be the ruin of the national unity enterprise.

Contrast this preamble with the Preamble of the 1787 Constitution:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The document replaces *We the People* with *We the Citizens*. Immediately, Citizenship is distinguished from persons or people. In the 1787

Constitution, the term *We the People* is ambiguous. Does it refer to a collective will or to individual people?

The voters who supported ratification are not identical to the People. In one sense, it was appropriate because enslaved Blacks and women could feel that they are included in the Preamble as potential beneficiaries of the Blessings of Liberty. *We the People* is grander and more inclusive than *We the Citizens*, but it is also less accurate because qualifications for Citizenship are no longer limited by race and sex.

To form a more perfect Union is replaced by *shall bind Us together as a Nation.* The major difference is that the 1787 Constitution refers to a more perfect *Union of States* which emphasizes the importance of unity among State governments whose delegates ratified the Constitution. There is a substantial philosophical difference between the Anti-Elitist and the 1787 Constitution. For the Anti-Elitist Constitution it would be more accurate to assign the name *The United **Citizens** of America* rather than *The United **States** of America* because this name captures the essence of the sovereignty of the Citizen while the federal and state governments are merely their instruments for wielding power.

ARTICLE 1:
UNITED STATES CITIZENSHIP, RESIDENCY AND STATE CITIZENSHIP

Article 1 cures flaws 32, 33, and 34 from Chapter 1. Citizenship, the very foundation of who can participate in the political process, is something that should not be manipulated for partisan goals. It should be a fixed foundation, the bedrock of the political process. The original Constitution was vague about the matter, until the 14th amendment:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are **citizens of the United States and of the State wherein they reside**."

Many believe that place of birth should not convey citizenship, especially if the parents are not citizens, and are not committed to American civic values, and they entered the country illegally. The document eliminates this strong

incentive for illegal entry in the hopes of parents obtaining citizenship for themselves through their children born on US soil.

The original Constitution uses the words *people, persons, Citizens* and it's not always clear if they are synonymous or describing different sets of individuals or individuals acting in a collective manner. In the first 10 Amendments, *people* is used in the 1st, 2nd, 4th, 9th, and 10th. *Person* is used in the 5th; *Owner* is used in the 3rd, and *accused* is used in the 6th.

Person, owner, and accused clearly mean individuals. *The People* refers to the collective who are the "customers" of the "public servants" who rule at the sufferance of *the people*. *The people* are distinct from the aristocracy whose right to rule in the past was hereditary or tyrannical without consent of the governed.

In the 1787 Constitution, *Citizen* appears in Article 1., Sections 2 (qualifications for electors and Members of House), Section 3 (qualifications for Senators), Article 2, Section 1 (qualifications for President), Article 3 Section 1 and 2. *Citizen* also appears in the 11th, 14th, 15th, 19th, 24th, and 26th amendments. This document will be more precise in the usage of these words.

Section 1. Value of Citizenship and A Common Language

Citizenship at the time of ratification of this Constitution, and the amendment powers vested with a Citizen are both antecedent to this Constitution.

The Citizens are the sovereign above the Constitution. Whomever was a Citizen (Birthright or Naturalized) prior to ratification of this document remains a Citizen, even if they would not qualify under its provisions. For example, Vice-President Kamala Harris would not qualify as a Birthright Citizen under this document. However, her Birthright Citizenship pre-dates this document so her status would not be changed by ratification.

After Ratification, the requirements for new members of the Citizenry are prescribed by this Constitution to preserve and support the institutions of this Nation for Our Posterity. Membership in the

Citizenry by Birthright and through Naturalization must create a cohesive sense of community and national purpose among disparate individuals in their separate pursuits of happiness and meaning.

> This paragraph describes the purpose of Citizenship is to unify individuals under a common set of values.

Citizens have a reasonable expectation that their fellow Citizens are proficient using a single, common language for the conduct of conversation, commerce, and government to strengthen the fraternal bonds of this Nation. The language used to compose this Constitution shall be that single, common, official language used in the proceedings of and in the text of the laws enforced by Government officials. No law may compel the Government to conduct its affairs in another language; but no person who does not comprehend this official language, who is in the custody of the police or on trial, may be denied the services of a translator.

> There was something that unified the colonists in their battle against England. From Federalist 2, John Jay wrote:
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> "With equal pleasure I have as often taken notice that Providence has been pleased to give this one connected country to one united people--a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms, and efforts, fighting side by side throughout a long and bloody war, have nobly established general liberty and independence."
>
> A Common Language is essential for a unified country with a vibrant economy, and effective military, legal, and political institutions. We don't want to face linguistic divisions seen in nations like Belgium Canada, China, Spain, Russia, and others that incorporate different nationalities within their boundaries. This section adopts the practice of most Western European nations that require linguistic fluency as a precondition for naturalized Citizenship.

Section 2. Limitations on Additional Immigration

The exclusion of persons from Citizenship and residency in the United States is necessary to balance the protection of natural resources and wilderness habitat with accommodations for human habitation. The limitation of exogenous population growth is essential for sustainable agriculture, animal husbandry, mineral extraction, timber harvesting, the use of aquifers, rivers, lakes, oceans, and energy production. Laws regulating the entry into the country by non-Citizens and rules for permanent and temporary residency cannot degrade the ecological, economic, and civic well-being of current Citizens and their Posterity.

> This paragraph connects the ecological health of the nation to the numbers of inhabitants. Internal reproduction shows signs of tapering off in the future so the population could remain close to the current level, if not even decline. Our immigration policy influences the ecological health and the economic and civic well-being of current Citizens; therefore, this document must acknowledge that limitations on immigration are Constitutionally supported against charges of discrimination. Citizenship has no value without the ability to exclude.

Pursuant to these goals, the number of Refugees and other persons admitted into the United States for the fiscal year cannot exceed one-four hundredth of the existing population of Citizens living in the United States according to the most recent count by the Census Board. With a three-fifths vote, Congress may enact legislation to suspend this limitation for twelve months.

> This section guards against the political manipulation of immigration for partisan advantage. With an estimated 300,000,000 Citizens in 2024, this permits an annual immigration of 750,000 persons, including Refugees.

Section 3. Sanctions for Illegal Entry

Any person who has violated the laws governing immigration, entry, or travel may not obtain Citizenship during their lifetime. No pardons or

laws enacted to grant amnesty can exempt a person from this prohibition; nor may this violation be expunged from their record.

> This Section provides very strong deterrence against illegal immigration. Illegal immigrants would not be barred from seeking legal residency, but they would have to exit the US and apply through the proper channels. The prohibition of pardons, amnesty, and expunging a record is necessary to prevent the political exploitation of illegal immigrants for partisan advantage.

Section 4. Birthright Citizenship

The following persons are Birthright Citizens of the United States:

The biological descendant of a female and a male who were both Citizens of the United States on the date of birth of the descendant.

> Birthright Citizenship is a necessary qualification for elected Government officials. Therefore, some effort is devoted to defining it and differentiating it from Naturalized Citizenship. This document adopts *Jus Sanguinis* – the right of blood doctrine of Citizenship where the Child's birthright citizenship is not dependent upon where it was born, just the status of his parents. *Jus Solis* – right of the soil doctrine of Citizenship that was central to the 14th amendment is mostly discarded for birthright citizenship in this document, except for cases of surrogate births where it combines with *Jus Sanguinis*. This definition of Birthright Citizenship removes the incentive for persons to illegally enter the US with the express purpose of having their children become Birthright US Citizens. However, their children will have a pathway to become legal permanent residents, or naturalized US Citizens.

In cases where there is artificial insemination or a surrogate that carries a fertilized egg from another female, the Citizenship of the female whose egg was fertilized shall determine maternal line of Birthright Citizenship. The Citizenship of the male who inseminated the egg shall determine the paternal line of Birthright Citizenship.

The descendant may receive Birthright Citizenship or Legal Permanent Residency from a single female or a single male applying such methods only when they are born on the Territory of the United States, and when the female and male assume parental custody and financial responsibility for the descendant.

> Medical technology challenges the standard understanding of the connection between parents and their children and how Birthright Citizenship should be transferred when adopting the *Jus Sanguinis* doctrine for Citizenship. A male US Citizen could inseminate thousands of foreign females, and we wouldn't want to grant all their offspring US Citizenship.
>
> In cases where foreign surrogates are employed, then requiring that these children be born on US Territory facilitates the authentication that the female egg carried by the surrogate came from a US Citizen. Requirement for assuming parental custody and financial responsibility for the child eliminates trafficking children with Birthright Citizenship. It is tempting to leave these matters to Congress but including it in this document leaves no opportunity to manipulate Birthright Citizenship for partisan advantage.

Congress shall have the power to enforce this Section by appropriate legislation for biological methods applied to authenticate the maternal or paternal line.

Section 5. Naturalized Citizenship

Entry, residency, or obtaining Citizenship is a privilege, not a right. The authority of Congress to regulate this privilege may not be abridged by any Treaty. Congress shall establish uniform Rules for Naturalization as a Citizen of the United States that is subject to the following requirements:

> The first sentence establishes the value of Naturalized Citizenship as a privilege. The second sentence eliminates the possibility of using Treaty Agreements as a method for evading the supremacy of Congress to regulate these matters.

The applicant provides evidence of legal entry into the United States and a minimum of five years as a United States National or Resident. Excepting non-Citizen, minor children born to or adopted by a Citizen with legal custody of the children, the applicant must provide evidence of a minimum of five consecutive years of payment of taxes to the Government and no tax payments in arrears, and no convictions for any felonies.

> Imposing a minimum five-year legal residency as a precondition is the trial period during which the applicant can be evaluated for compliance with the laws and obtaining productive employment.

The applicant provides evidence that they have not received cumulative financial assistance from the Government for a minimum of three consecutive years immediately prior to the date of the grant of Citizenship exceeding one-tenth of the compensation of a Member of the House of Representatives.

> In 2024, if they received more than $17,500 in financial assistance during the prior 3 years, then they don't qualify. This ensures that Citizenship is reserved for productive members of society who are not a fiscal drag on their fellow Citizens.

The applicant demonstrates proficiency in understanding the language used to compose this Constitution, and an understanding of the Civic Institutions of the United States, and an ability to fully participate in the civic and economic affairs of the nation using this language without reliance upon language translation.

> Many Western European countries require language fluency as a condition for Citizenship. It is unlikely that someone could fully participate in civic affairs like jury duty, following election campaigns, and voting unless they were fluent in reading and speaking English. This document does not prevent them from becoming legal permanent residents if they aren't fluent

in English. It just reserves Citizenship for those able to fully participate in commerce and civic affairs.

Section 6. American Nationals and Residents

There are two classes of persons possessing the rights of Legal Permanent Residency:

United States Nationals are not Citizens. They travel under a United States Passport, and they do not retain citizenship in another nation. They have the right to reside, work, travel, and own property in the United States.

> This is a useful classification for DREAMERs and Refugees so that they are not stateless. These are people who don't have a passport or Citizenship in another country, or who cannot return to their country, but still wish to have the ability to work and reside in the US. These people can come out from under the shadows by achieving legal status without upsetting the partisan balance in government. This classification strengthens bi-partisan immigration policy efforts.

United States Residents are not Citizens. They travel under a foreign passport, and they retain citizenship in another nation. Their right to reside, work, travel, and own property in the United States may be revoked, contingent upon the relationship between the United States and their nation of citizenship.

> Under this classification, illegal immigrants from Mexico and Central America could retain their passports and Citizenship in their country of origin. With US Residency, they obtain legal status and can come out from under the shadows. They can work, but they cannot vote. This classification eliminates the potential partisan threat of illegal immigrants and makes their acceptance much easier.

Congress may enact laws to discriminate in the treatment of members of these two classes. Congress shall enact laws to receive applications for and approval of Legal Permanent Residency.

Section 7. Legal Temporary Residents and Refugees

Legal Temporary Residents are persons who obtained legal permission to enter the United States for travel or work within the United States. Excepting diplomatic missions, permission for Legal Temporary Residency shall not exceed twenty-four months during any forty-eight-month period, for a maximum of seventy-two months for any person during their lifetime.

> This Section covers people on work or travel visas. To ensure this loophole could not be exploited to bypass the requirements for Legal Permanent Residency, this document imposes maximum time periods for people to enjoy these privileges.

A person that bypasses the normal procedures for admission as a Legal Temporary Resident and instead seeks asylum as a legal means to enter the United States under a Treaty or Statute shall be classified as a Refugee. Prior to admission and acceptance of Refugee status, the applicant must consent to forfeiting the ability to obtain United States Citizenship for themselves, their spouse, and their children during their lifetimes. Refugees who are admitted may be subject to confinement and to restrictions upon travel within the United States.

> Refugees should return to their country of origin after the source of oppression that motivated their exit has been removed. By foreclosing the option of obtaining Citizenship for himself, his spouse, parents, or children, this filters out those abusing Refugee laws for economic motivations. However, the path to legal permanent residency is not blocked.

The President may transfer a Refugee to another country that will not subject the Refugee to persecution or to their involuntary repatriation to their country of origin.

> Refugee Treaties are the big loophole used by illegal immigration supporters. This Section deftly handles the problem because a Treaty cannot supersede the Constitution. The US can out-source their Refugee care to other nations, and this is a further deterrent to abuse of Refugee applications experienced since 2021.

Legal Temporary Residents, Refugees, and illegal residents are the financial responsibility of the Federal Government. States are entitled to reimbursement of any documented expenditures. Citizens are entitled to reimbursement for any damage caused by these persons.

> This relieves the fiscal burden endured by the border States from lax enforcement. However, unless the authorities can document the expenditures and identify the responsible parties, then they won't get reimbursed. You cannot be a sanctuary city and also get reimbursed.

Section 8. Transferring Legal Residency to Descendants

The biological descendant of a Citizen, on its date of birth, and a non-Citizen shall be a United States National, provided there is proof that the descendant was born within the Territory of the United States.

> Section 8 looks at various combinations of Citizenship and Residency status to determine how their descendants will be classified. The first case deals with a US Citizen who has a child with a non-Citizen. A non-Citizen could be a legal permanent resident, illegal resident, or a foreigner traveling and working in the US or living abroad. In each case that child would be a US National if it is born on US Soil. Presumably, this would be most common with a female US Citizen giving birth on US soil while the offspring of male Citizens with women overseas would not obtain this classification.

A biological descendant from a male and female who were both Legal Permanent Residents on the date of birth shall be a United States

National who may apply for Naturalization as a Citizen when they attain thirteen years.

> The parents of US Residents with foreign Citizenship may give their own child foreign Citizenship. Nevertheless, as a US National this child could apply to become a Naturalized Citizen as early as age 13.

A natural person who has not attained thirteen years and who is adopted by a Citizen shall acquire the rights of a United States National.

> Adoption must be considered when assigning persons into a class of residency. If a child is adopted prior to age 13, then they automatically become US Nationals. At age 13 and older, their adopting parents have to apply for legal permanent residency on the adoptee's behalf.

A biological descendant from a male and female who were a Legal Temporary Resident, a Refugee, or an Illegal Resident on the date of birth shall be a United States National, provided there is proof that the descendant was born within the Territory of the United States. That person is ineligible to become a Naturalized Citizen during their lifetime unless they leave the United States for at least one-hundred twenty months prior to applying for Citizenship.

> This child will not be stateless, but they won't be anchor-babies used to ease the way for their parents to obtain Citizenship or Legal Permanent Residency. This provides the incentive for their parents to take their child with them when they leave the United States. This child could later apply to become a US Citizen through the same queue as others. This section applies to the DREAMERS who were born in the US. Although these DREAMERS did not illegally cross into the US, this 10-year exit requirement to apply for Citizenship removes a large incentive for future persons to attempt illegal entry to benefit their future children.

Section 9. Transparency of Queue and Presidential Discretion

The queue for applicants for temporary and permanent residency and naturalization shall be publicly disclosed. Separate from this queue of applicants, the President shall have the discretion to offer expedited processing every fiscal year to no more than five thousand persons specifically in exchange for the conduct of warfare, espionage, or testimony in the prosecution of criminal suspects. These persons may remain anonymous. By a three-fifths vote each fiscal year, Congress may increase this limitation, which expires at the end of the fiscal year.

> Forcing the queue to be transparent deters bribery of officials. Presidential discretion for exceptions to this rule recognizes that special skills and emergency needs may arise that require anonymity. This transparency also exposes discrimination in favor of a nationality due to a "crisis of the month," unfairly punishing those applicants who went through the process in an orderly manner.

Section 10. State Citizenship; Federal District or Territory Residency

State Citizenship is reserved for Citizens of the United States. A Citizen of the United States is either a Citizen of a single State or they are registered as a resident of a Federal District or Territory. A Citizen reports a single primary residence to the Census Board to determine their State Citizenship for purposes of eligibility to vote exclusively in elections held by their State and in Federal elections.

> States cannot give State Citizenship to persons who are not US Citizens. This Section ensures that State politicians cannot exploit non-Citizens for partisan advantages.

No State may abridge the right of Citizens, legal permanent residents, and legal temporary residents to enter their State, or to travel within or outside their State, unless they are charged with or convicted of a criminal offense.

Section 11. Surrendering Citizenship

If a Territory or State of the United States becomes an independent nation, then the residents and Citizens of this new Nation, who were Citizens or Legal Residents of the United States on the date of independence, forfeit their Citizenship and Legal Residency in the United States.

Any person who committed fraud in their application for naturalization as a Citizen shall have their Citizenship revoked. A person may voluntarily renounce their Citizenship by a written declaration witnessed by an official of the Federal Government and a Citizen not employed by the Government, who is designated by that person.

> The US Government cannot unilaterally take away someone's US Citizenship. This Section does not protect the right to possess a US Passport so that's about as harsh a sanction that could be given against someone. This Section defines the method for voluntarily surrendering Citizenship. This could be exploited against someone facing criminal charges by offering them the option to surrender their Citizenship in exchange for waiving the charges and accepting expulsion to another country that would accept them.
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> This Section also contemplates the possibility that US Territories like Puerto Rico or Guam might seek independence. With independence comes the surrender of US Citizenship and residency privileges.

ARTICLE 2. ELECTIONS

> Citizenship and Elections are essential Foundations of Representative Government. Therefore, both are defined in detail at the beginning of this document, unlike the 1787 Constitution that left States in charge of running federal elections. This Article governs how both Federal and State elections will operate.

Section 1. Sovereign Power and Eligibility of Voters

The Electorate, comprised of Eligible Voters, is the Sovereign; this Constitution and State Constitutions are its instruments for exercising this sovereign power. The power to establish and amend these Constitutions is vested with Eligible Voters. The powers exercised by the Elected Representatives under these Constitutions are delegated by Eligible Voters.

> Hierarchy of power puts Eligible Voters at the top with control over the Constitution and Elected Representatives. Unlike the UK where Parliament is the Sovereign, the US Electorate is the Sovereign. This sovereign power is exercised through federal and state constitutions. This emphasizes that the federal government is a mere instrument, alongside the states, but below the voters.

Every Citizen of the United States who has attained the age of eighteen years, who is not imprisoned, and who is not a Citizen of another country, shall be an Eligible Voter for Government Elections. The text of this Constitution shall be displayed in front of the Speaker in the House of Representatives whenever the Committee of the Whole House is in session, and it shall be removed when it is in recess.

> Even Persons who have served their time in prison or haven't paid fines, and taxes cannot have their right to vote abridged as they did in Florida. The only other restrictions are included later relating to employment by the government and mental illness. Dual nationals are prohibited from voting. We say, "Pick a side and stick with them. No fence straddling."
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> This document, like the Mace in the House of Commons, is the object symbolizing the power of the sovereign. The House Members will have the constant reminder that they are subject to rule under this document.

Eligible Voters have the right to participate in Elections. To have their ballot counted, Eligible Voters must comply with regulations required of all other Eligible Voters to operate a secure electoral system. This

electoral system ensures that for each office on the ballot, only Eligible Voters may cast one vote for one candidate for a single office in a single election.

> Notice that there isn't "a right for every vote to be counted." Rather there is a right to cast a ballot that is only counted if the voter complies with the regulations. The reputation of the electoral system is more important than a single voter. Voters are responsible for maintaining the reputation of the system.

Section 2. Right to a Secret Ballot

Eligible Voters have the right to cast a single secret ballot with a list of offices, and candidates for each office. The Eligible Voter must select voting options on an un-marked ballot. To facilitate automated counting and enhance secrecy, the ballot instrument used for counting may omit listing the names of candidates next to the marking made by the voter.

> The Secret Ballot was an important innovation in the 19th Century that significantly reduced vote-buying, intimidation, and fraud. This document gives Secret Ballots protected status. Punch card ballots do not have the names of candidates next to the punch mark so they enhance secrecy. These are allowed and encouraged. Many ballots today have the candidates' names next to the mark made by the voter so that they could be more easily viewed by another party to ascertain which candidates a voter selected.

The procedures for casting the ballot and the color, shape, and material composition of the ballot shall not disclose which candidates were chosen.

> The Soviet Union used to have 2 separate ballot boxes. One was for votes cast for Communist Party candidates. The second box was for "None of the Above." Obviously, this allowed poll workers to identify the dissidents.
>
> A common practice in some countries is to have slate ballots with different colors and different boxes depending upon the political party you support.

> While technically a secret ballot after it is dropped into the box, these methods allow anyone to observe how someone voted, and so it is not truly secret. This document prohibits these and other methods that could compromise secrecy.

An Eligible Voter is guaranteed the right to cast a Secret Ballot to protect a voter from inducement, coercion, and punishment. Any method for delivery of ballots and in-person voting of ballots that could connect the identity of the Eligible Voter to their ballot at any point in time after selecting the voting option and transferring the ballot to the custody of an Election Official shall be a violation of this fundamental right to secrecy.

> The Secret Ballot is the default assumption for voting method. It has primacy. A further note of emphasis on the importance of secrecy to preserve the independence of the voters to make decisions about the persons holding power without fear that that power could be used against them.

Section 3. Procedures for Non-Secret Ballots

When an Eligible Voter does not wish to vote in the presence of an Election Official who would authenticate their eligibility to vote, then that Eligible Voter has the right to request a ballot that is not secret. The Government is obligated to provide this option to those Eligible Voters who request it on the condition that such a ballot must be inserted within an envelope imprinted with information that links the ballot to the identity of the Eligible Voter who marked it. The ballot shall not be imprinted with identifying information.

> This recognizes that Mail-In Ballots are a convenience demanded by many Voters. There are two main reasons that the Government is prevented from automatically mailing Mail-In Ballots to everyone. The first reason is that a voter could have mailed their ballot several weeks prior, forget, and then vote in person. First count all the Secret Ballots and compile the list of people who voted. Then use that list to exclude counting Mail-In Ballots of persons who already voted in person.

The second reason is that if you automatically receive a Mail-In Ballot, then it is harder to refuse someone who wishes to intrude and compromise your secret ballot selections by inspecting your selections on a Mail-In Ballot before they seal the envelope and mail it for you.

Mail-In ballots are not secret so they are labelled as Non-Secret Ballots. However, there are ways to obscure the identity of the person voting with a Mail-In Ballot to most persons handling the ballots. Instead of requiring a voter's signature and printed name, you could instead have a pre-printed Q-R Code or Bar Code on the ballot. This code could be read by machines at the vote counting center that is linked to the Voter Registration database. If the code doesn't match someone in the database, then the ballot is rejected. As a back-up, you could request that the voter print their birthday and last 4-digits of their SSN, just in case the code reader malfunctioned. This ensures that poll workers don't see the identity, but the few higher-level managers with access to the database could figure it out.

The Government may not deliver non-secret ballots to voters who did not request to use one. A Valid, Non-Secret Ballot and identifying envelope must be provided by the Government. An Eligible Voter must make a separate request for a Non-Secret Ballot for each election.

You are not allowed to check that you always want to receive a Mail-In Ballot. Forcing someone to make this request each election eliminates mailing out ballots to persons who have died or moved.

To prevent duplicate and fraudulent voting, the Government may not begin the count of Non-Secret Ballots prior to compiling the identities of Eligible Voters who cast a Secret Ballot so that it can exclude Non-Secret Ballots of those who already cast Secret Ballots.

No Eligible Voter may allow another person to inspect selections, nor may they make a copy of those selections on their secret or non-secret ballot. A violation shall be punishable by the suspension of voting privileges for no less than six years from the date of conviction.

Exceptions shall be made for cases of physical coercion by a person identified by an accuser, and for Eligible Voters with a physical handicap certified according to the regulations of the Elections Board.

> The growing popularity of voters taking snapshots of their ballots compromises the secret ballot. Making these displays illegal protects the other voters who wish to keep their selections secret. Prescribing harsh sanctions will provide a meaningful deterrent.

Any person who coerces selections or offers bribes in exchange for selections on the ballot of an Eligible Voter shall be fined no less than the annual compensation of a Member of the House, be imprisoned for no fewer than five hundred days, and suspended from voting for no less than six years from the date of conviction.

Section 4. Prohibition of Government Employees Voting

Excepting the President, Vice-President, and Members of the House of Representatives, any person who was an employee of the Government of the United States at any time during the period between six months prior to the Final Voting Date and the Final Voting Date, is ineligible to vote in that election. Citizens serving in the military reserves, not on active duty, who are not also Government employees, and Citizens drafted into military or other involuntary servitude by the Government shall be exempt from this prohibition.

> Voluntarily employed Government workers are servants of the Citizenry, who have a conflict of interest in decisions about taxation and spending. Nevertheless, this also protects Government workers from being exploited for political purposes by persons in management. However, involuntary government servitude in a military draft cannot be used as a tool to suppress the voices who might disagree with the policies forcing their service. We carve out an exception for persons in the military reserves because that is not a full-time government job. Having the six-month window is intended to prevent practices where a Federal employee is laid off just before an election, and later rehired.

Section 5. Protections Against Electoral Fraud

Citizens of the United States have a fundamental right to an election process that ensures that no more than one ballot is cast by an Eligible Voter in a single Election, and where only Eligible Voters may cast one ballot. The chain of custody for every secret ballot shall be recorded in a manner that can identify the Precinct of Origin and the Official from the Elections Board who authenticated the voter who cast a ballot. The Elections Board shall adopt procedures to verify the identity of an Eligible Voter before they cast their ballot. Persons found guilty of electoral fraud shall be barred from any employment by the Government and shall serve no less than five hundred days in prison.

> This Section requires that elections are run with serious security protocols and audit trails that can identify individuals who are responsible for any fraud. Practically, a voter identification system will have to be implemented to prevent fraudulent misrepresentation of the voter's identity. Voter sign-in lists can have a birth date and last 4 numbers of SSN visible to the poll worker so that they can query the voter to authenticate their identity instead of asking for a picture ID.

Procedures shall be adopted for processing of Non-Secret Ballots that ensures that no more than one ballot is cast by an Eligible Voter in a single Election, and where only Eligible Voters may cast one ballot. The chain of custody for every Non-Secret ballot shall be recorded in a manner that can identify the Officials from the Elections Board who handled the ballot to count its votes.

Section 6. Deadline for Registering for a Precinct and Privacy

After the thirty-fifth day prior to the Final Voting Date, no additional registration of Eligible Voters to a precinct list shall be permitted for any Federal Election. The Elections Board will announce the total number of Eligible Voters and their names for each precinct on the thirtieth day prior to the Final Voting Date. Persons who move out of a

District after the thirty-fifth day prior to the Final Voting Date may not vote for candidates in their new District, but they are still eligible to vote for candidates in the District of their prior residence.

> This 35-day cutoff gives the Registrar enough time to compile a list of voters in time to begin the 30-day Early Voting Period. At some point the list must be frozen in time for all precincts simultaneously. Otherwise, one person could vote in the same election in two or more precincts in the same election. Allowing persons, who move after the 35-day cutoff, to vote for candidates in their old home district ensures that no one is excluded from casting a ballot.

Section 7. Reconciling Number of Voters to Number of Ballots Cast

The total number of Eligible Voters who cast a secret ballot shall be counted and published prior to commencing the count of Eligible Voters who cast a non-secret ballot. The names of persons casting Non-Secret Ballots shall be compared to the list of persons who cast a Secret Ballot, and duplicates will be withdrawn as invalid ballots. The remaining ballots shall be counted by precinct, recorded, and announced. The counting of votes for candidates contained on the ballots may not commence prior to the announcement of the total number of Eligible Voters who cast a ballot. Once the counting of ballots has commenced, no additional ballots can be included in the count to determine the outcome of the election.

> You must fix the number of ballots eligible to be counted prior to counting them to have any kind of a system that prevents and detects fraud. The current system counts ballots as other ballots are arriving, sometimes arriving weeks after the voting date. Any method that does not announce the total number of ballots prior to beginning the count allows corrupt officials to gauge how many fake ballots to dump into the system based upon the preliminary tallies showing the gap between candidates. Once the total number of ballots is announced prior to counting, you cannot add or subtract ballots to corrupt the count. This system does not permit an election night call of the winner because it might take a few days before the total number of ballots is announced.

Suppose that all voters visiting a precinct sign into the registration booklet, and this is how the precinct measures the number of persons who cast a ballot. If the number of ballots counted exceeds the number of sign-ins, then the ballot boxes were stuffed with counterfeit ballots, or someone who didn't appear on the registration list was allowed to cast a ballot. If the number of voters counted exceeds the number of ballots counted, then some ballots were destroyed after they were cast, or some of the persons who signed in, didn't cast a ballot. Bringing things down to the precinct level allows us to identify the perpetrators of the fraud more easily, and to contain the problem at the smallest level possible.

The Elections Board shall adopt regulations to govern the conduct of new elections in these disputed precincts and regulations for adding the new ballots to the count of total votes cast. If the total votes counted for all candidates for a single office differs from the announced number of voters who cast ballots, and this discrepancy could change which Candidate received the most votes, then the precincts in which these discrepancies occurred shall have their votes withdrawn from the count, and a new election shall be held in those precincts starting on the following Saturday and finishing on the following Tuesday. Those votes shall be added to the total number of votes counted to determine the Candidate that has received the most votes.

This Section anticipates that fraud or errors could occur in several precincts. If there is a material number of discrepancies that could change the outcome, then this Section prescribes the remedy – re-running the voting in those precincts with the discrepancies. Presumably, extra care and oversight will occur in those districts to eliminate the material discrepancies that occurred during the first round of voting. Under the 1787 Constitution every State and every County registrar within a State oversaw the detection of discrepancies and providing a remedy. This document doesn't permit partisan election officials to have discretion for how to count ballots and detect fraud.

Section 8. Oversight of Ballot Count

Election Board employees shall not count the number of Eligible Voters who cast a ballot, nor shall they count the votes for candidates contained on the ballots cast from the precincts where they administered the voting. Every candidate on a ballot shall have the right to designate an Observer in every place where ballots with the Candidate's name are counted and where the number of Eligible Voters who cast a ballot are counted. The Elections Board must apply equal treatment for all Observers and provide no less than twenty-four hours notification to ensure Observers have adequate time to appear before the commencement of counting. All Observer objections shall be recorded and reviewed by the Elections Board. Observers shall have the right to record the operations of the employees of the Elections Board while they handle the ballots.

> Poll workers aren't allowed to count the ballots of the voters from their own precinct so that they cannot tamper with the audit trail. This is basic common sense.
>
> Because later Sections of this document will limit the maximum number of candidates on a ballot to 6, having 6 observers at counting stations will not present any practical difficulties. Observers are granted the right to video record the counting of ballots to ensure transparency of the process. This document eliminates the faith-based elections of the current regime where voter registrars could inhibit the inspection of vote counting.

Section 9. Storage of Ballots, Audits, Recounts

All voting instruments shall be made of a durable physical medium with a visible recording of the votes that are securely stored and available for recounts and audits for no less than three-hundred days after the Final Voting Date. Every unaffiliated candidate and every Political Party with a candidate on a ballot shall have the right to designate an Observer in every place where ballots with the Candidate's name are recounted.

Section 10. Ordinary Voting Period for Secret Ballots

The Final Voting Date shall be the Tuesday following the first Monday of November in every even-numbered calendar year. The Ordinary Voting Period for Federal Offices shall be the Saturday, Sunday, and Monday preceding the Final Voting Date, and the Final Voting Date on Tuesday.

> Spreading voting out over four days, including the weekend, makes it easier for more people to participate, especially those with family care and work obligations that make voting on Tuesdays too difficult. It also lessens the waiting times for voting. You could have greater spacing between people waiting in line in the event of a pandemic.

Section 11. Special Accommodations for Disabled Voters

The Extraordinary Voting Period for Eligible Voters who are physically disabled or who are under police protection and unable to visit a voting precinct shall be no more than thirty days prior to the Final Voting Date. The Elections Board shall propose legislation to Congress for classification of persons qualified for Extraordinary Voting privileges and the procedures for the manner, time, and place of visits by Election Board Employees

An Election Board Employee shall deliver the voting instruments and collect them directly from the voter, after authenticating the eligibility of the voter during the Extraordinary Voting Period.

> This Section eliminates the need for ballot harvesting by persons not employed by the government. A 30-day window is open for poll workers to visit disabled voters in their residences to pick up their ballots if they don't opt to mail them in.

Special Ballot instruments shall be available to accommodate persons who are blind or suffer motor-ability ailments that prevent the use of the Standard Ballot. If the Election Board Employee believes that an

Eligible Voter is mentally impaired, and they are unable to make an independent selection, then that case will be reported to the Elections Board for review, possible removal from the Eligible Voter Registration, and adjudication in the event of a dispute over this finding.

> The elderly in nursing homes, incapable of voting, won't have to rely on private parties filling out their ballots. Doing this over 30 days should be plenty of time to handle valid requests. Regulations will have to be developed to determine valid requests for personal visits by Elections Officers to prevent abuse of this service by persons able to vote during the regular 4-day period of in-person voting at the precinct.

Section 12. Exclusive Federal Voting Period

Excepting Special Elections to fill vacancies in the House of Representatives, no election may be sponsored by a State or its political subdivisions sixty days prior to or after the Final Voting Date of a Biennial Federal Election.

> This eliminates the cluttered and confusing ballots that differ across the country. It also gives the Federal Election the ability to stand above the clutter, and it protects the States elections so that they won't be drowned out by the media focus on the Federal Elections. State election campaigns won't overlap Federal ones with the 60-day window.

Section 13. Biennial Federal Elections

Elections for Federal Offices shall be held every two years on even-numbered years. The Slate of Candidates for the President and Vice-President shall be chosen every four years. Two years after the Election for President, the House of Representatives shall be chosen every four years.

> Members of the House will have 4-year terms, instead of the current 2-year terms that make it difficult for Members to get acclimated to their work while constantly engaged in running a continuous campaign. Having the House Members running separately from the President permits voters to

focus more effectively on the different roles of the Executive and Legislative branches, instead of confusing their roles and responsibilities.

The First Election for President after ratification of this Constitution shall also choose Members of the House of Representatives for an initial term of two years. Thereafter, Members shall serve a term of four years.

Section 14. Limiting Number of Candidates on Federal Ballot

The ballot for a Federal Election shall not contain any candidate, question, or proposition other than the names of Candidates for the House of Representatives or the Slate for the President and Vice-President. No more than six different candidates or Slates may appear on a ballot for a single office.

A maximum of 6 candidates further simplifies the ballot presentation. Also, only names of candidates for office may appear. They cannot load any voter initiatives or other questions alongside the candidates.

Section 15. Disqualifying Dual Citizens from Voting and Holding Office

Any Citizen who does not relinquish their passport or other documents attesting to citizenship in another country and renounce that citizenship is ineligible to vote in Government Elections or to be an Elected Official or Principal Officer of the United States.

Dual loyalties taint the undivided commitment to the United States. This restriction applies to Federal and State elections.

Section 16. Selection of President by Majority or Electoral Votes

The Slate of President, Vice-President, and other officials shall be elected as follows:

The votes for the President shall be counted on a national basis in each House District and for each Federal District and Territory.

Opens voting for President to Citizens who are residents in the Federal Territories (Puerto Rico, Guam, Virgin Islands, Northern Mariana Islands).

The Slate receiving a majority of the popular votes from the States, Federal Districts, and Territories shall be chosen.

> The Slate will be covered in more detail in later sections. For now, the mandatory Slate includes the President and Vice-President. They have the option to add five additional names to the Slate who would assume Cabinet positions after the election and bypass Senate Confirmation hearings.
>
> The winning Slate must achieve a majority, not a plurality. Therefore, it is likely that with 3 or more candidacies that no one will achieve a majority. In those cases, the following process is followed:

If no Slate receives a majority of the popular votes, then the two Slates receiving the most popular votes nationwide shall have their Electoral Votes Tabulated according to the following process:

The Electoral Votes for each State equal the number of Representatives plus one Senator.

The popular vote for the two slates shall be tabulated by House district and the entire State. The Slate with the most popular votes in the State receives one Senate Electoral Vote. The slate with the most votes in a single House District receives one Electoral Vote.

If there is a tie in the number of electoral votes, then the Candidate receiving the greatest number of votes from the Federal House District shall be chosen.

> This process eliminates the need for an Electoral College, even in cases where no one wins a majority of the popular votes, when more than 2 major parties split the vote. This process also eliminates the need for a run-off

election as is done in France two weeks after the first election. Using Electoral Votes will favor a candidate with more broad-based support across the nation rather than concentrated regional support. Because the total number of House seats will increase to over 700, and because the Senate is reduced to 50 seats, the Electoral Votes will no longer be tilted heavily in favor of small States as is the case with the 1787 Constitution.

Section 17. The Presidential Slate and Line of Succession

The Slate of the President and Vice-President may include no more than five additional appointees for Secretaries of State, War, Domestic Security, Treasury, and Attorney General. Names for Cabinet Posts appearing on the Slate are appointed, not elected office holders. If the President and Vice-President are elected, then these appointees fill their positions without possibility of removal by the Senate, except by impeachment. They would be in line to succeed the Vice President and President in the case of vacancies of those offices prior to, or after, the Final Voting Date. Any other Official appointed by the President in the Line of Succession for the Office of President must be approved by a majority vote of the Senate. After three-hundred sixty-five days of service, a Secretary in the Line of Succession may be terminated at will by the President.

This encourages the President and Vice-President to disclose their management team to the voters prior to the Election. The incentive is that these appointees can assume their posts without approval from the Senate, and the President can begin his administration on Day 1 without being at the mercy of the Senate's calendar. Also, this provides clarity regarding the line of Succession should the President and/or Vice-President die before the Election Date, or before inauguration.

The price that the President pays for including them on the Slate is that he cannot dismiss them involuntarily until they have served a minimum of 365 days in office. The 365-day minimum is a protection against placing someone on the Slate as mere window-dressing to entice voter support, and then discarding them soon after inauguration.

The 1787 Constitution omitted procedures for what to do because the Framers assumed that the Electoral College would handle this problem. However, under the Elitist Constitution, where voters make the selections instead of the Electoral College, these situations create a problem. Congress can pass laws to deal with situations where the candidate dies before election day, or after election day and prior to Inauguration Day but it makes more sense to define Succession within the Constitution.

Section 18. Eligibility and Selection of House Members

The candidate receiving the most votes from Eligible Voters who are Citizens of the State residing in that House District is chosen as the Member of the House representing that District. A Member is chosen to serve a term of four years. The candidate receiving the most votes from Eligible Voters registered in the Federal House District is chosen to be the Member of the House representing Citizens who have no State Citizenship. A Member of the House or the Senate, their spouse and minor children retain Citizenship in their State during their term in the House of Representatives or the Senate.

This Section Retains the current first-past-the-post method and geographical districts for specific candidates in contrast to the system of proportional representation by voting for a political party, filling seats by using lists of candidates, as is done in several European nations. This first-past-the-post method encourages the formation of an electoral system with 2 major parties so that bargaining and coalition building is done prior to an election, not afterwards as in many European nations, and Israel.

The first innovation is increasing the House term from 2 to 4 years. The second is creating a House District with its Member representing Citizens not residing in the States, or persons with no permanent address. This Member will be the only one representing more than 400,000 Citizens. However, most of these residents in Federal Districts and Federal Territories will be Government employees, hence not Eligible Voters. Creating this district ensures that all US Citizens have representation in the House, and it solves the problem of how to handle transients with no permanent address. Every eligible Citizen will be registered to vote, and if they are homeless or

transient, they can vote for candidates for the Federal House District At Large.

Section 19. Special Elections for House District Vacancies

If a Vacancy occurs in a House District with more than two-hundred fifty days remaining prior to the next election, then the Elections Board shall hold a special election to fill the vacancy within sixty days. Otherwise, the seat shall remain vacant. All persons who qualified for the ballot as an Unaffiliated Candidate for the prior election for that District shall qualify for this special election. All Political Parties that sponsored Candidates for the prior election who qualified for the ballot for that District may nominate a Candidate for this special election.

Section 20. Voting in the Federal House District

All Citizens who are Eligible Voters in a Federal Territory and a Federal District shall have the right to participate in the Election of the Slate for President and Vice President.

US Citizens who are Residents of Territories will now have the right to vote for President, the same rights as currently enjoyed by the residents of the District of Columbia.

<u>Section 21.</u> Date for Inauguration for President and Seating of House

Candidates for the Presidential Slate and the House of Representatives certified by the Elections Board to have won their elections shall be sworn into office on the first Tuesday of December following the Final Voting Date.

This shortens the lame-duck session to one month. This timeline eliminates the kinds of games currently played by some states in counting and certifying their election results. Now the votes will be counted by the National Elections Board rather than hundreds of different county registrars.

Section 22. Rules for Succession to the Presidency
Upon qualification of a Presidential Slate to appear on the ballot, the nominee for President shall designate a Line of Succession in cases that the President or Vice-President vacate the ballot due to death or resignation prior to the Inauguration Date. If the nominee for President vacates the ballot, then the Vice-President shall assume the position of President, and the Nominee for Secretary designated by the former candidate for President shall assume the position of Vice-President.

ARTICLE 3. QUALIFICATION OF CANDIDATES

Section 1. Minimum Length of Citizenship to Hold Office
Every Elected Official, Principal or Inferior Officer of the United States and the States must be a Citizen of the United States for no fewer than twenty years.

Section 2. Minimum Age and Residency Requirements to Hold Office
The following are additional requirements:

The President, Vice-President, Governor General, and any Elected Official or Officer in the Line of Succession for the Presidency must have attained the age of thirty-five years and be a Birthright Citizen of the United States. No person may hold the Office of President for more than eight years during their lifetime, and they may not appear on a ballot for President or Vice President if upon completion of a full term in Office, they would serve more than eight years. If serving as Secretary or Minister after serving as President, then they may not be in the Line of Succession.

Members of the House of Representatives must have attained the age of thirty years and may not hold Elected Office in the House of Representatives for more than twenty years during their lifetime. Every

Member must be a Citizen of the State containing the district they represent, or they must be a resident of the Federal House District containing the Federal Districts and Territories.

> A Member is not required to live inside their district boundaries so they wouldn't be legally forced to move their residence after redistricting. The minimum age is raised from 25 to 30. Term limit of 20 years.

Members of the Senate must have attained the age of forty years and may not hold Office in the Senate for more than twenty years during their lifetime. Every Senator must be a Citizen of the State they represent.

> Minimum age raised from 30 to 40 and 20-year term limit.

Section 3. Prohibition Against Running for More than One Office

A Candidate may only appear once on a ballot for one office during any biennial election for a Federal Office.

Section 4. Legal Status of Political Parties

Political Parties sponsor candidates on Federal Ballots for the House of Representatives, the President and Vice-President. The Government shall not prohibit Political Parties from sponsoring candidates for Offices in the States, Federal Districts, and Territories. The Government shall make no laws abridging the right of Political Parties to determine their own rules for membership or selection of candidates that meet the Eligibility Requirements of this Constitution.

Political Parties may organize separate corporations at the National, State, and regional levels, with by-laws that prescribe their governance, raising and spending contributions, the qualifications of Party Members and the selection of Candidates. However, the National Party will be

recognized for purposes of sponsorship of all Candidates for Federal Offices governed by this Article.

> Formally recognizes Political Parties and their role in the political process. Protects them from interference by the government because they are how Eligible Voters can cooperate and organize to change the government. Incumbent parties will want to enact laws to impede the formation of competitors, so it is necessary to provide Constitutional protections for political parties.

Section 5. Candidate Status as Affiliated or Unaffiliated

Candidates for Elected Office may qualify to appear on a ballot through sponsorship by a Political Party as an Affiliated Candidate, or by sponsorship from Eligible Voters as an Unaffiliated Candidate.

> You can appear on a ballot through affiliation with a Party or as an independent, unaffiliated candidate.

Section 6. One-Sixth Threshold – Affiliated Candidates on Ballot

A Political Party qualifies to nominate one candidate for every district of the House of Representatives in every State and the Federal House District if no fewer than one-sixth of the office holders in the House of Representatives were sponsored by that Party at the prior election.

> If a House Members switch parties after their election, this will not affect the $1/6^{th}$ calculation of their former party which is based upon sponsorship at the prior election. Mathematically, it is unlikely that more than 3 or 4 parties could meet this threshold. The $1/6^{th}$ floor should screen out extremist, fringe parties from automatically qualifying their candidates.

A Political Party qualifies to nominate one candidate for every district of the House of Representatives within that State if no fewer than one-sixth of the office holders of the most numerous Legislature within that State were sponsored by that Party at the prior election. However, it

may not nominate more than one candidate from the same party for that ballot for a single district.

> This is a second-tier method for gaining automatic qualification for the ballot. Nascent parties will likely be regional phenomena that gain footholds in State Legislatures before Congress.

A Political Party qualifies to nominate a Slate containing the names of candidates for President, Vice-President, and up to five additional names of Cabinet Secretaries in the Line of Succession if no fewer than one-sixth of the Members of the House of Representatives were sponsored by that Party at the prior election.

> Instead of the 50 different rules and regulations that currently prevail in every state to qualify to get on a ballot, this is simple and streamlined. The popularity of the Political Party getting representatives elected to the State and Federal Legislatures is the measurement used to qualify a candidate for nomination by a Party.

A Political Party that sponsored a current Office Holder at a previous election, may deny that current Office Holder its sponsorship at the following election. At its discretion the Political Party may sponsor a different qualified candidate for that Office on the ballot at the subsequent election.

> Just because you were elected as a Democrat or Republican in one election doesn't guarantee that you will be able to run as the Party's standard bearer in the next election. The Party controls the nomination of their Standard bearer.

<u>Section 7</u>. Ballot Access for Unaffiliated Candidates, Dual Sponsorship

Unaffiliated Candidates who qualify as a Candidate for President must nominate a Vice-President, and they may nominate up to five additional names of Cabinet Secretaries in the Line of Succession to form a Slate for the ballot.

A candidate for Vice-President is a mandatory companion for a Presidential Slate. It is optional to also nominate Cabinet Secretaries to appear on the Slate. It is a nice way to get Cabinet Secretaries approved and bypass delays that may be imposed by the Senate's approval process. A full Slate is also good advertisement to the electorate of how the President plans to govern.

Unaffiliated Candidates who qualify as a Candidate for President, Vice-President, or the House of Representatives may solicit the sponsorship of a Political Party for that office on the ballot, provided no other candidate is sponsored by that Political Party on the same ballot.

This is an alternative to going through Party Primaries to be the Party's choice as their standard bearer. But Parties are limited to one nominee under their banner. It is the mechanism for how newly-formed Political Parties can establish the $1/6^{th}$ minimum threshold. First a candidate qualifies through the Unaffiliated procedures to get on the ballot, and then the New Party sponsors the Unaffiliated Candidate under their Party banner.

A current Office Holder who was elected as an Unaffiliated Candidate qualifies for the ballot.

Any Office Holder who was sponsored by a Party and who fails to be sponsored for the subsequent election is required to obtain Unaffiliated sponsorship from Eligible Voters to appear as a Candidate on the ballot.

If you were elected without sponsorship by a Party, then you are guaranteed to appear on the ballot for the next election. However, if you were elected as the Standard bearer of a Party, and then the Party did not renominate you for the next election, you must get signatures to qualify on your own as an Unaffiliated Candidate or as the nominee of another party.

A Candidate for Elected Office may not be sponsored by more than one Political Party on a single ballot. A Candidate Affiliated with a Political Party for Elected Office may not qualify as an Unaffiliated Candidate on

the same ballot. Two Candidates from the same Party may not appear on the same ballot for the same office. Slates for President and Vice-President must be uniform in every voting precinct.

The Elections Board may not charge any filing fees for Unaffiliated Candidates.

Section 8. Signature Requirements for Unaffiliated Candidates

A Citizen qualified to be elected to the House of Representatives at the time of taking the oath of office, may qualify as an Unaffiliated Candidate by gathering signatures on a petition from Eligible Voters within that District exceeding one-twentieth of the number of votes for all Candidates for the House of Representatives cast during the prior election within the district. Eligible Voters may only sponsor one Unaffiliated Candidate for each office for each election. The same rules apply for the candidates for Representative at Large for the Federal Districts and Territories. Candidates may not offer, nor may Eligible Voters receive, pecuniary or non-pecuniary forms of compensation as an inducement to sponsor an Unaffiliated Candidate.

A person qualified to be elected as President and Vice-President may qualify as an Unaffiliated Candidate by gathering sponsorship from Eligible Voters exceeding one-fiftieth of the number of votes cast at the prior Federal Election for President in that State and the Federal House District. The period for obtaining sponsorship shall not exceed nor be restricted to less than three-hundred sixty-five days, terminating no later than one hundred twenty days prior to the Final Voting Date. The Unaffiliated Candidates for President and Vice-President must qualify in every State and the Federal House District.

Section 9. Verification of Sponsors for Unaffiliated Candidates
The Elections Board shall mail forms to the residence of Eligible Voters proposed as Sponsors for an Unaffiliated Candidate for Elected Office. The person seeking to qualify as an Unaffiliated Candidate may submit signatures and identifying information for Eligible Voters to the Elections Board to confirm the Eligible Voter's sponsorship. The Eligible Voter may directly solicit the Elections Board to mail forms that will be used to confirm the Eligible Voter's sponsorship.

Section 10. Six Candidate Limit and Order of Ballot Appearance
No more than six Candidates may appear on a federal ballot for a single office. Rules for determining which Candidates appear on the ballot and the order in which they appear begins with Eligible Incumbents, then the number of Members of the House of Representatives Affiliated with a Party, the number of State Legislators in the chamber with the most members Affiliated with a Party different than ones in the House of Representatives, and the candidates who gathered the greatest number of Sponsors by Eligible Voters.

> No more than six candidates will appear on the ballot for any Federal Election. This avoids ballot clutter and makes it easier for voters to decide. Six candidates are a tradeoff between allowing challenges to the 2 major parties, and only allowing serious candidates to appear on the ballot.

ARTICLE 4. POLITICAL PARTIES AND CAMPAIGN DONATIONS

Section 1. Exclusive Citizen Support of Political Parties & Candidates
Political Parties are legal persons chartered by the Federal or State governments as non-profit corporations. The minimum annual contribution for eligibility to vote in the affairs of a political party cannot exceed one one-thousandth of the annual compensation of a House Member for two years prior to an election date. All party

member votes shall be weighted equally. Political Parties shall establish by-laws to govern their procedures for membership, dues, and rules for sponsoring Candidates to appear on a ballot for elected office.

> Limiting Political Parties to Nonprofit corporations eliminates the existence of shareholders who could obtain control by explicit purchases of shares. This Section limits the membership criteria by capping the annual contribution limits to $174/year based on 2021 salaries and mandating that all members have equal votes in governance. Likely that most parties will reduce the annual membership fee to broaden outreach. Having committed members who donate money as persons in charge of selecting who gets to represent their values is better than allowing anyone with money to put themselves on a ballot and go around the Party Leadership to buy an election.

Candidates for Government Office and Political Parties must be supported solely by monetary donations and in-kind contributions from Eligible Voters of the United States. Legal persons, foreign and domestic governments, non-Citizens, and non-Eligible Voters are prohibited from making monetary donations and in-kind contributions. Any violation of this Section by a Political Party shall result in a twenty-four-month suspension of rules favoring its Sponsorship of Affiliated Candidates to appear on ballots for the Election of the Office for which the offense was committed. Additional financial and criminal penalties may be enacted by law. The time span for all limitations on political donations shall be measured over four years prior to the Final Date of Election for the office.

<u>Section 2.</u> Restrictions on Party Support of Candidates

Political Parties may not donate to Candidates who are not Affiliated with their Party. Only Eligible Voters may donate money and in-kind contributions to a Candidate. Political Parties may not be limited to donating less than the three times the annual compensation of a Member of the House of Representatives to a Candidate Committee for

the House or less than twenty-times the annual compensation of the President for a Campaign for a Presidential Slate.

> Only natural persons who are US Citizens may donate money to Political Parties and Candidates. This provision keeps foreign influence and corporate money out of political parties.
>
> While Political Parties may continue to want to utilize the election apparatus of the States to have Primaries, they can also use caucuses to select their standard bearers.

Section 3. Restrictions on Taxation and Use of Political Donations

No expenditures from a Political Party or a Candidate Campaign Committee may be paid as in-kind or monetary compensation to the Candidate, their spouse, parents, or direct descendants. Congress shall enact laws defining eligible expenditures for Political Parties. Donations received by Candidate Campaigns and Political Parties are not subject to taxation provided that the expenditures are for a lawful purpose to support or oppose candidates and Political Parties, and that they only employ Citizens. A further requirement to not be subject to taxation is that no fewer than fifty candidates that have qualified on ballots for elections for the State Legislature or the House of Representatives are Affiliated with the Political Party.

> Protects donors from Candidates abusing the funds for personal use. Creates a tax-advantaged sphere for Political Parties and Candidate Campaigns, but they cannot employ non-Citizens if they wish to receive this tax benefit. Also, to ensure that the tax benefits are only being used by Parties that are sponsoring candidates that qualify for ballots, and not be fringe movements.

Excepting Political Parties and Candidate Campaigns defined under this Article, no expenditure of money, labor, or other resources to solicit or broadcast support or opposition to candidates for Government Office, for Political Parties, or for legislation may be applied to reduce the amount of income subject to taxation by the Government.

> This addresses the matter of the Independent Expenditure Committees, the sources of "Dark Money" in campaigns. These are corporations where 100% of their expenditures would not be deductible. Effectively, their entire haul of donations is taxed at the corporate income tax rate, leaving the remainder to cover all their expenses. Contrast to non-political corporations that are only taxed on their net income after expenses are deducted. These expenditures are treated the same as after-tax personal consumption. Thus, we use the tax code to preserve freedom of expression to spend your money as you please while providing prejudicial treatment in favor of political expenditures routed through regulated campaign committees. Currently, the 501 {c]{4} and {c}{6} portions of the tax code permit these political non-profits to deduct expenditures and avoid taxation of their gross revenue.

The presumption shall be that entities engaged in Political Actions to solicit support or opposition are not allowed to use any expenditures to reduce the amount of income subject to taxation, and the burden lies upon the Political Actors to prove which expenditures did not support the efforts to engage in political activities.

> If a Church or for-profit company spent only 5% of its budget on political activities, then they have the burden of keeping records to justify why the entire amount of revenue they received shouldn't be taxed. This will lead companies to be very careful to have segregated Political Action corporations so that this co-mingling of expenses won't occur.

Vendors paid by Political Actors shall not be subject to an additional prohibition against using their own expenditures for reducing their taxable income. Vendors must show proof of payment from Political Actors and that charges for services were uniform and equally available without discrimination for all Political Actors to retain the ability to deduct these expenditures for reducing their taxable income.

> Clarification if a Political Actor hired a printer, law firm, or paid for advertising, those vendors are not subject to this restriction. However, they

could not offer preferential rates based upon the political affiliation of their clients.

Any corporation that donates money for this purpose, or if it directly supports or opposes a candidate, then the expenses used for this purpose would be treated as personal consumption (spending on meals and entertainment) that could not be used to reduce net taxable income.

If a corporation is set up just to receive donations and spend them outside of the political parties and candidates, then all its donations would be taxable, not the net income. Using the tax code is the best way to discriminate against these independent actors. *This provides a strong financial incentive for routing money directly to the campaigns and the Political Parties, instead of through Independent Expenditure Committees.*

Does this mean that FOX, ABC, NBC, NY Times, and MSNBC could be subject to this interpretation? Could media outlets have the fraction of expenses devoted to endorsing or tearing down a candidate or Party disallowed for reduction of taxable income. Would one-sided reporting of "news" that paints a candidate in an unfavorable light without explicitly endorsing a vote against the candidate be covered by this? This would be a loophole because the networks merely offered their audience the opportunity to see the candidate, no different than if the candidate paid for advertising time out of their own pocket.

If a Candidate fails to qualify for the ballot, then its Candidate Campaign privileges to receive donations free of taxation shall terminate on the Final Voting Date of that campaign period.

Without this provision, you would see unserious candidates running and seeking donations merely for their tax advantages. They could run a political news company under the guise of a campaign. This termination date gives real candidates that have failed to qualify for the ballot enough time to pay off vendors and creditors, but it also forces failed candidates to go through the motions of re-qualifying for the ballot for the next election.

Section 4. Self-Financed Campaign Contribution Limits

A Candidate may contribute no more than three times the annual compensation of a Member of the House of Representatives for their own campaign for the House of Representatives, and no more than twenty times the annual compensation of the President for their own campaign for the President. The Candidate for Vice-President shall be limited to no more than twenty times the annual compensation of the Vice President. Candidates are prohibited from using any of their own funds or their spouse's funds for expenditures on their own campaign that do not originate from their Campaign Committee.

> Current 2021 salary for a Member of the House is $174,000 . Therefore, the President's compensation would be $3,480,000. $522,000 would be the maximum self-funded contribution for a House campaign. The President could self-fund $69,600,000, and the Vice-President half that amount. Tying these limits to the compensation of a House Member adjusts for inflation. Obviously, the amount of the limitation is something up for discussion.

Section 5. Political Contributions Restricted to After-Tax Funds

No funds may be contributed to a political campaign for Government Office unless income, estate, or inheritance taxes on those funds has been paid by the Donor. Any person found guilty of acting as a conduit for accepting funds and making Campaign Contributions on behalf of other persons shall serve no less than five-hundred days in prison and shall be barred from all future employment by the Government.

> Prevents the use of "dark money," or undeclared income, and schemes to hide the identity of the actual backer.

Section 6. Political Contributions Routed Through Elections Board

Monetary Donations to Political Parties and to Candidates shall be directed through the Elections Board for confirmation that these donations derive from Citizens and comply with any limitations on the

amount of donations. Donation limitations apply over a forty-eight-month period.

> This is a very radical departure from current practices, but it must be done if we are serious about monitoring campaign expenditure. The Elections Board and the Census Board will have a database of persons legally capable of making donations, and they can continuously track the contribution limits and make timely reports. This also offloads a lot of overhead from the campaign. The limits apply per candidate over a 4-year period.

The Elections Board shall develop procedures to ensure that donations are promptly deposited into the accounts of Political Parties and Candidates no later than seventy-two hours after receipt of donation complying with these procedures. Failure to comply will result in a one twentieth penalty, and daily, compounded interest payments of one-one thousandth on the unremitted deposits payable to the Campaign. The Elections Board shall publish a daily receivables report of the outstanding amounts of donations awaiting confirmation.

The Elections Board must notify the donor, and the intended recipient of a donation, the amount of and the reason for the rejection of that donation. If the donor requested anonymity, then their name shall not be disclosed to the intended recipient. Donors may submit appeals for review of any rejections to the Elections Board and the Courts. Persons making disqualified donations may be subject to criminal prosecution and fines enacted by Congress.

> The risk of centralizing donations in this way is that the campaigns won't have timely access. The late penalties are quite stiff to discourage this behavior. There is a risk that the Elections Board could intentionally reject donations to harm a candidate's chances so there is an appeals process. Penalties exist to discourage a campaign by someone to intentionally overload and sabotage the Elections Board's capacity to review donor qualifications.

Section 7. Campaign Finance Reports
Beginning six-hundred twenty-nine days prior to the Final Voting Date, every one-hundred and eighty days the Elections Board shall issue reports of total donations for the entire duration of the campaign for every person who has opened a campaign account with the Elections Board and every Political Party.

Beginning eighty-nine days prior to the Final Voting Date, every seven days the Elections Board shall issue reports of total donations for the entire duration of the campaign for every candidate. No donations will be accepted by the Elections Board during the Ordinary Voting Period. Thereafter, reports shall resume seven days after the Final Voting Date, and additional reports shall be issued every thirty days.

> Specific timetable for the Elections Board to report campaign donations. Content of Expenditure Reports can be specified in legislation.

Section 8. Contribution Limits for Non-Anonymous Donors
Donors who openly disclose their identity and contribution amounts may not be limited to an amount less than one-fourth of the annual compensation of a Member of the House of Representatives for no more than one active candidate for the House of Representatives in each district and one active Presidential Slate for any election cycle. Excepting Candidates subject to Section 4 of this Article, the cumulative amount of all donations to every Candidate from a single donor over a forty-eight-month period may not exceed the annual compensation of a Member of the House of Representatives.

> 2 classes of donors. Those who openly disclose their identity get to contribute larger amounts of money than those who remain anonymous. $43,500 is maximum 4-yr. donation to a single candidate when donor isn't anonymous. Then there is a separate limitation for all donations of $174,000.

Section 9. Restrictions and Reporting for Political Loans
Political Parties and Candidates may only accept loans from an individual Citizen who immediately discloses the entirety of the written loan agreement to the Elections Board that publishes the agreement. The outstanding balance of all loans owed to an individual Citizen by any Political Party or Candidate may not exceed the annual compensation of a Member of the House of Representatives. If the loan is not repaid within twelve months following the Final Voting Date, then that Citizen may not make any contributions or loans to any Candidates or Political Parties for thirty-six months following the twelve-month anniversary of the Final Voting Date. A lender cannot offer loans to more than one Candidate and one Political Party over a forty-eight-month period.

> Banks and other financial entities are prohibited from making loans. The maximum loan amount is limited for any individual, but if it is not repaid, then it's essentially a campaign contribution rather than a loan. The penalty is severe to deter loans that are not made as a serious business proposition. Disclosing the entirety of the loan agreement allows for scrutiny of the conditions under which it was made.

Section 10. Contributions and Loans for One Candidate Per Office
Individual Citizens may not donate or loan money to more than one Candidate per office or one Political Party during a forty-eight-month period, unless the candidate who received a donation or loan withdraws from the ballot.

> This stops the practice of buying access employed by many donors who are not committed to the policies and virtues of a Candidate.

Section 11. Prohibition of Government Employee Contributions
Excepting Citizens drafted into military service, or other involuntary servitude for the Federal Government, those Citizens voluntarily employed by the Federal Government are prohibited from donating or

loaning money or in-kind labor to Candidates for Federal Office. Citizens employed in the military reserves who are not Federal Government employees are exempted from this prohibition.

> This prohibition provides stronger protections than The Hatch Act to prevent an incumbent power from using the resources of the government to protect its loss of power. It also establishes a hierarchy of master and servant. Government workers are servants of the Citizens, and they have a conflict of interest to protect their jobs and thwart any decisions to reallocate resources away from these jobs.

Section 12. Disposition of Contributions After Election

Any candidate for office that withdraws their name from the ballot must pay all outstanding debts and remit any remaining balance of all donations to the Elections Board. The Elections Board will return this remaining balance on a pro-rata basis to the donors. Returned donations are not taxable income.

> This protects donors and assures them that Candidates who withdraw from an election cannot carry those donations over to another race that the donor didn't consider for its decision as is commonly done today.

Within sixty days after the Final Voting Date, any outstanding liabilities of a Campaign or Political Party must be repaid from the Campaign Account. Political Parties are not required to refund contributions to donors after the Final Voting Date. Candidates are required to extinguish the balance in their Campaign Accounts subject to the following conditions:

Within fifty days of the Final Voting Date, and after repayment of liabilities, a Candidate Campaign may transfer all or part of the remaining balances in its Campaign Account to the Political Party that sponsored the Candidate. Within sixty days, any remaining balances in the Campaign Account must be returned on a pro-rata basis to those

donors making contributions during the prior forty-eight months of the Final Voting Date. No taxes shall be levied upon transfers of funds from a Campaign Account.

> This prevents Candidates from fundraising to amass huge campaign war chests that can be transferred directly to other candidates. Again, this promotes the authority of Political Parties over personalities. Once a campaign is over, the candidates' Campaign Account is zeroed out, and they must start fundraising again. Presumably, their political party will reimburse Candidates the portion they transferred to the Party as the seed money for their next election to reward their fundraising prowess. This is a bias against Unaffiliated Candidates that, unlike Political Parties, may not carry balances in their accounts after the election.

Section 13. Opening Campaign Account with Elections Board

Only candidates that have applied to qualify as a candidate, or who have already qualified as a candidate for office, may open a campaign account with the Elections Board to accept donations.

Section 14. Restrictions for Anonymous Campaign Contributions

Donors who elect to make their identity and the amount of their donations a secret shall be subject to any donor limitations enacted into law. The maximum donation shall be no less than one-twentieth of the annual compensation of a Member of the House and shall not exceed one-fourth of a non-anonymous donation limitation. Excepting Candidates subject to Section 4 of this Article, the cumulative amount of all donations to every Candidate from a single donor over a forty-eight-month period may not exceed one-fourth of the annual compensation of a Member of the House of Representatives. Any person who discloses or publishes confidential information about a donor's contributions shall be imprisoned for no fewer than five hundred days, be permanently barred from employment or elective office in the Government and pay damages to any donor in the amount

of the annual compensation of a Member of the House of Representative.

> Anonymity comes with a tradeoff. 5% maximum is $8,200 today, and the limit will adjust with inflation as compensation of House Members increases over time. Anonymity will also encourage greater donor participation because their names won't be publicly exposed where they could suffer retribution. Also, the candidate won't even know their names so they will have a harder time determining who should be rewarded for their donation. Donors will have to volunteer their support directly to the campaign. Harsh penalties for nonconsensual disclosure will cover media outlets who won't be able to claim they were just reporting the news.

Section 15. Financial Disclosure Requirements for Candidates

No later than ninety days prior to the Final Voting Date, any Candidate for Federal Office and their spouse must disclose the following amounts for the previous ten years of income taxes, but only the current year for assets and liabilities:

The amount of taxes owed and paid to the States and their political subdivisions, Territories, Federal Districts, and Federal Government, and any disputes and the amount of taxes in arrears.

The Gross Income and Taxable Income reported on Personal Federal Tax Returns, and for any companies in which the candidate owns more than a one-tenth interest or receives more than one-tenth of the income.

All monetary and in-kind gifts and inheritance in excess of one-tenth of the compensation for a House Member in any twelve-month period.

The names of any source of income that accounted for more than one-fifth of their Gross Income during any calendar year.

A Personal Financial Statement that lists all assets and liabilities as cumulative totals, and an itemized enumeration whenever a single holding exceeds the annual compensation of a Member of the House of Representatives.

> This formalizes the custom of Presidential candidates who disclose their tax returns, and current House and Senate rules for financial disclosures. This Section doesn't require the disclosure of entire tax returns, just the summary figures. However, it does require the disclosure of a detailed statement of assets and liabilities.

After vacating the office of President and Vice-President, the former office holders must continue to submit these financial reports annually until ten years have passed.

> Bush, Clinton and Obama have made a fortune after leaving office. This provision allows scrutiny of the possibility that they were compensated in exchange for favors given during their term in office.

Section 16. Dispute Resolution Regarding Audits of Statements

Any candidate elected to office shall provide all necessary financial records to facilitate an audit to authenticate these disclosures by the Elections Board. The Office Holder shall be allowed to contest any discrepancies uncovered by the audit. The Elections Board shall publicly disclose any findings of discrepancies along with any rebuttal provided by the Office Holder no later than two years after the Final Voting Date of the Office Holder. If the Elections Board fails to deliver its findings, then all records shall be turned over to a Special Prosecutor if the Senate votes to appoint one. The tax collection authorities of the States, Federal Districts, Territories, and the United States shall promptly provide all records requested by Candidates to fulfill the requirements of this Section.

This puts teeth into the previous section, and only applies to those elected to office. Their financial disclosures will be subject to verification by the Elections Board. If fraud is uncovered, then the Senate has the discretion to appoint a Special Prosecutor to pursue this as a criminal matter.

Section 17. Primary Elections

Political Parties may contract with the States, their political subdivisions, Federal Districts, and Territories to operate primary elections and use the vote tabulations to assist in their selection of their nominee for a Federal ballot. The by-laws of the Political Party shall determine which Eligible Voters are eligible to vote for their candidates in the primary election, which candidates may be sponsored by the Political Party on the primary ballot, and which candidate is chosen for the Federal ballot. States are not obligated to host primary elections. However, States that host primary elections may not discriminate in their treatment of Parties that have qualified for the Federal Ballot, and they may not prescribe any rules for the number or qualifications of Candidates appearing on a Party's Primary Ballot.

Section 18. Disclosure of Campaign Advertisements

A Political Party or a Candidate Campaign Committee(s) complying with Article 4, Section 3 to receive preferential non-taxation of donations must submit to the Elections Board and to the opposing Campaign Committees any new broadcast of information to persons outside the Campaign Committee at least forty-eight hours prior to its disclosure to the persons not employed by the Campaign Committee. The Campaign Committee, the Opposing Campaign Committee(s), the Elections Board, or any other party violating this disclosure limitation shall be subject to fines no less than the annual compensation of the Member of the House. Any Campaign Committee, Political Party, or Broadcaster violating this disclosure limitation shall be subject to taxation of all their donations received thirty days prior to the disclosure and prior to sixty days after the Date of Election.

This is intended to deter the release of false information at a late date in campaigns intended to blindside the competition and not give them adequate time to prepare a response. 48-hour embargo gives the other side time to rebut charges. Campaigns cannot leak to the press and get around this prohibition because the press will be subject to fines.

ARTICLE 5. THE EXECUTIVE AUTHORITY OF THE PRESIDENT

A major innovation of this Constitution is the division of Executive Authority between the President and the Governor General. The President takes on the non-partisan responsibilities of military and foreign affairs and domestic security that demand national consensus. The Governor General handles the partisan issues of domestic policies that are more divisive.

Section 1. Oath of Office for The President

Before entering on the Execution of the Office, the President shall take the following Oath or Affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. Authority and Restrictions Upon the Use of Military Force

The President shall be Commander in Chief of All Armed Forces for making war outside the boundaries of the United States, and its territories, embassies, offices, or military bases. Absent the consent of Congress, the President may initiate the use of force outside the boundaries of the United States for a maximum of thirty days during any consecutive three hundred sixty five-day period.

This recognizes the necessity for the President to act quickly and secretly in certain circumstances, but it doesn't give the President an open-ended mandate to wage war. Theoretically, Congress could always use the Power of the Purse to terminate these adventures, the Presidential veto was always

> a tool to thwart that. This provision limits Presidential discretion to 30 days of war per year, and then he's forced to terminate a war after 30 days if he cannot gain consent.

Except in defense from an attack initiated by the enemy forces, at the end of thirty days, the President must discontinue hostile engagements, absent the majority consent of the House through a War Powers Resolution. Any War Powers Resolution by the House expires after twelve months, unless terminated by a majority vote of the House prior to expiration. A War Powers Resolution may prescribe the extent of lethal and non-lethal attacks and the sabotage of property and information systems of an enemy, and the territory over which such activities may occur. The use of force under a treaty obligation shall not abrogate the requirements of this Section.

> The War Powers resolution just requires the consent of the House, not the Senate. A 12-month expiration date on the War Powers resolution prevents a repeat of the War on Terror authority that is still be used after 20 years as a justification for the President to launch attacks. This is a glaring oversight in the original Constitution that must be corrected.

With majority consent of the House and the Senate, the President may command armed forces to combat domestic violence and rebellion within the States, subject to a Domestic Force Resolution that expires after ninety days. The President may command armed forces of the States and the Federal Government to defend Military Bases, the Federal District, Federal Territories, Federal Property, shipping ports, interstate highways, airports, space launch facilities, and territory within five miles of the land Borders without a Domestic Force Resolution.

If a suit is filed by Members of the House and six Permanent Members of the Supreme Court rule that the President violated the restrictions of this Section or the terms of a War Powers Resolution or a Domestic

Force Resolution, then the President may be removed from office by a six-elevenths vote of the House of Representatives.

> A Domestic Force Resolution requires the consent of the Senate and the House. The President cannot unilaterally act prior to getting the consent of the House and the Senate in this case, and the resolution expires after 90 days instead of 12 months.

Section 3. Use of Force, Appointment and Executive Authority

The other Powers of the President are limited to the following enumerated in this Section:

Faithfully executing all laws of the Federal Government that subject any person to fines, detainment, imprisonment, or expulsion from the United States, and command all personnel who enforce these laws.

Guard the borders and regulate the entry of persons, vehicles and commerce into the United States by land, sea, air, or outer space.

Protect the generation, transmission and distribution of power and communications through the electromagnetic spectrum from disruption by natural events and deliberate attacks.

Maintain the safety of air and sea traffic.

> Because air and sea traffic control are intimately connected to military concerns and invariably are interstate in nature, the President has authority in these areas.

Collect taxes and disburse funds in accordance with an Appropriations or Taxation Bill enacted by law and manage the borrowing of money on the credit of the United States.

Commission all the Officers of the United States Armed Forces, whom the Senate can remove by majority vote no later than ninety days after their appointment. Persons removed by majority vote of the Senate may not be re-appointed during the lesser of the remaining term of the President or two years.

Make Treaties, if three-fifths of the Senate concur.

Appoint Ambassadors whom the Senate can remove with seven-thirteenths vote within one-hundred twenty days of appointment, and who may not be re-appointed during the remaining term of the President, provided that the Senate did not approve their nomination by majority vote.

> This permits the President to staff up his administration quickly and avoid delay tactics of the Senate. While he retains the discretion to submit nominations to the Senate for approval prior to posting ambassadors, he doesn't have to. But the Senate still has the discretion to remove someone after the fact with a super-majority, presumably because they are unqualified or performed some egregious act after their appointment. The Senate doesn't have the ability to remove ambassadors today so it is an additional power.

Appoint Justices of the Supreme Court, judges of inferior courts, Adjudicators, and Board Members whom the Senate can remove by majority vote no later than ninety days after their appointment. Persons removed by majority vote of the Senate may not be re-appointed during the lesser of the remaining term of the President or two years.

The President may not appoint himself or herself to an office.

> The President need not wait for the Senate to fill vacancies on the judiciary, but unlike ambassadors, the threshold for removal is a simple majority vote. Therefore, what would likely occur is that the President will fill a vacancy,

but still submit the nomination for approval by the Senate. There would be a gentleman's agreement that the justice would resign his post if he failed to secure a majority vote of the Senate, sparing the Senate and the Judge from suffering humiliation from initiating a resolution to remove the judge or Justice.

Receive or expel Ambassadors and other public Ministers of foreign entities.

Grant Reprieves and Pardons for enumerated Offenses against the United States committed prior to the date of the reprieve or pardon. The President may not grant reprieves or pardons for persons convicted of failure to pay taxes, illegal entry into the country, or Electoral Fraud. The President may not grant reprieves or pardons for himself, his spouse, siblings, or those in his line of descent, or in the Line of Succession, or in cases of Impeachment. Unless annulled by a three-fifths vote of the Senate prior to taking effect, any Reprieve or Pardon takes effect ten days after it is reported to the Senate and to the Speaker.

This corrects a weakness in the original Constitution. Ambiguity whether or not a President could pardon himself is cleared up. We also exclude persons convicted of Electoral Fraud for obvious reasons. Adding family members is another non-controversial addition. For the other cases like the pardons made by Trump, Obama, and Clinton to ex-terrorists or persons who did not cooperate with prosecutors, the Senate has the ability to annul a pardon within a 10-day time period. He could pardon illegal aliens, but other provisions of this Constitution prevent them from becoming Citizens. Enumerated Offenses committed prior to the date of the pardon prevents blanket pardons for any crime that could be committed in the future. Required specificity of the crime being pardoned prevents blanket immunity.

Within ten days of passage, The President may veto any Bill that is not solely related to Appropriations and Revenue. This veto can be over-

ridden by a three-fifths vote of Congress no later than thirty days after the veto.

> Limits President's veto to matters concerning enactment of laws that President would have to enforce.

Section 4. Division of Powers Between Governor General, Executive Director, President

The Powers of the President, Governor General, and Executive Directors of Boards are exclusive to each office. These powers may not be shared or delegated. The President, Governor General, or an Executive Director, and a Minimum of fifty Members of the House of Representatives or five Members of the Senate shall have standing in any disputes arising from the exercise of these powers. The Supreme Court shall have original jurisdiction. Persons serving under the President may not hold office while Members of the House or Senate.

> Under the Anti-Elitist Constitution, Executive Authority is split among 3 Branches of Government. This is one of its most important innovations. Giving Members of the House and Senate standing in lodging a complaint is an important innovation for enforcement of this division of Executive Authority. Even if the President, Governor General, and Executive Directors wanted to collude to blur the lines of separation of Executive Authority, this could be challenged by a subset of the Legislative Branch.

Section 5. Vice President

If the President dies, is convicted of impeachment, or resigns his office, then the Vice-President shall assume the Office of the President. In cases of temporary incapacity, the President may delegate authority of the Presidency to the Vice-President for a period not to exceed ten days in any ninety-day period. The Vice President is a member of the President's Cabinet who, in addition to duties as Vice-President, may be appointed to serve as the Secretary of any Department or as the subordinate of any Secretary without the consent of the Senate.

If a President has a chronic condition that renders him unable to function over long periods of time, then this provision limits the President's ability to an extent where he must resign or be removed by authority granted in a later Section.

Because the role as President of the Senate disappears under the Anti-Elitist Constitution, the Vice President has no duties other than waiting for the President to vacate his office. Making the Vice-President a member of the Cabinet now gives him a formal role. The President could appoint his VP to serve as the head of the FBI, Attorney General, Secretary of State, etc.

Section 6. Term Limits for President

No person may serve more than eight years as President during their lifetime. No person who has been twice elected to the office of President may appear as a candidate on a Slate nor hold office in the Executive Branches of the United States.

Section 7. Minimum Length of Service for Cabinet Appointments

Excepting the Vice-President, The President shall be free to terminate the employment of any Person in the Line of Succession after they have completed three hundred sixty-five days of service.

Balances the need for the President to choose his team he wants to work with, and stability. If a secretary appeared on the Slate and helped get the President elected, then this prevents simply using a Slate member as a cut-out who was merely a political prop. The minimum of 12 months of service only applies if the Secretary doesn't resign of their own accord.

Section 8. At-Will Staff

The President shall be free to hire at-will staff not subject to any civil service or collective bargaining protections, or requirements for approval by the Senate. The President shall determine or delegate the responsibility for assignment of positions to at-will staff and the chain

of command in every Department in relation to employees or those who are not at-will staff.

Excepting the President or the Secretary of War, only active, commissioned officers in the military chain of command may issue orders to members of the armed forces. Only the President or the Secretary of War may issue orders for the armed forces of the United States to serve under a non-commissioned authority pursuant to treaty obligations or other arrangements authorized by law.

No more than nineteen-twentieths of the total appropriation for staff compensation during a fiscal year may be allocated to employees who are not at-will staff of the Departments in the Executive Branch under the President. The compensation of any at-will staff member and Cabinet Secretary shall not exceed the compensation of the Vice-President.

> This is a very important innovation. This permits the President to install his own team throughout lower levels of management below the Secretary-level without being held hostage by the Senate. President gets 5% of the staffing budget to use to hire qualified Citizens on an at-will basis, not hamstrung by Civil Service pay grades. Also, Cabinet Secretaries' compensation is not set by the House or Senate. This puts a cap on the size of White House staff levels, too.

At-will staff shall be Citizens of the United States, attained twenty-one years, and not covered by Civil Service protections. The employment and compensation of at-will staff shall terminate immediately after the inauguration of a new President following an election unless they are re-appointed to their positions. The President is not required to spend the entire appropriation allocated for at-will staff.

> Further clarifies the disposable nature of the at-will staff, and the importance of a President's ability to populate these departments with people he can

trust. However, we also acknowledge the importance of not succumbing to the shortcomings of cronyism and incompetence that the Civil Service legislation remedied. There is a balance between continuity of human capital in these departments and having an ossified bureaucracy that can thwart a President's agenda for change. In exchange for Civil Service protections of Federal Administrators, these Administrators have to become Political Celibates. Leave the partisan policy management to the at-will staff who can be held politically accountable. The Administrators cannot be held accountable, except if entire programs and departments are eliminated.

Persons who served as at-will staff may not be employed as employees covered by Civil Service protections during the term of the President who hired them.

This prevents a President from getting his people into the Civil Service protected job categories and by-passing the normal hiring process. This also recognizes that the at-will staff are instruments of the President while the Civil Service have a loyalty to the institution of the Government. We want to prevent seeding the Civil Service with partisan actors.

Section 9. Circle of Executive Privilege

The President shall designate twenty persons employed at any time who shall be identified as privileged staff, and no more than thirty during a four-year term in office and no more than fifty if elected for a second consecutive term. Communications between the President and privileged staff are confidential. The President and privileged staff may not be compelled to divulge the content of their communications to any Government official or representative, absent a three-fifths vote of the Senate or the House of Representatives for each instance of a request to inquire about a specific matter. These communications shall receive the same protections for no less than thirty years after the President has vacated the office.

This clarifies the doctrine of Executive Privilege that has evolved through court cases. Executive Privilege is not absolute and may be breached in extraordinary circumstances that motivate a 3/5ths supermajority in the

Senate *or* the House. It is limited to the most trusted circle of persons so that it cannot be claimed by lower-level persons in the Departments under the President.

Section 10. Expiration of Executive Orders

All the President's Executive Orders expire upon vacating the office. Executive Orders are administrative commands to personnel in Departments subject to the President's Authority, and they do not have the force of law upon persons not employed by these Departments. Any Executive Order in conflict with the law may be challenged by five Senators or fifty Members of the House for a hearing by the Supreme Court.

This eliminates the controversy created by DACA where a prior President's decree took on a force of law in the eyes of the courts. This relegates Executive Orders to something less than laws enacted by Congress and regulations promulgated by agencies.

Section 11. Authority Over Foreign Relations

Excepting matters of international trade, tariffs, and sanctions against foreign governments and organizations supported by foreign governments, only Treaties approved by a three-fifths vote of the Senate can bind the President's conduct of foreign affairs. Agreements made by a President with a foreign power or laws enacted by Congress pertaining to recognition of and relationships with foreign governments or organizations do not bind future Presidents, unless pursuant to the provisions of a Treaty ratified by the Senate.

This strengthens the President's authority to conduct foreign affairs at his discretion without interference by Congress. It carves out an exception to the 3/5th Senate approval on matters related to trade.

Section 12. Executive Immunity

During their tenure in office, the President and Vice-President are immune from prosecution by the Government authorities. Cabinet Secretaries in the Line of Succession are also immune unless the President revokes their immunity. Only a Special Prosecutor commissioned by the Senate may conduct a criminal or civil investigation.

> This protects the President from harassment by State and local governments while they are in office. It clarifies the disputes that arose during the administrations of Clinton and Trump. The innovation of the Senate's Special Prosecutor will be discussed later.

Section 13. Proposing Appropriations for Departments

The existing Appropriations for Departments for a fiscal year shall be renewed for the following fiscal year unless they are replaced by a new Appropriations Bill enacted by Congress.

The President shall submit new Appropriation Bills for Departments to the House of Representatives for their advice and consent. When the Speaker receives an Appropriations Bill from the President, the Calendar of the House may not consider any other business until the Committee of the Whole House votes on this Appropriations Bill. Any other Bills enacted by the House prior to this vote shall be null and void. No amendments may be offered to this Appropriations Bill. This expedited consideration is limited to no more than six Appropriation Bills from the President during a fiscal year.

> The President is given the power to write his own budget and submit it to the House on a Fast-Track basis for consideration without amendments. Because Departments will always be funded based upon the previous budget that was approved, there is no risk of shutting down the Departments due to an impasse with the House.

In practice, the President will develop a budget in consultation with the House to maximize the chance of its passage. The advantage is that the President's plans for an efficient military (closing under-utilized bases, canceling outdated weapons programs, etc.) are less likely to fall prey to parochial interests of House Members. Congress will likely tell the President the maximum total spending allowed to constrain spending on all Departments so that the President understands his budget constraints to make the necessary tradeoffs.

The President has the option to submit one Omnibus spending bill combining all Departments, or he can break things up into separate bills. He is limited to six Bills per year for taking advantage of this fast-track authority to prevent him from controlling the House Calendar by submitting dozens of Bills to wear down the House until it relents to pass his Bills.

The Binary Executive Structure of the Anti-Elitist Constitution combines a Parliamentary System for domestic programs while preserving a separation of powers between Congress and the Presidency for Treasury, law enforcement, military, and foreign affairs.

If an Appropriations Bill is not enacted, then the House may submit amendments to the Appropriation Bill to the President. If the President consents to the amendments, then the Bill is enacted.

The House gets to provide feedback to the President, but their feedback will be self-executing if the President accepts their terms. This Section solves the problems noted by many Political Scientists about the inefficiency of our form of government compared to a Parliamentary system. The current separation of powers between the President and Congress makes it nearly impossible to build coherent, well-functioning government laws and programs because there is fractured political accountability between the branches, and numerous points where parochial interests must be considered to pass legislation.

Section 14. Impound Accounts

The President may refuse to spend an appropriation of funds by the House of Representatives if the purpose of said expenditure is outside

the powers enumerated in this Constitution. The Governor General shall be considered a party to a controversy to petition the Supreme Court to adjudicate this dispute.

> While most Presidents would probably like to enlarge their sphere of control, this provision allows a President conscientious about the separation of powers to refuse the temptation. Members of the House and Senate could also get involved based upon an earlier Section.

Section 15. Financial Trustee

At the commencement of the term of office for the President, Vice-President, and those in the Line of Succession, their financial affairs shall be managed in a blind trust by a Trustee selected by the Office Holder. If within ten days after the commencement of the term of office, this Trustee is rejected by a four-sevenths vote of the Senate, then the Speaker of the House shall appoint a Trustee, other than those initially rejected by the Senate.

> Lessens the probability of a financial conflict of interest arising in the conduct of affairs of State. Also ensures that the Office Holder doesn't select a lackey who does the Office Holder's bidding by giving the Senate the ability to reject the Trustee.

Section 16. Pension

Except in cases of conviction by the House, the President shall receive a life pension with an annual benefit equal to the current annual compensation of a Member of the House multiplied by years of service as President.

> The President is the only employee or office holder of the Federal Government entitled to receive a pension. The size of the pension will be scaled by years of service and will be less than the pay he received during his Presidency. Under this Constitution, the President is the only person who can receive a defined benefit pension from the Government. Best to make this an exception to clarify to the Courts that this document understood

that, in Article 16, Section 14, it definitely intended to prohibit Governments from paying defined benefit pensions.

Section 17. Line of Succession Before and After Inauguration

The Line of Succession to the Presidency shall be the Vice President, Secretaries named on the Presidential Slate in the order specified by the Candidate for President prior to inauguration. After inauguration, the President may alter the Line of Succession at will if it is transmitted to the Speaker of the House. This is followed by the Governor General, and Ministers in the order specified by the Governor General, that is transmitted to the Speaker of the House. All persons in the Line of Succession must satisfy the requirements of Article 3, Section 2.

The President has the discretion to determine his own line of succession after the Vice-President. The Governor General gets the same authority. Should the President die before inauguration, the replacements are already determined.

Section 18. Extraordinary Removal of the President

The Vice-President and three Cabinet Secretaries in the Line of Succession may transmit a written declaration to the Speaker that the President is unable to discharge the powers and duties of the office. By a two-thirds vote of the House, the President's term in office is suspended, and the Vice President shall immediately assume the powers and duties of the office as Acting President. Within sixty days by a majority vote, the House may terminate the suspension of the President, and the President shall assume the powers and duties of the Office. Otherwise, the Vice-President shall become the President, and serve the remainder of the term.

This streamlines the current mechanism for removal of the President. There is a 60-day assessment period where the President could be reinstated before the initial removal becomes permanent.

Section 19. Custody and Classification of Records

The President may designate a sphere of private communication and recording of events outside the scope of this Section if they are not used for the official duties of the Presidency. All other communications, records, and documents produced by the President and the Departments are the property of the Federal Government. These unclassified communications, records, and documents shall be archived with The Research and Records Board throughout the term of the President.

The President shall manage the procedures for classification, storage, and handling of secret documents in accordance with law.

Section 20. Limiting Number of Departments

The number of Departments and Cabinet Secretaries shall be limited to five: War, Treasury, State, Justice, and Domestic Security. The addition of Departments and Cabinet Secretaries requires an amendment to this Constitution.

> This Section is intended to limit the scope of Presidential Power and make it very difficult to expand. The bias will be for the Governor General to accrete expansions of Federal Power under his authority while the President's powers are confined to war, foreign affairs, enforcement of laws, collections of revenue and disbursement of expenditures.

ARTICLE 6. HOUSE OF REPRESENTATIVES, GOVERNOR GENERAL

Section 1. Powers of Legislation, Taxation, Spending and Speaker

All legislative powers herein granted shall be vested in the House of Representatives, and the House cannot bind itself with any law it enacts. No money shall be drawn from the Treasury, nor any Federal

debts forgiven (excepting a bankruptcy Court judgement), but in consequence of Appropriations made by Law. The House of Representatives may not delegate the authority to any agency to draw money from the Treasury, but in consequence of Appropriation made by Law. The actions of the Committee of the Whole House are the sole lawmaking authority of the Federal Government, and the House may not delegate any authority to make law to any other body.

A regular Statement and Account of the Revenues, Expenditures, Assets and Liabilities of all Federal Accounts shall be published for each fiscal year using the same generally accepted accounting principles that the Government requires from commercial persons that pay taxes.

No revenues shall be collected by the Government but as a consequence of a statute authorizing a tax, fine, license, fee for goods and services voluntarily procured from the Government. Except as provided by this Constitution, Revenue Collections of the Federal Government may not be segregated apart from the General Fund to support any Government expenditures not authorized by an Appropriation every fiscal year. Congress may not enact any law to delegate the discretion to execute the postponement, forgiveness, or the alteration of the maturity, or the amounts of principal and interest for loans receivable to the Federal Government.

> Similar language to the original Constitution but added Assets and Liabilities to the accounting. Added the additional sentence regarding collection of taxes and fines. Unlike the original Constitution, this one does not have enumerated powers that limit the scope of the legislation to only matters covering "interstate commerce" and what is "necessary and proper." The Courts have given such loose interpretations to these words and rarely strike down Federal laws that cover whatever should be reserved for the States. This Anti-Elitist Constitution ends the continuation of this dishonesty at the core of our Constitutional Jurisprudence. Makes clear that the Executive Branch cannot forgive debts as Biden did with Student Loans.

The first and second vote taken at the start of a new session of the House of Representatives is the selection of its Speaker and Vice-Speaker. The Speaker from the Previous House of Representatives shall preside over this selection until their replacement is chosen. The term of the Speaker shall be the duration of the term of the House of Representatives until the subsequent seating of Members for the next term, unless two-thirds of Members vote to terminate the Speaker's term at an earlier date.

The Speaker and Vice-Speaker shall be a US Citizen, who has attained fifty years, and who has not ever held an elected office in any Government, excepting as Speaker or Vice-Speaker of the House of Representatives after adoption of this Constitution.

The Speaker shall delegate authority to the Vice-Speaker when absent. If the Speaker vacates the office during their term, then the Vice-Speaker shall become the Speaker for the remainder of the term. During the term of the House of Representatives, another vote shall be taken to replace any vacancy for the Speaker or Vice-Speaker.

The Speaker shall appoint a Sergeant at Arms who will be responsible for carrying out the orders of the Speaker and maintaining the security and safety of Members, and the orderly conduct of the House. These powers include the power to arrest and imprison persons on the grounds of the House of Representatives containing the chambers of the House and the offices and meeting rooms for its Members and staff. Within these grounds the President and persons with Executive Authority under the President may not enter without the permission of the Speaker.

> This is more along the British Parliament's model for a Speaker as a non-partisan authority to ensure that the fair and orderly proceedings of the

House. A Vice-Speaker position is created as a back-up. Presumably, a State Justice, university President, or similar non-partisan public figure would be a popular choice. The Speaker has a 4-year term so they cannot be ejected by a simple majority of the Members because they are displeased by his rulings. There is a division of power between the Speaker and the Governor General. Both are elected by the Members so both are ultimately accountable to the voters. One oversees running the House while the other is in charge of running his portion of the Government.

The compensation of each Member is paid monthly, on a pro-rata basis, based upon their hours of attendance compared to the hours the Subcommittees and the Committee of the Whole are in session according to the House Calendar. The Speaker shall have plenary authority to determine the absences of Members and calculate their adjusted compensation.

Section 2. Calendar and Conduct of Business of the House

The Majority of the House of Representatives shall provide the calendar of its Proceedings of the Committee of the Whole and Subcommittees to the Speaker who shall provide no less than twenty-four hours advance notice to all Members. If no calendar is provided by the Majority, then the Speaker shall provide the calendar. No official business may be conducted outside the calendar without three-fifths vote of all House Members.

A vote on a Bill by the Committee of the Whole shall not occur prior to seven days after the Bill was submitted to the Speaker for placement on the House calendar. A three-fifths vote by the House can waive this requirement.

The Speaker and Vice-Speaker shall forfeit compensation on a pro-rata basis if neither of them Preside over any Proceedings of the House listed on the calendar.

> The Calendar forms the basis for operating the House in a transparent manner. The 7-day minimum requirement before a vote can be taken ends the practice of submitting a 4,000-page Omnibus Spending Bill to Members the day before the vote.

The House may determine the Rules of its Proceedings, punish a Member for disorderly Behavior, and with the concurrence of two-thirds, expel a member.

> Language from the original Constitution.

The Speaker shall be the arbiter of the Rules of the Proceedings of the House and can be over-ruled by a two-thirds vote of the House.

> The Speaker shall be the judge of the rules but can be over-ruled in extraordinary cases.

Section 3. Quorum and Attendance

The Majority shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as the House may provide.

> Language from the original Constitution. Because the President's Departments have evergreen budgets that are funded even if Congress doesn't Appropriate Funds, there is no need to give the President the power to force the House to be in session.

As determined by the Speaker, Members of the House shall not receive compensation for days they are absent from the proceedings on the Calendar of the House. Excepting the Governor General and no more than eight Ministers, a separate three-fifths vote by the House is required to grant a single Member an exception to this requirement for no more than thirty days.

If Members are sent on overseas fact-finding missions, then the House has to grant an exception. Otherwise, if a Member is absent, then they are not paid. The Speaker is in charge of making this finding.

Section 4. Selection and Powers of the Governor General

The third vote taken at the start of a new session of the House shall be to select The Governor General. The Governor General is elected by a majority vote.

Adopts the British Parliamentary model for selecting an Executive authority that is accountable to the majority party in the House.

The Executive Power over all Ministries not under the Authority of the President or the Boards established by this Constitution and subsequent legislation shall be vested in a Governor General of the United States. The extent of the Executive Power of the Governor General shall be defined by laws enacted by Congress and shall not encroach upon the Executive Powers of the President. The Governor General, Ministers, and employees of the Ministries may only enforce laws by detainment and use of force on the Property of the Federal Government governed by a Ministry. Any violators must be transferred to the custody of the President within two days of detainment or be released.

The model of this Constitution is betting that the President and the Governor General will be competing against each other to enlarge the domain of their authority and ensure that no one officeholder concentrates excessive power into the Executive Branch. The legislative and executive branches are merged under the Governor General for matters of domestic social policy. The President is reserved authority for matters of foreign policy and enforcement of laws. The wager for this Constitutional model is that domestic social policy is more fraught with political conflict and is better managed under a system of tight political accountability. Matters of foreign policy and law enforcement should be outside the bounds of partisan bickering and decided more as a matter of the competence of the President to act as a unifying, national figure.

> The word Ministry and Minister denotes agencies and subordinates under the Governor General, and Department and Secretary denotes agencies and subordinates under the President.

The Governor General shall be a Member of the House. Each Member of the House may nominate one candidate. The two candidates receiving the most nominations by Members of the House submitted to the Speaker shall stand for election by the Members of the House. The Speaker shall announce the nominee receiving the most votes as the Governor General. The term of the Governor General ends after Members are seated after the next election for the House of Representatives, or if seven-thirteenths of the Members pass a resolution of no confidence.

> Normally, we should expect that the leader of the 2 major political parties shall be the nominees. Forcing Members to only nominate a single candidate enforces more party discipline to avoid risking that the minority party that doesn't split its nominations could beat the majority party that did.

The Governor General shall govern the Ministries authorized by law. The Governor General shall appoint Members of the House to be Ministers with executive authority over each Ministry with the concurrence of a majority vote of the House. During their term, Ministers may only be removed by a seven-thirteenth vote of the House.

> The Governor General does not have the unfettered ability to create his own cabinet like the President. He has to seek the consent of the Members to install and remove a Minister. Unlike most Parliamentary systems, the no-confidence vote requires a $7/13^{th}$ super-majority.

Any Ministry administered by the Governor General must petition the President regarding any enforcement of laws related to the operations of that agency.

Likely that you will see parallel agencies in the Justice Department that specialize in enforcement of laws related to each Ministry. These agents report up the chain to the President and not to the Governor General. There is a potential for the President to fail to faithfully execute his responsibility to enforce laws required for the Ministries to effectively operate so a later Section will respond to this concern.

The Governor General has the authority to summon an individual Secretary in the President's Cabinet or an individual employee of the President's Executive Branch for testimony before the Committees of the House of Representatives for no more than four hours every thirty days without the consent of the President.

This is the authority for Congressional Oversight of the Departments under the control of the President. Because Congress has accountability for the Ministries it creates, there is no requirement to authorize oversight of Ministries. Hopefully, most persons under the President will voluntarily attend hearings of the House.

With the consent of seven-thirteenth of Members of the House, the Governor General may summon other persons not employed by the Government before the Committees of the House of Representatives without their consent for no more than eight hours over no more than two days every twelve months. This testimony may be under oath. The penalty for non-cooperation may be either a fine not to exceed one-fifth of the annual compensation of a Member of the House, or not to exceed ten days in prison.

This gives Congress explicit authority to haul up corporate executives to testify before their committees. But anything beyond eight hours should merit a formal charge by the Justice Department. Otherwise, it is harassment.

The Governor General must answer questions from Members of the House for no less than one hour every fourteen days. Each Minister has

the same obligation. The names of all Members will be drawn at random by the Speaker to determine the order of appearance over a twelve-month period to submit questions. Members may assign their position to speak to another Member. The failure of the Governor General to appear and answer questions for the allotted time results in the loss of fourteen days of compensation for each occurrence, unless three-fifths of the Members grant a waiver.

> Institutes the British practice of question time.

Section 5. Limitations and Authority for Debt Financing

The amount of borrowing on the Credit of the United States over a fiscal year can only be authorized by an Appropriations Bill. Any authorization for amounts not borrowed expires at the end of the fiscal year. All obligations issued by the Treasury must be for a fixed sum of money not to exceed the authorization in the Appropriations Bill.

> This provision dispenses with the Debt Limit as a tool for the Treasury. The House must make a specific commitment to borrow a certain amount of money. That figure will be used by the President to determine his ability make line-item vetoes of expenditures that could reduce the amount of borrowing. It also prevents the issuance of indexed bonds.

The President has the authority to borrow less than the maximum amount authorized by the Congress if Revenue Collections are less than the Expenditures authorized by the Appropriations Bill. The President has the discretion to reduce any expenditures to the extent that expenditures do not exceed Revenue Collections plus any borrowed funds.

> This gives the President a line-item veto whenever Congress engages in deficit spending. Congress surrenders control over that portion of spending not covered by taxes to the President. This is the substitute for a balanced budget amendment.

The obligation to repay the debt held outside the Federal Government and the Federal Reserve Bank per the covenants of the debt instrument shall not be superseded by any other Appropriation. Expenditures guaranteed under this Constitution shall be fulfilled after debt obligations. Thereafter, the President shall have the discretion to prioritize the funding of Expenditures whenever Revenue Collections and the Authorization to Borrow do not support the amounts of expenditures authorized by the Appropriations Bill.

Any debt obligations issued to the public in violation of the restrictions imposed by this Article shall be subordinate to all other debt obligations, and holders of these illegally issued debt obligations may not receive payment before all other holders of legally issued debt obligations.

> This Section addresses the matter of Defaulting on our Obligations routinely heard during the Government Shutdown crises. Payments to bond holders are prioritized above all other expenditures. Second, in the event of a shortfall of cash flow compared to the amount Congress wanted to spend, the President gets to decide which programs get cut to avoid borrowing more money than was initially authorized. The subordination Poison pill will deter investors from purchasing government debt issued in violation of this Section.

Section 6. No Binding Obligations for Future Appropriations

No enactment of law or a court decision can obligate a future appropriation by a Legislature.

> This Section clips the wings of the Judiciary that assumed legislative powers when it mandated expenditures by Legislatures to enforce its rulings. Classic example was federal judge forcing the Kansas City School District to drastically increase expenditures to remedy its desegregation judgment.

Excepting provisions of this Constitution that require an Appropriation, no promises of expenditures outside an Appropriations Bill for a single

fiscal year are binding and enforceable. An exception to this prohibition is that Congress, with a six-elevenths vote, may Appropriate funds for transfer to a separate custodial entity under oversight of the Federal Reserve Board that disburses these funds for a maximum of four fiscal years according to a law or contractual obligation.

> This means that loan guarantees have no legal enforceability. SBA, Fannie, Freddie, etc. are out. This will generate huge opposition. Loan guarantees are obligations for Appropriations for a future Congress imposed by the current Congress so that violates democratic control of the purse. Also prevents the artifice of transferring funds outside the Federal Government to an entity that is required to disburse funds in future fiscal years according to the demands of a prior Congress. An exception is permitted provided there is a $6/11^{th}$ vote of Congress. This would apply in cases like long-term military contracts or other projects where stability of funding is important.

Section 7. Continuing Appropriations for Departments

The Bill for Appropriations of Departments and Boards, and the Bill for Raising Revenue last enacted shall not contain expiration provisions. These Bills remain in force until replaced by another Bill for Appropriations or a Bill for Raising Revenue. Bills for Appropriations of Ministries expire at the end of every twelve-month fiscal year. No new Bills for Appropriations of Ministries may be passed in a fiscal year prior to enactment of The Bill for Appropriations of Departments and Boards. Social Security, Medicare, and Medicaid programs are under the control of the Governor General.

> This Section avoids the occurrence of shutdowns of the Departments essential for national defense and law enforcement. You essentially have a Continuing Resolution that is replaced by a new Appropriations bill. These Departments receive uninterrupted funding. Because the House Majority controls the Ministries, the House can ensure that there are no interruptions of funding for the Ministries.
>
> Because Ministries will not receive any funding prior to votes to fund the Departments and Boards, the House must approve the most important

functions of the federal government before it gets to the business of domestic pork barreling.

Section 8. The Congressional Record and Compensation Restrictions

The House shall keep a Journal of its Proceedings and publish the same in writing, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members on any question shall, at the Desire of one-fifth of those Present, be entered into the Journal.

Language from the original Constitution.

Excepting such parts, in the judgment of the Speaker or three-fifths vote of the House, requiring secrecy, The Committee of the Whole and the Subcommittees must broadcast the audio and visual record of their proceedings and the Board of Records shall archive them and make them available for retrieval by Citizens.

Representatives, the Speaker, Vice-Speaker, and Sergeant at Arms shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of the House of Representatives, and in going to and returning from the same; and for any Speech or Debate, they shall not be questioned in any other Place.

Language from the original Constitution.

Representatives are employees of the Federal Government, and they shall not receive compensation for services derived from their labor outside the House of Representatives, nor shall they receive any gifts other than an inheritance from the estate of their spouse or parents.

This minimizes conflicts of interest. While Representatives may earn investment income outside of their salary, they may not receive

compensation for "consulting" or other labor income apart from their House salary. No book publishing deals, speaking gigs, or other compensation for labor is permitted. No gifts from "friends" seeking influence and favors.

No Representatives shall, during the Time for which they were elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the compensation shall have been increased during such time.

Language from the original Constitution.

Section 9. Compensation Calculations of Elected Officials

The compensation of a Member of the House of Representatives shall form the basis for computing the compensation of the following: President is set at twenty times; the Vice-President and Governor General is set at ten times; the Chief Justice is set at five times; the Speaker of the House and Justices of the Supreme Court is set at four times; the Vice-Speaker, Sergeant at Arms, and Judges of the Inferior Courts is set at three times; adjudicator of administrative law courts is set at two times. Forfeiture of the compensation of individual House Members for noncompliance with this Constitution shall not affect the compensation of other office holders, excepting the Governor General. Except during the first term of the House of Representatives elected under this Constitution, the annual compensation of the Members may not increase by more than one-fortieth of the preceding fiscal year.

Fixing compensation using the compensation of House Members as the index is a way to remove partisan gamesmanship and posturing. Good proxy for keeping up with inflation. Also, a 2.5% limit on annual salary increase is a great deterrent against promoting inflation!

Excepting the Governor General and a maximum of eight Ministers, each member of the House of Representatives shall receive the same

compensation. Ministers may not receive more than five times the annual compensation of the Members of the House.

The total Appropriations for operations of the House, use of facilities, and compensation of Members and their staff shall be calculated and enacted in the Bill for Appropriations. The portion reserved for equipment, utilities, and compensation of Members and staff shall be apportioned equally for each Member. Subsequently, each Member may enter arrangements to utilize their apportionment to cooperate with other Members to share staff, equipment, and utilities.

Use of building facilities shall be allocated by lottery if one-third of Members petition the Speaker, who shall then draw lots.

> These paragraphs protect the ability of each House Member to perform without succumbing to threats from the Majority Party that controls the House.

Excepting Citizenship, criminal and civil convictions, the staff hired by Members shall not be subject to any labor laws governing hiring, hours, compensation, insurance, and collective bargaining. The staff hired by Members are at-will employees. The House may adopt procedures for receiving complaints by staff against a Representative and administer sanctions according to its rules but may only deny a Representative of its vote in the Committee of the Whole upon expulsion.

> This prevents setting wage and hour conditions, requiring union representation, etc. that could threaten the independence of a Member.

The Governor General and Ministers may not discriminate in their delivery of information, and allocation of staff and resources in their Ministries for Members of the House and Senate. The ruling of the Speaker shall be final in a dispute in these matters, and the responsible Minister shall forfeit thirty days compensation for each violation.

The Governor General's compensation is set by this Constitution, and his Ministers' compensation is capped at 50% of his. But this largess is limited to eight Ministers. Additional Ministers earn the standard House Member compensation. Having a proportional allocation of resources is fair and prevents the majority from abusing power in the operations of the House of Representatives. The Governor General cannot use control of the Ministries to be used as an end-around to the equality of resources devoted to each House Member.

ARTICLE 7. THE SENATE

Section 1. Mission of the Senate

The interests of the Citizens of each State as expressed by their Legislature are represented in the Senate. The Senate is a body independent of the Federal Government that is granted powers to restrain the Executive and Legislative powers of the Federal Government and to provide advice and consent to the President for appointments.

Defining the Senate as a body independent of the Federal Government is a novel innovation -- a separate branch of government. This gives it an independence and position to exercise oversight in a way that the current Senate cannot do.

Whenever the Executive Branch is likely to collude with a person who should be prosecuted and not adopt an adversarial relationship in the investigation of and prosecution of wrongdoing, the Senate may employ a special prosecutor with the full legal authority afforded prosecutors in the Executive Branch before the Federal and State Courts.

The appointment of the Special Prosecutor outside of the Executive Branch solves the conflict-of-interest problems and lack of accountability that have afflicted all prior attempts to create an office that can prosecute

> independently but have political accountability for the length and scope of the investigations.

The Majority shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as the Senate may provide. Two-thirds of Senators may vote to expel a Member.

When the Senate is in session, each Senator must display their State Constitution at their desk as a condition for voting and participating in debates in the Committee of the Whole Senate and in its Subcommittees.

> The State Constitution is a symbol of the source of sovereign power vested in the Electorate of each State that sent the Senator. Placing this emphasis on the State Constitution elevates the stature of Constitutional authority and restraints about how representatives govern the people.

The Senate shall appoint a Sergeant at Arms who will be responsible for carrying out the orders of any majority vote by the Senators and maintaining the security and safety of Members, and the orderly conduct of the Senate. The Sergeant at Arms shall have the power to arrest and imprison persons on the grounds of the Senate containing the chambers of the Senate and the offices and meeting rooms for the Senators and their staff. Within these grounds the President and persons with Executive Authority under the President may not enter without a resolution passed by the Senate. The text of this Constitution shall be displayed by the Sergeant At Arms when the Senate is in session, and it shall be removed when the Senate is in recess.

> Symmetrical with the House of Representatives, the federal Constitution on display is analogous to the Mace in the Parliament. It is the symbol of power.

Section 2. Selection of Senators

One Senator shall be chosen no sooner than seven days before the Inauguration Date of the President by a majority vote of the State Legislature for a four-year term that begins on the date of Inauguration of the President.

> State Legislatures select their one representative for the State. That makes that Senator more prestigious than the current 2 per State. 50 senators is a more collegial body than 100 Senators. However, not being selected by voters at large lowers their prestige. Nevertheless, it is evident that their role as a separate branch of government that represents their Legislature makes this appointment by the Legislature mandatory. The Senators are selected in the same cycle as the President. The Members of the House are selected two years later.

A former President and Vice-President are ex-officio members of the Senate with equal voting rights. Except for the pension of the President, an ex-officio Senator may not receive any compensation from the Federal Government, nor may they have been convicted by the House for an impeachable offense. Only State Governments may compensate an ex-officio Senator for labor income during any four-year term of the Senate during which they choose to serve.

Not likely that an ex-President would participate as a full-time member of the Senate, but he could occasionally participate in crucial debates and votes. More likely that former Vice-Presidents with Presidential ambitions will participate. They would also most likely assume leadership roles in the Senate. It is a place to gracefully retire and pass along the wisdom learned over the years. It is the only place in US Government that resembles a House of Lords where your vote in a Representative body is not based upon a current election result. An ex-officio member must declare their participation in the Senate, and during that term in the Senate, they cannot receive outside income for the entire term. They cannot earn income and then decide to participate for a month without outside income, and then return to the private sector.

Section 3. Eligibility Requirements

No Person shall be a Senator who shall not be a Citizen of that State employing them for the office of Senator. No Person shall be chosen as Senator who was not elected by the Eligible Voters of that State to be a Member of the Legislature of that State at the time they were chosen as Senator to serve their first term in the Senate. Once a Senator vacates their Office, they may only be chosen for another term if they are a Member of the Legislature at the time they are chosen.

> The first time a Senator is selected, they must have been elected as a Member of their Legislature. While serving as Senator, they will vacate their seat in the State Legislature, but they could still be selected to serve additional terms in the Senate. Limiting initial eligibility to members of State Legislatures limits the ability of rewarding Senate appointments to cronies as was common prior to the adoption of the 17th Amendment.

Section 4. State Loyalty and Fixed Compensation

Senators are employees of their State Government, and their sole compensation for employment shall derive from their State Government, nor shall they receive any gifts other than an inheritance from the estate of their spouse or parents.

> This explicitly defines their role as a representative of their State because they can only receive compensation from their State, not the Federal Government. Therefore, Senators from different States could receive different compensation packages. Because the Federal Districts and Territories receive Federal Funding to support their operations, they could not select a Senator who is independent of the Federal Government. It violates the entire rationale for the Senate.

The compensation of a Senator by their State shall be fixed during their four-year term of office. No person may serve more than twenty years in the Senate during their lifetime. The State Legislature shall fill any vacancies arising during the four-year term in accordance with Section 2.

Once elected by their State Legislature, the Senator is entitled to serve a 4-year term, instead of the 6-year term currently served by Senators. The State cannot reduce the Senator's compensation to punish them or increase their compensation to reward them for votes. Large States will likely pay their Senators higher compensation and have larger staffs than small States. This ensures that larger States will have more influence and attenuates some of the anti-majoritarian critiques of the Senate.

Section 5. Federal And State Funding of Senate Operations

The Federal Government shall provide offices, utilities, police protection, and meeting space for the Senators, Special Prosecutors and Staff to conduct business in the Federal Districts like the Members of the House. Compensation of the Senate staff and Special Prosecutors is the responsibility of the States. Senators, Senate Staff and Special Prosecutors may not receive any compensation from the Federal Government or any non-Government persons during their service to the Senate.

The Federal Government is responsible for providing a meeting place for the Senate, and that is the extent of Federal support. But their staff are the responsibility of the States. Likely, the Senate will share some common staff supported on a per-capita basis. Their own staff will be funded by the Senators State. Senators from the same party will likely share staff on a per-capita basis, too.

Section 6. Privilege from Arrest and Free Speech

Senators shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of the Senate, and in going to and returning from the same; and for any Speech or Debate, they shall not be questioned in any other Place.

Language from the original Constitution.

Section 7. Legislative Veto

No Bills may originate in the Senate.

> This substantially placates the left-wing critics of the anti-majoritarian nature of the Senate. The Senate only has a restraining and oversight role, not a creative role in the Legislative process. This also makes the filibuster a moot point.

Excepting Bills solely for Appropriations and Raising Revenue, no Bills that are passed by the House of Representatives with less than two-thirds majority, and signed by the President, will be enacted sooner than ninety days from the date of passage, unless a majority of the Senate votes to reject prior to enactment. Bills passed by two-thirds majority of the House shall be enacted without the consent of the Senate.

> This ensures that no legislation can be enacted in a rush. Unless it is passed by a 2/3's vote, the Senate has 90 days to consider whether it wishes to initiate a rejection of the bill. The Senate's consent isn't required, but the Senate can be pro-active and reject something.

ARTICLE 8. IMPEACHMENT, CONVICTION, REMOVAL FROM OFFICE

Section 1. Trial For Impeachment and Conviction in the House

The House shall have the sole Power to try all Impeachments of The President, Vice-President, Cabinet Members, Officers of the Executive Branch under authority of the President, and Justices of the Supreme Court, and Judges of the Inferior Courts. The Speaker shall Preside over the Trial. No person shall be convicted without the Concurrence of two-thirds of the Members present. The Trial shall not exceed two-hundred hours over thirty days.

> This reverses the current regime where the Senate tries Impeachments and the House votes to impeach, and the Chief Justice presides. This Constitution has the Senate appointing a Special Prosecutor and the trial in the House with the Speaker presiding. No mention of the grounds for an impeachment relating to high crimes and misdemeanors. Our experience with Clinton and Trump is that Impeachment is a political, not a judicial, process.

Any person convicted by the House is ineligible to hold any elected or appointed public office, receive compensation or, in the case of the President, their pension, or be employed by the Government. If convicted prior to the conclusion of their term of office, then they shall be removed from office. After conviction, they may be subject to Civil or Criminal Prosecution in Federal or State Courts.

> No separate vote on whether or not the convict may hold elected or appointed office. This also clarifies the dispute over whether an ex-office holder may be impeached and tried.

Section 2. Senate Appointment of Special Prosecutor

By a vote of seven-thirteenths majority, the Senate may pass a Resolution to appoint a Special Prosecutor with the power to subpoena witnesses, conduct investigations and try cases in the Federal and State Courts identical to rules applied by the Department of Justice for all other citizens under Federal Law and by the laws of the States, with jurisdiction over any violations committed by Cabinet Secretaries and Employees of the Executive Branch under the President. This Resolution is limited to a single defendant. This investigation shall not commence any later than twelve months after their departure from Office.

> The Special Prosecutor appointment by this non-Federal Senate is an important innovation. It solves the problems of prior Special Prosecutors. The first Prosecutors were a law onto themselves that were unaccountable

that pursued matters outside the original mandate. Then making them report to the Attorney General compromised their independence whenever the target was the President or other members of the Executive branch. Their budgets and the time they took to conduct investigations were out of control. The Special Prosecutors under this Constitution will have the same authority as Attorneys working in the Justice Department, and it is likely that they will be recruited from current and former employees of the Justice Department. A 7/13ths super-majority (27 votes) is not too high of a hurdle and increases the likelihood that there is some bi-partisan consensus that something is amiss. A Special Prosecutor is a bludgeon that should be deployed on rare occasions.

The Special Prosecutor may file a request to the Supreme Court to overturn any pardons or plea agreements by the Executive Branch that obstruct the pursuit of justice against elected officials and officers of the Executive Branch.

This deals with situations like the plea bargain arrangement with Hunter Biden that would remove any leverage to obtain evidence against his father, the President. Also, lessens value of a pardon to someone like Paul Manafort or Roger Stone who could provide evidence for the prosecution against Trump.

A Special Prosecutor and staff will be employed by the Senate in accordance with a Senate Resolution defining the scope and cost of the investigation. The expenses of the Special Prosecutor are the responsibility of those States whose Senators supported the Resolution.

Those Senators supporting a Special Prosecutor will have to raise funds from their States to pay for the assignment. This gives more power to the larger, wealthier States with a greater capacity to support these Special Prosecutors. While in theory each State gets one vote, the reality is that supporting a Special Prosecutor is a costly proposition that is easier for the larger States to back. This ensures that the Special Prosecutor will be independent of the Executive Branch, but he will be more accountable for time and expenses than is currently the case.

The term of the Special Prosecutor commences immediately upon the vote of the Senate. The initial term of the Special Prosecutor shall not exceed five-hundred days, and any extension no greater than two-hundred days of this initial term requires a three-fifths majority vote of the Senate prior to the end of the initial term. Otherwise, three-hundred days must pass before another Investigation and Prosecution of the same Office Holder may commence.

> Setting a 500-day deadline is reasonable. Requiring a super-majority to extend the deadline allows a promising investigation to continue for an additional 200 days. Requiring a 300-day interlude deters never-ending, open-ended investigations.

Section 3. Impeachment for Obstruction of Oversight by President

At the discretion of the Governor General, if the President refuses to cooperate with the House of Representatives in its exercise of oversight of the Departments under the control of the President, then the Governor General may authorize Articles of Impeachment with consent of seven-thirteenths vote of the House of Representatives and a majority vote of the Senate. Then by majority vote, the Senate may appoint a Special Prosecutor and conduct the trial under the rules of Section 2 of this Article.

> This is the tool to impose accountability upon the President to cooperate with the House's oversight responsibility.

ARTICLE 9. THE JUDICIARY

Section 1. Vesting of Judicial Power and Judicial Review

The Judiciary derives its authority from and is constrained by the text of this Constitution. As a symbol of the Judiciary's submission to this higher authority, the text of this Constitution shall be displayed in front of the Chief Justice when the Supreme Court is in session, and it shall be removed when it is in recess. The same shall apply to every Federal

and State Court Judge, and the State Court Judges must also display their own State Constitution.

> This submission is an admonishment against Justice Charles Evan Huges who remarked that, "The Constitution is what the Judges say it is."

The Judicial Power of the United States shall be vested in one Supreme Court, and in such Inferior and Administrative Courts as the Congress may from time to time ordain and establish. The Judiciary has the duty to ensure that the laws enacted by Governments do not transgress this Constitution in part or in whole.

Judges in Admiralty Courts and Courts Martial, are not members of the Judicial Branch. They shall be governed by enactments of Congress and subject to supervision by the President. Adjudicators in Public Benefit Ministries that dispense pecuniary and non-pecuniary benefits to persons are not members of the Judicial Branch. They shall be governed by enactments of Congress and subject to supervision by the Governor General. Judges and Adjudicators of all other courts shall be members of the Judicial Branch.

> We're eliminating the current distinction between an Article 1 and 4 Judges found in bankruptcy courts and administrative tribunals and Article 3 Judges, with lifetime tenure and protections against reductions in pay. Eliminating the confusion caused by a series of challenges to adjudicators in public rights cases, and ensures that Administrative Law Court Adjudicators are independent of partisan whims. Adjudicators in Military Courts and those handling disputes concerning Social Security, Medicare, Section 8 Housing, and other welfare programs are not part of the Judiciary.

Whenever Congress enacts laws to increase the number of Judges, the nominees for those new seats shall be submitted for approval to the Senate prior to four years after enactment, nor may they be appointed

by the President to the seat no earlier than four years after enactment. This restriction does not apply to Adjudicators.

> Clearly sets the Court's subservient position in relation to the Constitution and puts a stake into the creative interpretations of the document. "In part or in whole" means that the Court cannot ignore a clear prohibition contained in a Section of the document by appealing to the entire document's purpose. Judicial review is adopted as the remit of the Court. The four-year lag for increasing the number of judges, circuit, and appellate courts deters court-packing while that party is currently in power.

The compensation of the Justices of the Supreme Court and the Judges of the Inferior Courts shall be based upon a two-thousand-hour work schedule during a fiscal year. Actual compensation shall be computed by the Research and Records Board and paid on a pro-rata basis of the full compensation defined under this Constitution. Congress shall have oversight authority regarding the volume of cases heard, thoroughness of opinions, and the treatment of litigants by Judges and Adjudicators who appear in Court.

> This will be hard to enforce, but it establishes the principle that the Judges do not control their own work schedule. They are subject to oversight and scrutiny about their work schedule. How much time is spent in Court versus writing opinions can be scrutinized by Congress. Short of impeachment and conviction, Congress cannot do much other than embarrass the judges because it has authority to pry into their work. There isn't an impermeable barrier shielding the Judiciary from oversight.

Section 2. 9 Permanent and 2 Provisional Seats on Supreme Court

The number of Permanent Seats on the Supreme Court that may try a case is fixed at nine. The Permanent Seats are filled by one Chief Justice and eight Associate Justices. There shall be two Provisional Seats from which the most senior Provisional Justice shall become a Permanent Member of the Supreme Court whenever a Permanent Seat is vacated.

> This innovation permits the court to function at full capacity without interruption from Senate hearings for a nominee to replace an open seat. A President cannot immediately affect the voting balance on the Court with an appointment. It might take several years before an appointee moves onto the Permanent Court.

The Senior Provisional Justice may also serve as a Temporary Member of the Supreme Court whenever a Justice is unable to serve due to a recusal or illness. Temporary Service shall not count toward the maximum term of service as a Permanent Member.

> Convenient back-up available to ensure that the Court always operates at full capacity.

Upon death, or if a Permanent Justice is absent for more than thirty days when the Court is in Session within a twelve-month period, then that Justice has vacated their seat, and the Senior Provisional Justice shall become a Permanent Member.

> This solves the Ruth Bader Ginsburg problem where a Justice holds on to a seat when they are unable to perform their duties.

Section 3. Term Limits, Minimum Age, Recusal

A Justice of the Supreme Court and judges of the inferior courts shall be nominated by the President. No Justice or Judge may serve more than eighteen years during their lifetime as a Permanent Member, excepting those most senior nine Permanent Members who served prior to the ratification of this Constitution. Upon attaining eighty-five years, a Justice or Judge is retired from service. Excepting the Justices serving prior to ratification, a Justice must be a Citizen of the United States who has attained the age of fifty years upon assuming the position of Justice. A Judge of the inferior courts must have attained an age of thirty-five years.

18-year term limit instead of lifetime appointment. Setting minimum age at 50 means that justices will have more experience and a position on the Court will be near the end of their legal career.

Six Permanent Justices may compel the recusal of only one other Justice from hearing a case before the Supreme Court. Two-thirds of the Judges on an Inferior Court may compel the recusal of another Judge from hearing a case before their Court.

Section 4. Term Limits According to Senate Vote Majority

The President nominates Justices, Judges, and Adjudicators for a seat on the Provisional Court, Inferior Court, or Administrative Court. If the Senate does not reject the nomination by a majority vote within ninety days, then the nominee may serve a maximum term of eight years. If the nominee is rejected by a majority vote of the Senate, then the nominee may not be nominated for another Seat until four years after the vote. If the President refuses to nominate someone within ninety days of the vacating of a Provisional, Inferior, or Administrative Court Seat, then the Senate may nominate and appoint someone to a seat on the Court for a term of two years.

If the nominee for the Court is approved by a five-ninths majority, then the nominee may serve a maximum term of thirteen years. If a nominee is approved by a two-thirds vote of the Senate, then the nominee is appointed for a maximum eighteen-year term during the lifetime of the Justice.

A Justice is not eligible for nomination to the Supreme Court after they resign their seat on the Supreme Court. The President may not nominate a Justice currently serving on the Permanent Court to the Provisional Court.

Similar to Ambassadors, the President can nominate Justices who will be seated on the court as long as they're not rejected by the Senate by a majority vote. Any justice seated by this method can only serve a maximum of nine years. Therefore, the President has the incentive to let the Senate approve most of his nominees prior to them being seated. The President also has the incentive to nominate someone who is not polarizing to secure an 18-year term instead of a 9-year term.

A justice who gets a 9-year term cannot resign and hope to be re-appointed for another 9-year term. They have to serve their full term and hope to be renominated by whoever is President at that time, but then they would become a Provisional Member instead of a Permanent Member of the Court.

Judges, Justices, and Adjudicators may not earn any compensation for services outside of the Judiciary. Upon retirement from the Supreme Court, a Permanent Member of the Supreme Court shall be randomly assigned to a Seat on an Inferior Court with decreased compensation, with priority given to open seats. Justices, Judges, and Adjudicators are required to make annual disclosures of all gifts and income derived outside of the Judiciary and a statement of assets, liabilities, and equity for themselves and their spouse.

Section 5. Setting Staggered Terms, Chief Justice Selection

On the first thirtieth of June, following adoption of this Constitution, the names of the nine most senior members of the Supreme Court shall be assigned their remaining tenure on the Permanent Court based upon a lottery. The Speaker of the House shall draw these names at random, and they shall be assigned in the order drawn from one to nine years as their remaining term on the Court. Any remaining Justices beyond these nine shall immediately vacate their seats on the Supreme Court.

Then the names of all the Judges of the Inferior Courts shall be drawn by the Speaker of the House and placed in order on a list. Starting with the first through the ninth name, the remaining tenure of each judge

shall be one through nine years. This assignment of remaining tenure shall be repeated for each subsequent group of nine Judges until all Judges have been assigned their remaining tenure on their courts.

> This staggered set of retirements and term limits lessens the anxiety and pressure surrounding nominees to the court because the major parties know that they will get an opportunity for an appointment. The current politicized environment encourages strategic retirements to permit replacements with ideological clones. Justices appointed in a court-packing scheme will be removed. Both the ranks of the Supreme Court and the lower courts will be winnowed.

When the Chief Justice vacates their position, then the most senior Associate Justice shall become the interim Chief Justice. The President may nominate a Chief Justice from the nine Permanent Members of the Court, whom the Senate approves with a majority vote.

> Because of the staggered terms, the most senior member of the Court will likely have only a few years remaining to serve. The President would have to nominate junior Associate Justices to have a longer-serving Chief Justice.

Section 6. Term Limits for Inferior and Administrative Court Judges

No federal judicial office of an inferior Court or Administrative Court may be held for more than eighteen years by any person during their lifetime.

Section 7. Scope of Judicial Authority

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made under their Authority; to all Cases affected. Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to controversies between two or more States.

> Language from the original Constitution

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

> 11th Amendment language

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to law and Fact, and it shall have the power to review and repeal laws that conflict with this Constitution.

> Language from the original Constitution, except the clause "with such Exceptions, and under such Regulations as the Congress shall make," was deleted and substituted with "and it shall have the power to review and repeal laws that conflict with this Constitution."

Any case arising in a Federal District, where the Supreme Court does not have original jurisdiction, shall be assigned to an Appellate or Circuit Court District on a rotation.

> This prevents the vast majority of major cases going to the District of Columbia Circuit and Appellate Courts where the bias of that one Circuit could have a disproportionate impact, not reflecting the diversity of judicial philosophy throughout the Federal Courts.

Section 8. Right to Trial by Jury, Treason,

The Trial of all Federal Crimes, except in Cases of Impeachment, shall be by Jury, and such Trial shall be held in the State where the said Crimes shall have been committed, but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by law have directed.

Language from the original Constitution.

Treason against the United States shall consist only in levying War against them, or in adhering to a Foreign Government, giving it Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

Language from the original Constitution.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture, except during the Life of the Person attainted.

Language from the original Constitution.

Section 9. Abuse of Prosecutorial and Enforcement Discretion

If a two-thirds majority of the Supreme Court finds that the President has engaged in inconsistent, prejudicial, non-enforcement of statutes thirty days after a notice of complaint has been filed with the Court by five Senators or fifty Members, then the President shall forfeit one year of compensation for the first offense, and surrender the power to appoint judges of the administrative and inferior courts and Justices of the Supreme Court to the Governor General for the remainder of their term for a second offense.

This addresses the problem of prosecutorial discretion seen most clearly during the Obama Administration regarding DACA, immigration enforcement, and DOMA. An Executive can effectively repeal legislation that he disagrees with by claiming prosecutorial discretion. The penalties have some teeth.

Section 10. Limitations on Court Injunctions Review of Cases

Only the Supreme Court may issue an injunction against the Government. Any inferior court's finding recommending an injunction shall be referred to the Chief Justice who may assign the case to the Appellate Court, or to the Supreme Court for further review.

> Inspired by the battle between liberal judges against the Trump Administration's immigration policies, that were later over-ridden by the Supreme Court. The Fifth Circuit placed an injunction against Biden's vaccine mandates for employers with more than 100 employees. This prevents the lower courts from issuing injunctions to cover the entire government.

Whenever the Supreme Court grants a writ of certiorari, then it must extend to the entire case and every question in it. Otherwise, the Supreme Court can answer specific questions certified by the inferior courts.

> Ben Johnson wrote in The Atlantic that ordinarily, the circuit courts get the final word, but there are two exceptions where the Supreme Court gets to speak: First, circuit courts can "certify"—that is, send—specific questions to the Supreme Court. The justices may either answer the question or bring the whole case up for the justices to decide in full. Second, if the circuit court does not certify a question, the Supreme Court could grant certiorari and decide the entire *case* itself. This distinction between discrete questions emerging through certification and full cases coming before the Court through certiorari has been explicit since 1891 and remains enshrined in statutes today.
>
> By 1925, the Court was once again falling behind. The justices went to Congress and asked for even more control over their docket. Congress obliged and made more of the Court's docket discretionary. Still, as before, both Congress and the Court tied certification to individual questions and certiorari to entire cases.
>
> But two years later, the justices went back on their word. In a case called *Olmstead v. United States*, the Court granted certiorari and expressly

limited its review to constitutional questions, ignoring other issues involved in the case. Over time, this practice became more and more common, and in 1939, the Court wrote its own rule giving itself power to limit its review to specific questions in all cases. This paragraph reverses that rule.

Section 11. Justices and Judges Recommendations for Amendments

On November thirty of each year, the Chief Justice shall deliver a report to the Speaker of the House that contains recommendations for Amendments to this Constitution. This report shall contain text for amendments and arguments for Congress to propose Amendments for consideration by the State Legislatures to remedy ambiguities or omissions in this Constitution.

This is an outlet for the Justices to let off steam instead of legislating from the bench. If there are cases that bring up matters where there isn't a solid consensus about how it should have been decided, then this is the forum for airing the problem.

ARTICLE 10. ADMINISTRATIVE BRANCH

Section 1. Congressional Oversight of Administrative Branch

The Government employees of Boards, Departments, and Ministries are Administrators. They serve under an Executive Director, President, or Governor General. Administrators may propose amendments to statutes or the repeal of prior amendments to statutes previously enacted by Congress. Any amendment proposed by Administrators shall be germane to their scope of authority. Departments, Ministries, and Boards shall submit an amendment to the President. If the President approves the amendment, then the President may submit the amendment to the Speaker. If the unaltered amendment submitted by the President is approved by the House of Representatives within one-hundred eighty days of its receipt by the Speaker, then it shall be

submitted to the Senate. The amendment is enacted in ten days if seven-thirteenth vote of the Senate does not veto the amendment.

> The original Constitution did not contemplate Regulatory Agencies that combine legislative, judicial, and executive authority. The Anti-Elitist Constitution recognizes their Constitutional status in the Executive Branches, yet still subject to the oversight of the House. In this Section, *Executive Authority* is a euphemism for *bureaucrat*. Boards are outside the control of the President and Governor General, but they are not granted legislative authority above Congress.
>
> The House of Representatives will be forced to write legislation that is very thorough and detailed. Otherwise, a future House and administration could effectively neuter the original statute or simply throw up their hands and fail to carry it out because it is too vague. Inevitably, a statute will be implemented and found wanting. Legislators cannot anticipate every possibility. Therefore, this Article creates a pathway for bureaucrats to provide feedback to Congress to fill in the blanks for things they didn't anticipate.
>
> Nevertheless, there is the problem of bureaucrats using ambiguities in the law to impose their ideological preferences and create rules that were not originally intended when the law was passed by Congress.
>
> This Section redefines regulations as amendments to existing statutes. Essentially, the executive authorities can submit clarifying amendments to existing statutes to ensure that they properly carry out the mandates of the statutes. The House gets to review the interpretation of the executive authorities, and it won't be approved absent a positive majority vote of the House. A super-majority vote of the Senate could over-rule the adoption of the amendment as a further protection.

Section 2. Unenforceability of Administrative Rules

Only violations of statutes enacted by Congress may be the basis for a fine, tax, or imprisonment of a person, denial of a license, or expropriation of their property. Regulations or orders adopted by the Executive Authorities are not enforceable upon the public.

Regulators cannot rule by decree without oversight by Congress. This repudiates the Chevron Doctrine where the Courts gave deference to the bureaucracy's interpretation of regulations. Now that we have dispensed with the bureaucracy's power to make regulations without Congressional approval, there is no need to have a Chevron Doctrine. When Congress writes vague and ambiguous laws, then the Courts are empowered to make them unenforceable in specific cases. Then the Courts shall recommend clarifying amendments.

Section 3. Administrative Law Courts

Administrators shall submit requests for prosecution to the Justice Department of persons who violate statutes related to their administrative functions. The Attorney General is responsible for prosecution of cases tried in administrative law courts. These administrative courts shall try cases solely related to matters arising from violations of laws pertaining to a specific Board, Department or Ministry. The appointment, confirmation, maximum term of service, and conduct of proceedings in these courts by these Adjudicators shall be governed by Article 9. Adjudicators are members of the Judicial Branch. Administrative law courts may issue orders and only Adjudicators may issue warrants pertaining solely to the subject matters of their respective Board, Department, or Ministry.

The defendant in any proceeding before an administrative law court has the right to counsel, and a jury of a Panel of Experts of no fewer than four persons whose majority vote may decide a case, unless this right is waived by the defendant. These Experts are paid on a pro-rata basis the same compensation as a Member of the House, but they may not receive more than thirty days of compensation during any twelve-month period. Excepting military service, no more than two persons may serve on a Panel of Experts who were prior employees of a Government, and none may serve who are current employees of a

Government. Administrative law court trials may be conducted using remote transmission of audio and visual information.

> The case of *Securities and Exchange Commission v Jarkesy* discussed in this NY Times article covers a 2023 Supreme Court case grappling with these very issues. This Section overturns a 1977 Supreme Court decision *Atlas Roofing v Occupational Safety Commission* that held it was proper to combine prosecutorial and judicial powers with OSHA, and that the failure to hold a jury trial did not violate the 7th Amendment because this case was not a "Suit at common law." When Congress creates new statutory "public rights," it may assign their adjudication to an administrative agency with which a jury trial would be incompatible, without violating the Seventh Amendment's injunction that jury trial is to be "preserved" in "suits at common law."

If the penalties for a defendant occurring within a twelve-month period exceeds one-half of the compensation of the Member of the House of Representatives, or one-hundred eighty days in prison, then the defendant shall have recourse to a trial held in a common law court with a jury and the same rights of discovery for any criminal or civil trial.

> In Philip Hamburger's book, *Is the Administrative State Unlawful?* He demonstrates the administrative State's wielding of executive, legislative, and judicial power is a violation of the 1787 Constitution's separation of powers, and, in Madison's words, is the very definition of tyranny. Section 3 moves the judicial authority outside the agency and into the Judicial Branch. The Judicial Branch can create special administrative law courts staffed by judges with the appropriate expertise in the regulations that Judges in the regular courts would not have the ability to master. The President and his Justice Department oversee prosecutions. This preserves the separation of powers in contrast to the current situation where the regulators have the combined power to prosecute and adjudicate violations. Admittedly, this Section is redundant to Article 5, Section 3 description of the President's exclusive authority, but it is a belt and suspenders affirmation of this separation of powers. A Petit Jury of commoners is replaced by a 6-

person jury of unbiased experts with technical knowledge required for the matters being adjudicated.

Section 4. Rules for Warrantless Searches and Seizures

Congress may enact laws that allow executive authorities under the President to inspect properties, buildings, and financial records, seize contraband, and order the cessation of illegal conduct without a warrant, only under restricted conditions related solely to commercial activities or taxation. No warrantless searches are permitted for a property used solely as a residence.

> The IRS cannot operate if it is required to get a warrant for every audit of tax returns. Same for inspections of workplace safety, nuclear plant operations, aircraft manufacturing, food safety, etc. It is limited to commercial activities and tax revenue collections so that you could not permit warrantless searches of a home.

Persons selected for warrantless searches to detect violations of the law must be identified in accordance with a random, unprejudiced procedure, unless all persons in the category of interest under that executive authority are subject to searches within a two-year period. Non-random selections of persons for warrantless searches must be founded upon historical evidence of patterns that are highly correlated with other persons found guilty of prior violations.

> You must have a neutral rule for conducting warrantless searches. For example, "Every meat packing plant must be inspected, without notification at least twice a year." Or "based upon a random number generator, we will inspect shipping containers according to the number pattern." Or "all containers arriving from Nigeria will be inspected." Or "individuals with sole proprietorships deducting more than $100,000 shall be audited at a rate of 1 per 75, while W2 salaried persons are audited at a rate of 1 per 1,000."

Whenever time permits, all persons and the basis for their warrantless searches shall be submitted to the Judiciary for review and approval no

fewer than ten days prior to the search. All other searches shall be submitted to the Judiciary for review and compliance with requirements of warrantless searches and any violations by the executive authority shall be punishable by the Court.

> The Judiciary gets oversight to curb abuses by the prosecutors in the Department of Justice. At least some responsibility is assigned to ensure that there is due process in warrantless searches. There is always the danger that the Judiciary will behave as they did in the FISA Courts.

ARTICLE 11. THE CENSUS BOARD

Section 1. Responsibilities and Non-Partisan Mandate

The Census Board shall establish offices and hire staff to maintain an accurate and current registry of births, deaths and a record of every person residing and traveling within the United States and its Federal Districts and Territories. It shall record the Citizenship, age, sex, and residence address of persons and transmit information to the Elections Board to assist with its compilation of a list of Eligible Voters. Employees of the Census Board shall be terminated if they engage in partisan activities supporting or opposing Political Parties or Candidates for any Government Office. No fewer than five Citizens have the right to petition the Federal Courts for the termination of any Employee engaged in partisan activities who were not terminated by the Board.

> Whereas now counties are responsible for birth and death records, this responsibility will be assumed by the national government. The goal is to have a real-time Census accounting for every resident of the United States. This will serve as the core database to support the registry of Eligible Voters.

Section 2. Minimum Appropriation Guarantee

The minimum appropriation for the Census Board equals one-five hundredth of the previous fiscal year expenditures by the Federal Government.

> Because the Census Board's work is fundamental to the operation of the Electoral System, its minimum funding level will be set by this Constitution.

Section 3. Sharing Data with States, Audit Trails, False Records

Every State may establish its own records of births and deaths, but the Census Board shall transfer records it maintains of residents within a State to the State, and the State shall report any discrepancies in its own records to the Census Board.

The Census Board shall establish procedures to ensure that records of Citizens are corroborated through contact by Census Board Staff, and that false records are corrected. Audit trails and safeguards shall be established to support allegations of misconduct and corruption against individual Census Board Staff who falsify records.

> The Census Board will share its findings with States, but the States are also free to run their own system of births and deaths.

Section 4. Duties of Citizens to Report to Census Board

All Persons residing within the United States and its Districts and Territories have the responsibility to notify the Census Board of any changes in residence, contact information, and births and deaths in their households.

> Persons who are evading the law or collections agencies might neglect to notify the Census Board. But that will have repercussions for other privileges based upon Census data.

When a Citizen has attained eighteen years, and they failed to submit a return for an accounting of individual income taxes, whether any taxes are owed, the Census Board shall classify the Citizen in an unknown residency status, and report this to the Elections Board.

> Even if you don't owe any taxes, you are still obligated to file a tax return with your address on it. The IRS and Census Board will be comparing addresses for individuals. The Census Board may presume that if someone fails to file a tax return, then they could be deceased or put to prison, and that is sufficient grounds to question their eligibility to vote.

Section 5. Annual Census Report, Content and Disclosure of Records

On the first Monday of March each year, the Census Board shall prepare and distribute a report to the President and the Governor General of the total number of the following categories as of the previous thirty-first day of December: Citizens, Legal Permanent Residents, foreign visitors, Refugees, and persons of unknown status. It will also report for the previous calendar year the total number of births, deaths of all persons and the entries and exits by foreign visitors. These records shall form the basis of all Per-Capita State Expenditures. The report shall also provide this information by House District and by State.

> Per-Capita State Tax Payments will be discussed more in-depth in a later section. The point of this section is that there is an annual accounting of Citizens and persons in the United States that will form the basis of calculations related to taxation, revenue, and spending.

A person's minimum standard record shall contain date of birth, place of birth, citizenship, sex recognized at birth, aliases, current name, names of parents and their citizenship, residency status, current address, and when deceased, date of death. The record shall also contain documents like birth certificate, name-change documents, death certificate, passport, identification records like fingerprints and

other unique physical markers, and photographs. Precautions shall be taken to restrict access to records solely to government officials on a need-to-know basis, and to disperse the storage and accessibility of records to minimize the loss of confidential information resulting from breaches of security.

> This is fundamental information for a secure Elections System.

Section 6. Confidentiality Protections

A Citizen's record is confidential information that can only be released in accordance with law for purposes of law enforcement and voter registration to government authorities. Unless a court grants an exception, the Citizen will be notified within three days whenever their record is shared and with whom.

A Citizen has the right to confirm the contents of their personal record and appeal for a correction of any errors to an administrative law court to adjudicate their dispute.

Section 7. Enumeration of Population, Fact Checking

The Census Board shall undertake an actual enumeration of all persons within the United States within a twelve-month period, at least once every eight years concluding December thirty-one of the year of a Presidential election. It shall collect and utilize information to conduct ongoing audits and make corrections to ensure the accuracy of its records.

> Ideally, this enumeration should be ongoing to maintain the highest accuracy of the database. Concluding the census during the year of a Presidential election permits redistricting to conclude one year prior to the following House elections.

ARTICLE 12. THE ELECTIONS BOARD

Section 1. Certification of Election Returns, Integrity of Voter Lists

The Elections Board shall certify the winner of all Federal Elections. The Board shall only use Census Records to create a National Voter Registry of Eligible Voters for every precinct, administer elections, count ballots, certify election results, and once every eight years, draw boundaries of districts for the Members of the House of Representatives in each State. States are not required to use the National Voter Registry for their own elections and shall continue to administer their own elections with State employees. States may appeal for corrections of discrepancies between their Voter Registries and the National Voter Registry in Federal Court.

The Board shall mail notifications to the residence of every Eligible voter every twelve months to the physical address on record. The Board shall suspend the assignment of an Eligible Voter to a precinct if they do not respond to three solicitations within one-hundred eighty days to confirm their place of residence and qualification to appear on the registration list of their precinct. That Eligible Voter shall be transferred to the Federal House District for Federal Districts and Territories until their Eligible Voting status can be resolved.

> Citizens 18 and older are automatically registered as voters in the precinct associated with the address in the Census database. Eliminates the hassle of keeping track of voter registrars in counties that have inaccurate databases. The Federal House District is the catch-basin for the homeless, nomads, persons who have moved during the Voting Period, etc. Everyone can vote, but they just cannot vote for a representative of a district in a State unless they are properly registered as a resident eligible to vote in that district.

Section 2. Duty to Notify Census Board to Update Voter List

Eligible Voters have the obligation to notify the Census Board of any change of residence, their name, additions to their household, and

other contact information. Eligible Voters shall be responsible for ensuring their Voter Registration is accurate or missing, and they shall notify the Census Board of any errors transmitted to the Elections Board. Citizens failing to file a tax return or filing a return using an address different than their Census record, shall be presumed ineligible to be registered to vote in their precinct of record until their residency is confirmed by the Census Board. They shall be transferred to the Federal House District until the discrepancy in information is resolved.

> While not everyone will owe any income tax, everyone is obligated to file a tax return. In addition to the postcard mailings, this is another way to track down people who aren't residing at the address in the database. Someone could falsely complete a postcard while failing to file a tax return, or filing one from a different address is more solid evidence.

Section 3. Size of House Districts, Number of Districts Per State

Districts for Members of the House of Representatives shall be created by dividing the total population of Citizens in a State by four-hundred thousand to calculate the number of Representatives for each State. States with fewer than four-hundred thousand Citizens are assigned one Representative.

When the calculation yields a whole number plus a remainder less than one half, then the State receives the whole number of Representatives. When the calculation yields a whole number with a remainder equal to or greater than one-half, then the State receives the whole number plus one of Representatives.

If the total number of Representatives for all States by this calculation is a number not evenly divisible by two, then the most populous State will have one additional Representative added to its number.

> The States have an even number of Representatives and the Federal Districts and Territories have one member at large to create an odd number of seats in

the House to minimize tie votes. The number of Representatives grows with the population of Citizens. With approximately 310,000,000 US Citizens in 2020, there would be about 775 seats in the House of Representatives. Alaska and Vermont would get 2 instead of 1 representative under the current Constitution. Current policies count the number of residents. This Constitution bases representation upon the number of Citizens.

The Federal House District shall be comprised of Citizens from the Federal Districts, Territories, those with an unverified address, and those Citizens in transitory, non-permanent situations. This District shall be assigned only one Representative for Membership in the House even if its population of Citizens exceeds four hundred thousand.

Section 4. Redistricting of House

After the total number of House seats is allocated to each State, then the Executive Director serving the Elections Board is responsible for drawing district boundaries where the difference in the population of Citizens between the House district with the most and least number of Citizens within that State does not exceed one-twentieth of the total population of Citizens residing within the smallest district. These House District maps shall be redrawn prior to June thirtieth following the December thirty-one completion of the eight-year Census. These maps shall be adopted for the Elections for Members of the House of Representatives the following year.

These district boundaries shall be subject to the following requirements:

The difference in the population of Citizens between the House district with the largest and least number of Citizens within that State does not exceed one-twentieth of the total population of Citizens residing within the smallest district.

The perimeter of a District's boundary must be inside one State and

may not be enclosed inside another District; this perimeter must be continuous, and unbroken by another District boundary.

A challenger of a map of Districts for Members of the House of Representatives within a State proposed by that State's Legislature must offer an alternative map to the Court prior to the thirty-first day of July. The Map with a one-twentieth or greater reduction in the length of the sum of perimeter boundaries shall be ranked as preferrable, all other criteria held equal.

No information about the voting history or Political Party Membership of Citizens at any level shall be considered. If the Executive Director fails to submit a map for a State before the thirtieth day of June, then the Executive Director shall be discharged from their office.

> You could assign a computer program to generate various maps using these conditions and allow a committee to pick one of the randomly generated options. These conditions remove a lot of discretion required to effectively gerrymander a State into Partisan Pieces. While some specialists use a Reock Score, I adopt a different version. Recognizing that a beehive with equilateral hexagonals minimizes the length of perimeter boundary lines (wax walls separating honey combs), I adopt the minimization of the perimeter boundaries as a ranking criterion. The Reock uses a circle as the standard, but you cannot create a Map with multiple adjacent districts using only circles. Hexagonals would be the most efficient shape to use whenever there are more than five districts in a State. But with odd-shaped State Boundaries, and other criteria to consider (like municipal and county boundaries, rivers, lakes, mountains, and other physical boundaries), you cannot impose a single mathematical standard. However, you can establish a way to rank Maps with each other to eliminate the most egregious forms of gerrymandering.

A House District Map for every State is submitted to the most populous Legislature of the State. If three-fifths of members of the Legislature reject the map before June fifteen, then the Legislature may submit its own map to the Senate. If a three-fifths majority of the Senate supports

the State Legislature Map, then that Map shall be adopted. Otherwise, the Elections Board's Map shall be adopted.

> This provides a modicum of political accountability for the Elections Board, but it would be highly unusual to obtain those majorities in State Houses and the Senate.

Section 5. Minimum Guaranteed Appropriation

Minimum annual appropriation for the Elections Board equals the following product: Divide the total population of Citizens of the United States by two thousand. Multiply that amount by the annual salary of a Member of the House of Representatives. Each House District shall have no fewer than one-hundred separate voting precincts, each staffed by no fewer than two Elections Board Employees.

> (310,000,000/2,000)*$175,000 = $27,125,000,000 This is substantial for an annual appropriation when elections are held every two years. One hundred precincts per House District ensures that there cannot be longer lines in underfunded Districts with fewer voting places.

Section 6. Safeguards Against Partisanship

The Executive Director, Employees, and contractors performing duties of the Elections Board must be Citizens, and they must swear an oath of partisan celibacy each year and sign a statement outlining the prohibited activities. Employment shall be immediately terminated upon violation of the non-partisan restrictions. They may not contribute labor, money, or in-kind donations to campaigns for candidates, legislation. They may not express partisan opinions in public, orally or in writing, nor may they participate in public demonstrations, or otherwise tarnish the non-partisan reputation of the Elections Board. They, their parents, siblings, and their children may not have held elected office before or during their employment. Employees may not serve more than twenty years in the employment of the Elections Board during their lifetime. Citizens have the right to

petition the Federal Courts for the termination of any Employee engaged in partisan activities who were not terminated by the Board.

> These extraordinary restrictions upon employees of the Elections Board are necessary for creating a trustworthy, non-partisan, impartial body the operates the system of government accountability. The Founding Fathers didn't really have a good solution other than letting each State do its own thing. This is good for dispersing political power and minimizing the damage that one party could inflict if everything were centralized. Recognizing that centralizing this power is dangerous, the guardians of democracy must be spotless.

ARTICLE 13. THE FEDERAL RESERVE BOARD

Section 1. Exclusive Control of Money Supply and Banks

The Federal Reserve Board is responsible for control of the supply of Money used as legal tenders for all debts, public and private in the United States. The Federal Reserve Board shall regulate Member Banks, and it is prohibited from regulating other financial institutions.

The States may not issue any Money or regulate banks subject to the oversight of the Federal Reserve Board. Money created by the Federal Reserve is a liability for an eligible asset that was purchased by the Federal Reserve, or a loan to a Member Bank. Eligible assets are the following: a debt instrument containing a promise of repayment to extinguish this debt at maturity and thereby reduce the supply of money; gold, platinum, or silver bullion held in the custody of the Federal Government. The Federal Reserve Bank may not offer loans to Member Banks holding Federal Government Debt Instruments.

> This eliminates Federal Reserve regulation of insurance companies, mutual funds, private equity, hard money lenders and others who don't create deposit accounts that clear through the Federal Reserve system at par. The

US Treasury can assume responsibility for that oversight. The mission of the Fed is limited in scope because it is politically insulated.

Prohibition of loans to banks when they hold US Treasury Debt is to prevent a recurrence of the Bank Term Funding Program where the Fed gave loans to banks using the par value, rather than the market value, of Treasuries as collateral for the loan. Banks should be forced to sell Treasuries at market value to raise reserves and reveal the true status of their balance sheet rather than hiding the truth.

If the dollar, the current unit of account for money, is redefined or redeemed in exchange for new units of account, then all statutes and contracts denominated in dollars will automatically adjust to maintain the prior value based upon the prior unit of account.

Section 2. Limitations on Asset Purchases

The Federal Reserve shall not engage in activities that undermine the principle that any expenditures of money by the Government must derive from an Appropriations Bill enacted by Congress.

Pursuant to this constraint, the Federal Government and the Federal Reserve may not purchase the debt instruments of the States or their political subdivisions, nor may they make payments on these debt instruments. Excepting Member Banks, the Federal Reserve may not purchase the debt instruments or ownership shares of any person, nor may they make payments on these debt instruments or ownership shares. Its asset purchases are limited to the Assets, Liabilities and Equities of its Member Bank; and Public debt instruments issued by the Treasury of the United States with a maturity date not to exceed ten years from the date of issuance that were purchased from non-Government persons or Member Banks. Congress must appropriate funds for the Secretary of the Treasury to purchase any assets prohibited for purchase and holding by the Federal Reserve.

> This confines the Fed to purchasing the debt of the Federal Government, or bad loans of Member Banks. Congress is free to Appropriate money to directly aid a State or private business because that goes through proper channels. The Fed cannot be allowed to interfere in political and private affairs and avoid democratic accountability.

Member Banks of the Federal Reserve System issue liabilities to their depositors that are denominated in the currency of the United States. These deposits are transferrable to depositors of other Member Banks at par, on the condition that Member Banks adhere to regulations governing their solvency. The Federal Reserve is responsible for regulating the lending policies of its Member Banks solely for reducing the likelihood of the non-payment of loans by borrowers leading to the insolvency of Member Banks. Any other lending regulations are reserved for Congress. The Federal Reserve shall indemnify Depositors at Member Banks for any losses exceeding one-tenth of their account balance at member banks that become insolvent.

> The Federal Reserve will stay out of regulating banks for promotion of Climate Change and other partisan matters that should be the domain of Congress. The indemnification of depositors is a replacement for the FDIC. Depositors assume the risk that their maximum loss at a bank could not exceed 10%.

Section 3. Limitations on Deposit Accounts

Excepting member banks in the Federal Reserve System, or Foreign Governments and supranational organizations, the Government may not open deposit accounts for Citizens, residents, or legal persons domiciled within the United States at the Federal Reserve or any other Government-controlled bank. Member Banks of the Federal Reserve System may only refuse to offer or restrict the normal use of depository accounts and funds transfer services to persons violating the law, those engaging in legal commerce categories restricted by law, or those who overdraft their account balance, or who fail to pay the bank's fees.

This article outlines all the various ways that the Government can abuse Central Bank Digital Currency to impose its will upon users and curtail their independence. This Section leaves open the possibility of imposing such restrictions upon non-Citizens and corporations not domiciled in the United States. Without these protections the Government could impose a social credit system similar to China. This Section also protects persons and businesses from being frozen out of the banking system by a bank unless there is a lawful reason.

Section 4. Financing and Independence of the Federal Reserve

To protect its independence and ability to conduct non-partisan monetary policy, the operations of the Federal Reserve are supported by income derived from interest earned on its assets and by assessments of Member Banks. The Federal Reserve may not financially support activities outside the responsibilities assigned by this Article. Any excess revenue not required to sustain the operations of the Federal Reserve shall be refunded to the Treasury and be counted as Tax Revenue for the purposes of budgetary calculations.

This deals with the Consumer Financial Protections Bureau funding under the Federal Reserve to escape Congressional oversight and budgetary control.

ARTICLE 14. THE RESEARCH AND RECORDS BOARD

Section 1. Responsibilities to Collect and Report Information

This Board is responsible for the impartial, non-partisan, accurate, and transparent collection, and dissemination of information about the Government, persons, geography, and commerce of the United States. It shall maintain standards for weights and measures. This information shall be published and readily accessible by Citizens so that they may make informed decisions to hold their elected office holders accountable.

Any Federal Government employee earning more than nine-tenths of the annual compensation of a Member of the House shall have their compensation from all Government sources disclosed. The Board shall disclose the names of any Federal Government employee who is the spouse, parent, child, or sibling of an Elected Official. The Federal Government shall have the burden of proving in Court that it must refuse to release information because of a threat to National Security or threat of physical violence against an individual. These endangered Employees may be labeled with a pseudonym.

This Board is responsible for archival of all records of the United States Government, the President, House of Representatives, and the Senate. This Board shall be responsible for fulfilling public information requests by Citizens for documents, in accordance with laws protecting national security.

Upon requests submitted by the President or the Governor General that are supported by an Appropriation, this Board shall provide independent assessments of the work of Departments and Ministries.

All States shall report information about criminal convictions to the Board that shall be used for enforcing restrictions on the purchase of weapons, employment, and other activities.

Employees of this Board shall be terminated if they engage in partisan activities supporting or opposing Political Parties or candidates or standing for election or appointment to any Government Office.

> This is a responsibility that should not be subject to partisan influence. Centralizes all the data collection and reporting responsibilities. Together with political donor reports compiled by the Elections Board, Citizens will have easy access to the information required to fight corruption.

Section 2. Public Disclosure of Expenditures, Political Donations

The Board shall publish the disbursement register of every government entity of the United States. All government entities are required to submit their disbursement records monthly to the Board and failure to submit reports on time is a criminal offense. The disbursement registers must disclose the name of the payee, the amount and date of payment, the government entity, the department within the entity, and the identification of the account from which the payments were made.

Each government entity of every State must submit a regular Statement and Account of the Revenues, Expenditures, Assets and Liabilities of all its Accounts that shall be published for each fiscal year using the same generally accepted accounting principles that the Federal Government requires from commercial persons that pay taxes. The Board shall develop a standard format for government entities to submit these reports. The Board shall develop tools to facilitate the ability of persons to access this data. No more than one-tenth of Federal disbursements shall be excluded from these reporting requirements, and only for items related to national security. Congress may enact exceptions to this limitation for no longer than one fiscal year by a three-fifths vote.

> This facilitates the ability of Citizens to hold every elected official at every level of government accountable. Transparency is maximized.

ARTICLE 15. APPOINTMENT, REMOVAL, AND REGULATION OF BOARD MEMBERS

Section 1. Appointment, Removal, and Terms of Board Members

Boards are created and operated to carry out Government functions insulated from partisan influence and to ensure that their work is in accordance with empirical, objective standards.

There shall be five seats on every Board created by this Constitution or subsequent laws enacted by Congress. Three Board Members shall be nominated by the President, and two shall be nominated by the Governor General. All nominees will be appointed unless rejected by a majority vote of the Senate within ninety days. After ratification of this Constitution or the creation of a new Board, the initial terms shall be one, three, and five years for the President's nominees, and the initial terms shall be two and four years for the Governor General's nominees. Thereafter, the terms shall be five years for each Board member. Once a vacancy is created by a President's nominee, then the President shall nominate a replacement for the remainder of the term, or for a new term. Once a vacancy is created by a Governor General's nominee, then the Governor General shall nominate a replacement for the remainder of an uncompleted term, or for a new term.

A Board Member may be removed by a five-ninths vote of the Senate. They would become ineligible to serve on any Board before four years have elapsed after the date of removal.

Board Members shall have attained at least forty years and be Citizens of the United States.

The Board shall select an Executive Director who serves at the pleasure of the Board, and for no longer than twelve years during their lifetime.

The Executive Director is responsible for the budgeting and management of the employees, contractors, and assets of the Board.

The compensation for the Executive Director may not exceed eight times the annual compensation of a Member of the House, and the compensation for a Board Member shall equal three times the compensation for a Member of the House.

Section 2. Creation of New Boards

Congress may enact laws to create new Boards after ratification of this Constitution where their Members and Executive Director are selected in accordance with the provisions of this Article. Congress may also enact laws to terminate the operations of Boards that it creates. Congress shall enact no laws in conflict with this Constitution over the scope of and restrictions on powers of the Boards created by this Constitution.

ARTICLE 16. TAXATION, APPROPRIATIONS, DEBT

This Constitution relies upon an enumeration of taxation authority between the States and the Federal Government rather than an enumeration of limited powers of the current Constitution. Taxation is more exact and less subject to discretion and interpretation. Most of these limitations on tax rates apply solely to Citizens.

This Constitution has few mentions about the enumeration of Federal Authority. This Constitution relies upon the division of Executive Authority and sources of tax revenue to limit the scope of Federal Power. Within limits prescribed by the Bill of Rights and the extent of revenue raised by taxation, the Feds can do whatever they want. This is the case today, and there's no sense in pretending that the Feds have enumerated powers. Putting a check on their sources of tax revenue is the best restraint upon Federal authority.

There are two basic methods of taxation: by value (*ad valorem*) or by a quantity measurement of a physical property (*unit*).

Examples of taxation by value: property tax on value of property, income, value added, and sales. Taxes upon the value of cross-border sales are called tariffs.

Examples of taxation by quantity are unit taxes based upon the number of items imported, sold, or held in inventory. Taxes upon the square footage of

windows, or building size, or acreage would also be quantity taxes. Taxes upon the volume of water, oil, carbon gas, or pollutants. Taxes upon the weight of minerals or metals mined. Poll or head taxes are another type of quantity tax.

Section 1. Phase In of Income Tax Limitation

The provisions of this Article shall take effect no later than six years after Ratification. Per Section 5 of this Article, during this transition period, the maximum income tax rates shall be the following: four-tenths in first, three-tenths in the second, one-fourth in the third, one-fifth in the fourth, one-seventh in the fifth, and one-eighth in the sixth fiscal year.

The Federal Government will receive 12.5% personal income taxes, basically the amount used to current fund Medicare and Social Security programs. The remaining sales, VAT, corporate income, tariffs, and estate taxes will fund the rest of the federal government. The Balance of Power to tax personal incomes will shift to the States, and we rely upon the competition between States to limit the extent of personal income tax rates. Leave the Feds to tax things of a national scope to simplify compliance and not have to deal with 50 separate jurisdictions. Taxation upon commerce through corporate, value-added, sales, pollution, tolls, tariffs and other consumption taxes plus the Per-Capita State Taxes will allow the Federal Government to match its current percentage of GDP tax collection power. More functions of national domestic policy will shift to the exclusive domain of the States because they will have more tax revenue at their disposal. Unlike the period prior to the 16th amendment where alcohol taxes made up 1/3 of the Fed's revenue streams in a modern economy with electronic banking, negligible percentage of cash transaction, and mechanisms to easily levy taxes will be far more diverse. Expenditures on a large percentage of domestic Federal Departments like Education, Agriculture, Commerce, Labor, HUD, and HHS will be replaced by the States.

Having a gradual reduction in the maximum income tax rate forces Congress to take immediate action and avoid a fait accompli cataclysm adjusting from 39% to 12.5% tax rates in a single fiscal year. Forces the adoption of the

VAT, corporate income tax, utility taxes, pollution taxes, tolls, and other revenue sources.

Within six months after ratification of this Constitution, each State is required to convene a Special Session of the most numerous House of its Legislature to remove any conflicts with this Article in its Constitution or its Statutes. Any prohibitions in the State Constitution or Statutes pertaining to the collection of tax revenue from sources permitted by this Constitution shall be amended. A majority vote is authorized to enact these changes to the State Constitution and statutes, solely pertaining to State taxation. No State Constitution or Statute may prohibit the annual tax collection of at least one-tenth of income from no fewer than one-third of its Citizens.

States like Texas, Florida, Tennessee, Nevada, and Washington prohibit income taxes. This prohibition will not be sustainable once the Federal Government has exclusive rights to collect corporate income and sales taxes that they previously relied upon. Because the methods for amending each State's Constitution may take a lot of time, and because voters may not approve of making sensible changes, and thereby fiscally ruin the State, this Section allows a one-time over-ride of the State's amendment process. This Section guarantees that States will always collect a minimum 10% rate. A State could conceivably collect no income taxes, but its Constitution could not contain a prohibition on collection of income taxes.

Section 2. Uniformity of Rates, Allocations of Revenue

All schedules of rates of Federal Taxation shall be uniform throughout the United States. All Revenues collected by the Federal Government shall be deposited into a General Fund that is available for funding any Appropriation by Congress. No Revenues may be deposited into a separate account reserved for funding any Appropriation that was not approved by Congress for the current fiscal year.

There are three methods for calculating a tax. The first is *ad valorem* – a tax rate multiplied by the money value of the activity or good being

taxed. Multiplying the assessed value of a building times the property tax rate is the property value tax.

The second is a *unit* – a measurement of the physical thing being taxed multiplied by the amount of money assessed for taxation per physical unit of measurement. Multiplying the number of square feet in a building times the dollars per square feet equals the property unit tax.

The third is a *Fee* in an amount not to exceed the actual cost incurred by the Government to provide a service, inspection, monitoring, or license to practice a trade.

The fourth is a *Toll* that charges for the use of Government property or use of the Commons, not owned by any person or Government.

Section 3. Limitations on Federal Payments to State Governments

The Secretary of the Treasury shall calculate the total expenditures for payments to the State Governments minus Reimbursements for State services provided to foreign residents and Refugees from the prior fiscal year. The Treasury Secretary divides that number by the total population of Citizens, and then adds one-twentieth of that amount to determine the maximum Per Capita Appropriation for the current fiscal year. During any twelve-month period, payments by the Federal Government to a State government and its political subdivisions cannot exceed the number of Citizens of that State multiplied by the Per Capita Appropriation, unless suspended for a single fiscal year by a two-thirds vote of the House and the Senate. Payments to State Governments shall include payments to legal persons partially or wholly owned or controlled by a State or its political subdivisions.

> The creates an impediment for Federal Revenue sharing with the States. Current situation creates huge incentives for States to keep their tax rates

low and rely upon the Federal Government to make up the difference with Federal assistance for welfare programs. The requirement that all States receive identical per capita aid from the Feds appeals to a sense of fairness that the Feds shouldn't show favoritism between the States. Also, it suggests that States should simply raise their own taxes to pay for their own programs. This regulation doesn't affect direct aid from the Federal Government to an individual recipient, but it eliminates Revenue Sharing in programs like Medicaid where the State receives federal funds and administers the program on a revenue sharing basis. The last sentence prohibits violations of the spirit of this provision in case that States form entities in partnership with other States or private corporations to evade these restrictions.

What about cases of Emergency disaster relief? This Section provides a super-majority exception to accommodate those situations.

Section 4. Requirement to Submit Tax Return

When a Citizen or permanent resident has attained eighteen years, they must submit a tax return for an accounting of individual income taxes due to the Federal Government, even if no taxes are owed. Citizens less than eighteen years are still obligated to file a return and pay taxes if they earn taxable income.

This requirement is mainly needed to ensure that the Census Board can update its database. However, it also establishes the obligation of payment of taxes.

Section 5. Limitation of Income Tax Rate

The income tax is an ad valorem tax. The accrual of individual federal tax obligations calculated as a percentage of income over any twelve consecutive months from a Citizen who is a Citizen of a State may not exceed one-eighth of income earned over that same twelve consecutive months. Violation of this provision requires the Federal Government to refund the excess taxes collected, plus a one-tenth penalty compounded on an annual basis, and this penalty shall not be counted as taxable income. Citizens with residency status in Federal

Districts and Territories may be subject to additional taxes above this one-eighth limitation.

> Instead of setting the income tax to zero, it is important that the Federal Government is a central repository of income collection for data collection purposes. Because residents of the Territories and the Federal Districts aren't paying State Income taxes, they're subject to higher federal income tax rates. Non-Citizens can be taxed at higher rates.

These limitations shall apply to a Trust established for the benefit of a living, natural person who is a Citizen.

The Government may compel an employer to withhold personal income taxes from an employee's compensation. However, the Government may not levy any ad valorem tax upon an employer that is based upon the amount of compensation paid to its employees. Unit taxes on employers based upon the number of employees may only be levied by the States.

This prevents the Federal or State Governments from levying payroll taxes that are owed by the employer separate from the income tax owed by the employee. Otherwise, the Federal Government could evade the 1/8th income tax limitation by relabeling it as an employer tax, that is proportional to the wages paid. States are also prevented from levying these taxes as they would encroach upon the Federal Government's domain of taxing corporate income. States may charge head taxes to finance workman's compensation or other similar programs whose costs are not proportional to the amount of employee earnings.

Section 6. Prohibition Against Tax Benefits

Differences in income of natural persons before taxation shall be the only legal basis for discrimination in the rates of taxation on their income. Excepting payments covered in Section 8 of this Article and value-added taxes in commercial transactions, and accrued taxes covered in Article 17, Section 24, no deductions are permitted. Prohibited deductions include payments of other domestic taxes,

exclusions of categories of income, charitable donations, deferrals of payments of tax liabilities incurred, deposits into savings, insurance, or retirement accounts, receipt of non-pecuniary benefits in the form of goods, services, insurance, or other methods of reducing the amount of income subject to Federal taxation. This list of prohibited deductions is not exclusive.

> This section is intended to make Federal Income taxes neutral and fair. Removes perception that if you can afford tax experts, then you can game the system and hide your tax breaks, reducing transparency. In the parlance, these are referred to as "tax expenditures." If the Government wishes to favor certain kinds of investments or compensate persons for payments of taxes, then it will have to be done with an explicit spending measure in the budget that must be renewed each year. This makes the existence of subsidies more explicit and transparent.
>
> The opposition to the elimination of tax credits and deduction (Enterprise Zones, State Income Tax, Home Mortgage deduction, etc.) and deferrals (1031 Exchange) will be tempered by the 12.5% cap on income taxation. The States can incorporate those elements into their own tax code if they wish. We want to eliminate a huge source of lobbying pressure by special interest groups to obtain these loopholes in the tax code. This also makes the tax system at the national level uncomplicated and fair without the sense that well-monied interests get special favors.

For the computation of the value-added portion subject to taxation on commercial transactions, prior tax payments may be applied. Otherwise, all subsidies are contingent Expenditures approved as an Appropriation in a Bill for each fiscal year they are paid. All subsidies for natural and legal persons cannot be paid in the same fiscal year when they were calculated. Calculated subsidies may not be applied to reduce the amount of taxes payable to the Government, and these subsidies do not represent a statutory obligation for an expenditure by Congress.

Congress would be forced to appropriate funds each year to give subsidies to the borrowers to help them pay the taxes. This way the cost of the forgiveness is an explicit budget line item for all to see. If the Federal Government wishes to reward donations, or compensate homeowners with mortgage interest, then it would have to be in the form of an overt cash subsidy paid to the taxpayer, not as a tax benefit hidden from public scrutiny. The subsidy must be paid in a fiscal year following the fiscal year the credit was earned to force Congress to make an Appropriation instead of crediting the subsidy against taxes earned.

For purposes of complying with Section 5 of this Article, subsidies and credits paid to a person may not be counted as a reduction in their tax liability for any fiscal year. Any discharge of indebtedness to the Federal Government or debt guaranteed by the Federal Government shall become a Federal Income Tax liability for the borrower unless discharged through a bankruptcy judgment of a Federal Court.

Government cannot tax someone at a rate higher than 12.5%, and later argue that the subsidy paid netted out the excess taxes paid to yield a 12.5% net tax rate.

Donations to non-profits, mortgage interest, and State Taxes cannot be deducted, but with a 12.5% maximum limitation, there is not a lot of benefit to be gained so that should minimize the opposition to their exclusion. States are free to include these benefits in their tax code if they wish. Because pension and healthcare benefits will be counted as part of income, the effective amount of taxes collected will be much higher than would currently be collected at a 12.5% rate. Again, if the Federal Government wishes to encourage pension and medical insurance, then it can send out subsidy checks. Forgiveness of loan balances count as taxable income. Biden's student loan forgiveness programs create a tax liability that cannot be waived.

Section 7. No Deductions for Expenditures that Violate Laws

No expenditure for activities violating Government laws or for the payment of a Government fine shall be allowed as a reduction of the amount of income subject to taxation.

No payment of compensation to persons illegally residing in the United States may be deducted to reduce the amount of income subject to taxation. The Government is responsible for promptly authenticating the legal work status of any person before their compensation can be claimed as a legal expense reducing taxable income for any person. Any employer requesting the deduction of compensation paid to any person must request that the person authorize the Census Board to transmit a message to the employer and to the Treasurer of the United States authenticating their residency status and permission for the employer to claim their compensation to reduce taxable income.

> This will require companies to authenticate the legal work status of their employees. The Census Board is responsible for communicating that information to the IRS before the employer can deduct payments to vendors and employees by using something resembling the E-Verify system.

Section 8. Mandated Expenses Are Taxes

If the Federal Government requires an involuntary purchase of a service, including retirement or insurance plans, or any other good or service provided by the Government, a person, or payment of membership dues in an organization, then that expenditure shall be classified as taxation of income of a natural person, subject to the limitations of Section 5 of this Article. Payments for occupational licensing fees pursuant to Article 19 of Section 19 shall be classified as expenses to reduce business income subject to taxation, and not as taxation of individual income.

> This provides clarification of the Obamacare legislation requirement to compel purchase of healthcare policies. This would also apply to Union Dues compelled by Federal Collective bargaining laws. Any attempt to pass this at the federal level will bump up against the 12.5% maximum on income taxation. Licensing fees are business expenses. Social Security and Medicare taxes are counted as income taxes.

If a State Government or its Political Subdivisions requires an involuntary purchase of a service, including retirement or insurance plans, or any other good or service provided by the Government, a person, or payment of membership dues in an organization, then that expenditure shall be classified as taxation of income of a natural person for purposes of satisfying amounts owed to the Government based upon that person's taxable income.

Section 9. Exclusive Domains for Federal Taxation

The Federal government has the exclusive right to levy taxes on the following: ad valorem taxes on the income of legal persons, partnerships, sole proprietorships, the sales of goods and services. It may levy unit taxes on the volume and mass of poisonous and polluting emissions into the air, ground, and water. It may levy fees to register vehicles traveling on land, air, water, and outer space. It may levy tolls on interstate roads, railways, navigable waterways, air travel, airports, shipping, and ports, travel into outer space. It may levy unit taxes on the weight or volume of the water drawn from underground or above-ground interstate bodies of water. It may levy unit or ad valorem taxes on the communications, information, and power transmitted through the electromagnetic spectrum for commercial exchange. It may levy fees for inspections or provision of services and for licenses to engage in business.

The Federal Government shall be responsible for the collection of these taxes, but it may share portions of these collections with the States using the source of the tax revenue from within a State as a basis for its allocation. The allocation rule must be uniformly applied. This revenue shall not be counted for the purposes of Section 3 of this Article.

> Because it's very hard to distinguish interstate and intrastate commerce for regulatory and taxation demarcation between the States and the Feds, we just

make it easy and let the Feds have exclusive powers of taxation. From the States perspective, this takes corporate income tax and sales tax breaks off the table in the bidding wars between States. The bidding wars will be confined to property taxes and personal income taxes.

Electrical power and communications also become the exclusive realm of the federal government. These demarcations of responsibility for taxation greatly reduce the cost of compliance for corporations.

Section 10. Taxes at Death on Estate and Inheritance

Estate Taxes are ad valorem taxes. The combined rate of taxation at death for the value of a Citizen's estate and amounts received by their heirs who are Citizens, may not exceed four tenths of the value of the estate at time of death for estates valued at more than fifty times the annual compensation of a Member of the House of Representatives or less than sixty times the annual compensation of the President. Taxes at death on the value of an estate and amounts received by its heirs are exclusive to the Federal Government. The basis for calculating future taxes on the appreciation or depreciation in the value of assets received by the heirs shall be set at the amount used to determine the estate tax revenue collected by the Government at the time of death.

This establishes the step-up of basis for determining future capital gains.

The portion of an estate valued at less than thirty times the annual compensation of a House Member shall not be taxed.

In 2021 this threshold for charging inheritance taxes is approximately $5,200,000. The Feds cannot charge a 40% estate tax and a 10% inheritance tax at time of death because that would violate the limit. Making this tax exclusive to the Federal Government eliminates competing claims by States on properties held by the deceased in their State, and what is subject to taxation. The Feds could discriminate in their taxation for non-Citizens.

Estate Tax Rates for Citizens on the portion of an estate more than fifty times the annual compensation of the President may not be lower than seven tenths.

> Permits the Feds to severely tax extremely large fortunes exceeding $174 Million. Estate taxes are a good tax because heirs of large fortunes seldom turn out to be a positive influence upon society. Breaks up dynasties.

Citizens have a maximum of ten years from the date of death, based upon the valuation on the date of death to extinguish their Estate and inheritance tax obligations. The rate of interest on outstanding Estate tax obligations shall accrue interest starting one year after the date of death. The rate of interest shall not exceed the weighted-average interest rate on twelve-month maturity debt that was sold to the public by the Treasury during a fiscal year plus one twenty-fifth, calculated on an annual basis and compounded annually, upon the unpaid balance.

> This provides relief to persons who inherit businesses that cannot be quickly liquidated to pay Estate Taxes. Heirs are given a ten-year time limit, but it is fair because they owe interest on the unpaid amount.

Any gifts received from all natural persons during a fiscal year by a Citizen more than one-eighth of the annual compensation of a Member of the House of Representatives shall be treated as income for purposes of Federal Taxation. Citizens are subject to State taxation on this income received during the lifetime of the donors. Any distributions of money or things of value by legal persons are classified as taxable income for the recipient.

> Simplifies the code by treating gifts and inheritance as income. Because gifts are not income received at time of death, the State can levy income taxes upon them. There is an exemption on the first $21,750 received by an individual from all sources (as of 2021) so that people aren't paying taxes on birthday gifts and normal gifting. Right now persons can receive individual gifts below a threshold amount and not pay any income taxes if they receive

gifts from multiple donors. In contrast, this provision values all gifts collectively from all donors to calculate this tax-free threshold. This also means that there are no gift taxes levied upon the donor, although they might be required to file a report on the recipients of any gifting they make. There are only taxes levied upon the recipient of the gifts whenever they exceed $1/8^{th}$ of the House Member compensation.

Section 11. Wealth, Property, and Other Taxes Reserved for States

The federal government may not levy any other taxes not listed in this Article, and any other taxation of Citizens not listed are reserved to the States, except by a three-fifths vote of Congress. During the life of a Citizen, ad valorem and unit taxes of property and other types of wealth are reserved for the States.

States may levy unit taxes on the weight or volume of metals, minerals, soil, sand, stone, timber, or hydrocarbons extracted from underground or above ground within the State's land and lake boundaries and no further than three miles into the ocean. These unit taxes may be levied upon the extractions from land owned by the Federal Government that are sold or leased for commercial purposes. Land owned by the Indigenous Sovereign Nations are exempt from this State taxation.

States may levy unit taxes for nuisances and other conduct not covered in Section 9 of this Article.

Fees charged for licenses and inspections must be directly related to Government administration expenses, and they may not discriminate based upon the income or wealth of the person.

Prohibits a Federal Wealth Tax, but States are free to adopt one.

A State will have the exclusive right to levy ad valorem and unit taxes on legal persons that hold title to land and buildings in that State.

The Federal Government and a State may levy an ad valorem tax on legal persons for the rental income derived from land and buildings located in the State. If the land and buildings are combined with other assets in a commercial enterprise where no explicit rent is paid, then the State may levy taxes on the fair market value of the implied rent. Disputes over the implied rent shall be under the jurisdiction of the Federal Courts.

> This clears up any ambiguity about holding title to property in an LLC. States have exclusive right to levy and collect property taxes. Like the income tax, there is a special carve out for a State, along with the Federal Government, to tax rental income on properties located in their State. Because the attractiveness of properties is due to efforts of local governments, then they should be compensated for rental incomes. Also, eliminates the unfairness of taxing rental income on persons who own property in their own name while not charging State taxes on rental income on properties held in an LLC owned by non-residents. With owner-user commercial real estate, if the property is held in the same corporation as the operating company, we want to close the loophole where that corporation doesn't pay any rent and deprives the State of tax revenue on the rental income paid to the property owner.

Except property owned by the Federal Government and the Indigenous Sovereign Nations, States have the exclusive right to levy ad valorem and unit taxes on property. These tax rates for each category of property within the State or its political subdivisions must be uniform for all property owners.

> Ad valorem taxes on property value can be assessed by a State, and the State can levy income taxes on non-resident Citizens who derive income from property in that State. Tax rates for different categories of property (residential, retail, hospitality, agricultural) must be uniform within the State to prevent discrimination against non-residents.

Any annual charges by States related to the incorporation of a legal person is limited to actual costs incurred that is uniform for all legal

persons, and in no case may exceed one two-hundredth of the annual compensation of a Member of the House per annum.

> States can have annual charges for corporations and LLCs registered with their Secretary of State, but those charges cannot be a back-door route for a corporate income tax. In 2021 the maximum annual fee would be $870.

The Federal government is obligated to share Federal Tax Returns of Citizens of a State with that State. The Federal Government must notify any State Government in which the taxpayer earned income or is a resident.

> This ensures that taxpayers are making consistent claims about their income for each State. The Federal Tax return provides a means of checking for that.

The States shall only register legal persons engaged in commercial activities after receipt of evidence from the United States Treasury of the legal person's intent to file Federal Tax Returns, and the identities of all beneficial owners with greater than one-tenth ownership.

> Because all corporations and LLCs will be solely taxed by the Federal Government, this ensures that the Federal Government will be notified whenever these entities are created. These requirements are also anti-fraud protections to defeat the kinds of lax registration regimes of States like Wyoming that are havens for entities engaged in money laundering. One-tenth ownership share is not a great burden to meet for disclosures.

State Citizenship shall determine which State has jurisdiction to levy income taxes upon Citizens, except when a Citizen is required to be physically present within another State as a requirement for earning a specific portion of their income that will be subject to taxation by that State. Income earned by natural persons that is derived from interstate transportation of goods and persons shall be subject to taxation solely by their State, District, or Territory of residency. Federal law shall

govern the apportionment of non-Citizen income taxes among the States, and it shall resolve disputes between the States regarding the taxation of Citizens of one State compensated for work by persons located in another State. This Section also applies to Citizens who are residents of the Federal District and Territories.

> Truck drivers and airline pilots won't have to pay State income taxes for each State they travel through. However, sports professionals and others earning income by performing work within a non-resident State will have to pay that State's income tax for the portion of income earned during their work stay.

Section 12. Super-Majority Requirements for Increasing Income Tax
Section 5 of this Article may be suspended for the fiscal year following enactment under the following conditions: a five-ninths majority vote of the House permits a rate no greater than one-sixth; a three-fifths majority vote permits a rate no greater than one-fifth; a two-thirds majority permits a rate no greater than one-third. Thereafter, Section 5 limitations are reinstated at the end of the fiscal year.

> A new vote has to be taken each year for these increased tax rates because they expire.

Section 13. Loan Guarantees and Government Retirement Plans
The current Congress may not obligate a future Congress to Appropriate Funds. Except for the debts of the Federal Government and the pension of the President, no law shall be enacted that guarantees the repayment of any financial obligation or contingent liability. Any loan guarantees or contingent liability in force at the time of ratification shall expire no later than thirty years after ratification of this Constitution.

> Fannie Mae, Freddie Mac, SBA, Ex-Im Bank, and other agencies that offer loan guarantees will have to fold at the Federal Level and move to the States

who want to adopt them. 30-year transition period permitted to let outstanding loans remain in force.

To have an enforceable claim for repayment, the primary issuance of Federal Government Debt to a non-Federal person must be exchanged for monetary consideration in the currency of the United States by taxable, non-government persons, domiciled in the United States. The primary issuance of Federal Government Debt may not be purchased by the Government or the Federal Reserve before four days from the date of issuance. States may not purchase the primary issuance of Federal Government Debt.

States and Foreign Governments can purchase Federal Debt on the secondary market from individuals and funds established in the US. A minimum 4-day holding period for primary issues of US Debt in a US-domiciled fund that purchased it with US currency eliminates possibility of issuing debt in exchange for material benefits that by-pass Congressional appropriation on an annual basis.

Whenever the sum of all payments for a Federal Government debt instrument equals five times the amount of money received at the time of its issuance, then that debt is extinguished. This requirement shall supersede any other terms and conditions in the offering.

This prevents the government from evading debt limitations by issuing bonds with extremely high coupon rates at a low face amount that causes investors to pay an astronomically large premium above the face amount of the bond. It also restricts the ability of the Government to offer long term maturities. If there are high interest rates, then the maturity of the bonds might have to be shortened to accommodate this restriction.

The Government can issue Special Obligation Debt that represents a promise to pay an individual account holder a specific sum of money. Special Obligation Debt can only be issued in exchange for personal income taxes paid by a natural person. Increases in the amount owed

to the account holder in excess of any cumulative contributions of personal income taxes shall represent interest earnings.

Interest earnings shall increase the amount of the obligation owed, and calculations of interest owed in future periods shall include these prior interest earnings and the income taxes paid. The aggregate Special Obligation Debt interest earnings shall annually accrue by an Appropriation enacted by Congress or the State Legislature. The interest earnings must be apportioned according to an account holder's fractional share of the aggregate amount of Special Obligation Debt.

This a long-winded way to say that compounding of interest is considered when paying interest in any year. Also, it prescribes that the allocation of interest must be proportional to the size of the account. Congress cannot selectively subsidize one person's account with payments not proportional to their prior contributions. Essentially, this prevents using Social Security as a stealthy, wealth distribution program.

Interest earnings are not like payroll taxes. Interest payments are generated through a discretionary, Legislative Process of Appropriations, but no money is actually paid to anyone. The interest earned simply increases the debt owed.

The fractional amount of aggregate Special Obligation Debt owed to an individual is a Personal Treasury Account, and it is the personal property of the account holder. Congress or a State Legislature may enact laws regulating the withdrawal of money from their respective Personal Treasury Accounts by age and amount, but a Personal Treasury Account is part of the estate of the account holder. If the account owner has designated heirs to receive distributions from the Personal Treasury Account on date of death, then the Government may not delay or obstruct these distributions. No Government may tax the amount of the obligation in a Personal Treasury Account. Only the withdrawals may be taxed.

Social Security and Medicare are currently funded by Special Obligation Bonds. Payroll taxes aren't used to purchase Federal Debt on the secondary market because that would send tax revenue outside of the Federal Government and blow a hole into the Federal Budget. Instead, SOBs are a primary issue of debt, but the debt is held by the Social Security Trust Fund – a Federal Government Agency while the tax revenue goes to the Treasury to use for current expenditures. Essentially, SOBs are an accounting gimmick that creates a compulsory appropriation upon a future Congress to pay Social Security and Medicare recipients because these expenditures are a repayment of debt obligations, not a discretionary expenditure.

This Section retains the primary issuance structure so that Social Security and Medicare payroll tax revenue continues to flow directly to the Government. However, the taxpayers receive individual ownership of an account that is a fractional share of the Special Obligation Debt. This share is calculated based upon the cumulative contributions of payroll tax. The amount of interest paid is currently determined by the Treasurer, instead of Congress. This Section corrects that usurpation of the power of the purse by assigning Congress the responsibility for determining how much interest to pay on these accounts. This Section is written so that either the Federal or State Governments may establish a Retirement Plan. The assets in these plans are given protections against a wealth tax.

Section 14. Taxation of Pension Contributions

Any promise of future compensation by an employer to an employee, or by the Government to a taxpayer, based upon the present earnings of the person shall be subject to income taxation during the current period when that promise of future compensation, both pecuniary and non-pecuniary, is received. This Section applies to Government and Non-Government employers, employees, and taxpayers. All promises of future compensation require taxable employer contributions of money or securities that shall be the property of that employee or taxpayer or be held in custody for their individual benefit. Excepting the President, no Government may offer guaranteed compensation to any person for more than one fiscal year.

This eliminates the rationale and structure of the Defined Benefit Pension. There must be separate accounting for the ownership amount per individual. Now all pension plans are treated like Defined Contribution plans for taxation purposes. Social Security and Medicare must be converted to defined contribution plans with separate accounting for ownership shares in Personal Treasury Accounts. This requirement avoids the fiscal catastrophe experienced by Illinois' underfunded employee pension plans because it forces the employer to make present-day cash contributions out of current expenditures. Also, makes clear that federal personal income taxes are levied on all compensation. No tax-free harbor for pension plans. The Federal Government can issue refund checks to persons or pension systems who contribute to a pension plan if it wishes to encourage savings, and it makes the expenditure, or size of the tax benefit, more transparent. Social Security and Medicare would have to be converted into separate accounting mutual funds that accumulate the taxed contributions over time. The last sentence prohibits defined benefit pension plans for Government employees.

Section 15. Definitions of Income, Wealth, Commercial, Consumer

Income is the difference in flows of money or economic benefits paid as expenses and received as revenues over a unit of time that can be measured by two methods. These revenues and expenses may be recognized when money is received or spent; or they can be recognized on an accrual basis, applying generally accepted accounting principles, when the economic benefits or costs are incurred. The Government shall follow law to determine which method will be applied to calculate an income tax for a person.

The Moore v. United States case demonstrates the importance of precise definitions of wealth and income in the Anti-Elitist Constitution to remove the ambiguities inherent in the current Constitution.

Akhil Reed Amar argues that the 1787 Constitution permitted an income tax because *direct taxes* referred solely to head taxes and real estate taxes. (He was not clear whether only acreage taxation was prohibited or also property value taxes. To be logically consistent, property value taxes should be permissible without apportionment among the States.) The delegates from slave-holding States insisted on this provision to eliminate the possibility of

imposing head taxes that would render slavery unprofitable. Hence, the requirement that a direct tax be apportioned according to population of the States – and the 3/5th rule dampening the effect of taxing slaves. The Slave States then had to count Slaves as 3/5ths toward apportionment of Representatives in the House and the Electoral College. *Pollock v. Farmers' Loan & Trust Co*., 158 U.S. 601 (1895) was a mistaken interpretation of direct taxation that said a personal income tax was a direct tax. In Amar's view, the 16th Amendment simply corrected the Court's error in *Pollock* but would have, otherwise, been unnecessary. In his view, other than head taxes and real estate taxes, Congress has no limit on what it can tax. Indeed, there is no obstacle to levying a wealth tax.

Therefore, under the scheme of the Anti-Elitist Constitution, it is essential to precisely define which types of taxation are permitted by the Federal and the State governments. I must take great pains to eliminate ambiguity.

If one party borrows an amount of money that the Government taxes as income, then the Government shall classify the amount of loaned funds as an equivalent expense for reducing the amount of income taxed for the counterparty. If the Government classifies loan proceeds as income, then the future repayments of principal and interest received by one party shall be taxed as income, and the payment of principal and interest by the counterparty shall be an equivalent expense for reducing the amount of income taxed.

This paragraph is designed as a deterrent to the Government applying this kind of tax as a way to evade the prohibition on wealth taxes by redefining the common understanding of income versus debt. Suppose that the Government wants to apply an income tax against a borrower who receives money from a loan, which under current tax law, is not classified as income subject to taxation. Constitutional Scholars like Amar see no reason that it could not be done, therefore, the Anti-Elitist Constitution must take pains to have clear demarcations between wealth and income taxation. This paragraph explicitly defines how this situation is handled. This symmetry of revenue increasing income tax versus expenses reducing income taxed will make this kind of taxation less profitable for the Government. If the Government proposes this kind of tax, then it is saying that these kinds of

loans are consumer purposes and should be taxed as if they are income for a natural person instead of a business.

I don't see an easy way to prohibit taxation on unrealized capital gains. While it seems unfair and impractical to impose taxes on unrealized gains, it is not legally inconsistent. Because the government taxes businesses using an accrual basis, and if depreciation can be classified as an expense, then unrealized gains are a kind of accrued revenue. Not fair to only apply the taxation of accrual items on the expense side and not the revenue side. Once you accept the principle of accrual accounting, then taxation of unrealized gains is fair game.

Wealth is a measure of the value of a person's assets at a single point in time when the tax is assessed, or of that person's equity -- the difference in value between assets and liabilities at a single point in time.

Defining *wealth* separately from *income* makes it easier to enforce the boundaries between Federal and State domains of taxation and protect the State's tax revenue stream from Federal encroachment. The concepts of "a point in time" versus "differences….over a unit of time" provides the logical distinctions that should be impossible for a Judge to subvert without ridicule.

Commercial activity is an exchange of money, credit, or other things of value for goods or services where the valuation of the expenditures is classified as expenses that are subtracted from the revenue received to calculate the income subject to taxation.

A *Sole Proprietorship* engages in commerce, and its assets are owned by a natural person who deducts expenses generated by commercial activity from its revenue to calculate the personal income subject to taxation.

Consumer activity occurs when the expenditure of money, credit, or other things of value for goods or services cannot be subtracted by that person from their revenue to calculate the income subject to taxation.

This is a straightforward definition from a taxation perspective of the differences between commercial and consumer activities. A person could simultaneously be a consumer and a business owner, but we tax his consumer activities differently than his business activities.

ARTICLE 17. GENERAL PROVISIONS

Section 1. State Legislatures Cannot Delegate Authority

The Legislatures of the States are composed of representatives who draft and enact laws of that State and who are elected by Eligible Voters of that State. Any provision of a State Constitution or State law in conflict with this definition of the Legislature shall have no effect. These Legislatures may not delegate any power to appoint Senators, approve Proposed Amendments or any other responsibilities assigned by this Constitution or Federal Law.

> Handles the recent problem where during COVID, the State Courts often arrogated powers to thwart the powers of the State Legislatures guaranteed under the current Constitution. This puts the stake into the heart of trying to hold direct elections for Senators and other delegations of legislature's authority.

Section 2. Supremacy Clause

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Language from the original Constitution.

However, any provisions of a Treaty in conflict with this Constitution shall not be enforced.

> Ensures that the Constitution cannot be subverted through a Treaty, like the use of Refugee Treaties to thwart illegal immigration. Instead, you must amend the Constitution directly, not indirectly through a Treaty.

Section 3. Admission And Creation of New States and Secession

A new State may be created from an existing State or States on the following conditions: the most numerous House in the Legislature of the States forming the new State must consent; The House of Representatives and the Senate must approve with three-fifths vote.

> Corrects the glaring oversight of the Founders regarding the ease of adding new States to the Union. This created a crisis during the Ante-Bellum era in the battle between slave and free states. Also, Democrats threaten to admit Puerto Rico and convert DC into a State and thereby add 4 additional Democrat Senators. This demonstrates that the creation of new States has been weaponized for political ends. Under this Constitution, the Senate's powers have been weakened so the small States have less sway over legislation compared to the current Constitution.

When the Census has counted a State's population of Citizens greater than one-fifth of the population of Citizens of the entire United States, then that State shall be divided into two States, neither having a population of Citizens greater than one-eighth the population of Citizens of the United States. The largest State formed shall retain the original State name. Within one year of the Census finding, the State Legislature shall submit a map to the House of Representatives with the new State boundaries. The new map is adopted unless four-sevenths of the House vote for an alternative map is passed. Then the Elections

Board shall then draw new district boundaries for the House of Representatives within the States.

> This paragraph undermines one aspect of State sovereignty. States are instruments of the Citizenry, and we deem that when a State becomes too large, it undermines the balance of power between the States and the balance between a State and the Federal Government. Clearly this doctrine is not consistent with John Calhoun's views.

If the State Legislature fails to submit a map within one year, then the Elections Board shall use existing boundaries for the House of Representative districts to divide the State into two separate States that retain the same district boundaries.

A new State can only be formed from a Federal Territory. Two-thirds of the Congress must consent to its formation.

A State or Territory may secede from the United States under the following conditions: The State or Territory Legislature by five-ninths vote supports a Resolution of Secession on two occasions separated by five years, but not greater than eight years. Within one-hundred eighty days of the approval of the second Resolution of Secession, the Resolution shall be submitted to the Eligible Voters of the State or Territory for a referendum. If four-sevenths of the voters approve the Resolution, then it shall be submitted to Congress. If three-fifths of Congress approves, then the Secession takes effect. The Citizens of the former State or Territory shall forfeit their United States Citizenship, and Legal Residents shall forfeit their residency privileges.

> Allowing for possibility of secession undermines the principle of the "perpetual Union of States." The Anti-Elitist Constitution has Citizens as the sovereign authority where the federal and state governments are instruments of the Citizens. There is nothing inherently sacred about States that merit an irrevocable union with other States if this union doesn't serve the Citizens' interests. Because Citizens have the right to "secede," and

voluntarily surrender their own individual Citizenship, this Section recognizes that it is possible that a collective of Citizens might decide to secede as a collective, and collectively surrender their Citizenship. Admittedly, this Section sets a very high hurdle for secession, but the principle is established.

Section 4. Formation of a New Federal District

The Federal Government is limited to two Federal Districts: The District of Columbia and one other District not to exceed twenty-five square miles located no less than eight-hundred miles distance from the District of Columbia. Any new Federal District must receive consent of the State or States offering territory. The creation of this new Federal District must be approved by a five-ninths vote of Congress. All or part of a Federal District may not be converted into a new State, but its territory may be returned to the States from which it was formed.

A new Federal District should be created in the Midwest to lessen the average travel distance to the Capital. Also, with a larger House of Representatives and an age where security and terrorism are concerns, a new district should be built to host new modern facilities. It would also symbolize the adoption of a new Constitution and a change from the old customs.

Section 5. Residency Privileges in a Federal District

The Citizens of the United States may obtain Residency Status in a Federal District. Citizens with Federal District Residency forfeit the right to vote for office holders in a State or political subdivision of a State. They shall be subject to taxation by the Federal District authority in addition to any Federal Income Tax limitation provided by this Constitution. By a three-fifths vote of Congress, the Federal Government may cede part of a Federal District and its Residents to an adjoining State.

Settles the controversy about making DC a state. Residents of DC could be transferred to Maryland so that they could vote in that State's elections if it

is so important. Because there is no direct vote for Senators, and District of Columbia will have representation in the House, a lot of the steam behind this push will dissipate.

Section 6. Archive and Universal Library

The Federal Government shall have the duty to maintain an archive of written, musical, artistic, and technical works, that protects the property rights of the authors and publishers in any dissemination of their works. It is responsible for establishing a universal public library for the purpose of disseminating and preserving knowledge for future generations in cooperation with all nations.

Addresses the controversy created by Google's project to capture images of books, art, etc. and who has rights over them. Essentially, the US government should take over the project and work in cooperation with other nations to finish and maintain this project.

Section 7. Storage of Commercial Records

Federal Government shall have the duty to maintain a secure, duplicate system of all the banking and financial records, property titles, liens, and other records that could be restored in the event of natural catastrophe or human sabotage of the private records that rely upon the legal systems of the Government for enforcement of claims.

This should be an explicit Federal responsibility because you could literally end civilization in the US if this was destroyed.

Section 8. Electrical Power Safeguards

The Federal Government shall have the duty to regulate the production and delivery of electrical power. It shall minimize the risk of disruption of the delivery of power by dispersing the generation of electricity and minimizing the vulnerability of the transmission of electricity to natural disasters and enemy attacks. It shall support the utilization of methods to minimize blight and damage to the environment and provide a

reliable, continuous source of power. It shall procure, store, and prepare for the provision of equipment held in reserve to restore electrical power in the event of an event that disrupts the generation of power.

> Electrical power grids are vulnerable to solar flares, Electromagnetic Pulse weapons, weather, and terrorism. This cannot be left to the States. Due to the externalities, and vulnerability to regulatory and tort risks, the private sector would need assistance to provide the kinds of molten-salt, thorium/fluoride fission reactors that could meet these requirements. Wind and solar power methods are subject to natural weather conditions, and they rely upon transmitting power over long distances from wind and solar farms to urban centers. Wind and solar farms are also a visual blight and a disruption to the land, and sea. The Transmission lines from wind and solar farms are a huge vulnerability. Back up supply of voltage transformers is necessary in the event of an EMP or Solar Flare event.

Section 9. Bankruptcies, Contracts, Republican Government, Inspections, Religious Test

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Congress shall enact uniform laws on the subject of Bankruptcies throughout the United States.

> Language from original Constitution.

Subject to the exceptions of Section 10, States may not discriminate in the application of laws, regulations, and procedures for due process against Citizens from other States.

States cannot give preference in the application of the law based upon a Citizen's residence. Substitute for the privileges and immunities clause of Article IV Section 2 of original Constitution.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which they fled, be delivered up, to be removed to the State having Jurisdiction of the Crime. Congress may enact laws to enforce this requirement.

Language from original Constitution.

The United States shall guarantee to every State in this Union a Republican Form of Government with elections by its Citizens for a Legislature and selection of an Executive Authority, either by direct elections or by the Legislature. All State Legislative bodies with geographical districts shall have an equal number of Citizens with no more than one twentieth difference in number between the largest and smallest districts.

The *Baker vs. Carr* case of 1962 required equal size legislative districts in the States. This Section explicitly enshrines that requirement rather than inferring it from the 14th Amendment's equal protection clause.

The State shall also have a Judiciary that shall be governed by this Constitution, the State Constitution, and Statutes enacted into law. The United States shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Language from original Constitution plus additional definitions of Republican Form of Government, and the Judiciary's governance. The possibility of a Parliamentary Form of government is allowed.

Any inspection and entry restrictions conducted by the States at their Borders to deter the spread of contaminants injurious to crops, plants, animals, and people shall be subject to approval by Congress.

> This Constitution can omit many of the Sections of the current Constitution because this one does not have enumerated powers for Congress. Because of the Taxation powers in Article 16, many of the prohibitions upon State actions listed in the current Constitution are moot.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

> Language from the original Constitution.

Section 10. Power of State to Discriminate Against Non-Residents

Excepting emergency, non-recurring medical care, use of the courts, and police protection, a State may require no more than twenty-four consecutive months of residency as a condition for any person who has attained nineteen years to be eligible to receive direct financial or non-pecuniary assistance from the State. If a Citizen resides continuously in a State for sixty days, then they can declare residency in that State and be an Eligible Voter for elections in that State and be subject to taxation of income by that State.

> Children shall be eligible for full State support, including Public Schooling. Anticipating that States will be very competitive in their tax and spending policies, this ability to withhold welfare benefits for 24 months discourages persons from moving to States with generous benefits without first making a contribution.

Section 11. Federal Responsibility for Illegal Residents

The Federal Government is responsible for expenses incurred by the States for foreign visitors, legally and illegally residing in the States, provided that a State promptly notify the Federal Government of the identities and place of residence for any persons for whom services were rendered, and the type and cost of the services. United States Nationals and Residents are excluded.

> The current Constitution makes States bear the brunt of illegal immigration. Their public schools, welfare system, prisons, etc. are burdening the States' taxpayers. The Federal Government should bear these costs and provide an incentive for the States to assist the Feds to do their job in enforcement of immigration policies.

Section 12. No Government-Sponsored Personal Advertising

For any public or private notice of the responsibility for the provision of cash, goods, services, and property sponsored by the Government, the only permitted wording shall be: *Brought to you by the Taxpayers of the United States of America,* the State, Territory, or other political subdivision thereof. Other than a signature on a bank draft, no other attribution of responsibility for the provision of such benefits shall be allowed that displays the name of the office or the name, physical or electronic address, voice, or image of an office holder.

> Stops politicians from taking credit for pork-barrel projects in their districts or State or cash disbursements similar to the October 21, 2021 letter by President Biden regarding the $1,400 American Rescue Plan.

No person may hold elected or appointed Federal office if their name or likeness is affixed to or used in official communications identifying Laws, Property, Parks, Places, equipment, vehicles, and vessels of the Federal Government. A living person must consent to the use of their name and likeness in such a manner.

Section 13. Prohibition of Gifts to Officials by Foreign Governments
No title of nobility shall be granted by any State or the United States that provides compensation to that person or to their heirs. No Elected Official, Officer, or government employee shall, without the consent of the House of Representatives, accept of any gift, payment for services, office, or title, of any kind whatever, from any foreign entity during their term in office and no fewer than five years from the date of vacating the office.

Section 14. Native Americans
The Treaties with the Indigenous Tribes shall remain in effect, and all Members of these Tribes are Citizens of the United States, a State, and their Nation. Congress shall enact legislation regarding the authority of the States for taxation of Citizens of these Nations, otherwise these Nations have the same powers and limitations of taxation as the States per Article 16. These Nations may not maintain relationships with foreign governments or organizations independent of the foreign policy of the United States. These Nations may only grant Citizenship in their Nations based upon biological descent from a male and a female who were both Citizens of their Nations and of the United States at the time of birth.

> Members of the Tribes can be Citizens of States for voting purposes. However, Congress could offer Citizens of the Nations an exemption from State taxation. Limiting membership to biological descendants eliminates schemes where tribal memberships could be exchanged for money.

Section 15. Bill of Attainder, Ex Post Facto Prohibition
Neither the States nor the United States shall make or enforce any Bill of Attainder; or Ex Post Facto Law pertaining to criminal, civil, equity, or taxation law where the defendant or respondent is held liable for acts committed prior to enactment of a statute.

Section 16. States Not an Administrative Arm of Federal Government

The Federal Government may not enact any laws to compel a State to enforce Federal Laws, administer Federal Programs, or force a State Judiciary to try cases covering Federal Laws. No State may enforce any penalties or sanctions against employees of the State who cooperate with the Federal Government without compensation by the Federal Government.

> Article 16, Section 3 requires that per capita federal assistance to States be equal. This indirectly deals with federal programs that base assistance to States upon the States complying with federal rules as a condition to qualify for receipt of federal dollars. This should eliminate most Block Grant programs as currently designed. Prohibiting the federal government from forcing States to act as their agents preserves federalism. On the flipside, a State may not block their own employees from aiding Border Control agents from tracking down illegal aliens, furthering a national purpose.

States may enter compacts with other States to incorporate entities for the joint administration of services which may be exclusively for the Citizens of their own States, unless a majority of Congress passes a Resolution opposing a compact.

> For example, if the Federal Government disbands the Small Business Administration, then a consortium of States might want to pool resources to establish a joint entity that replaces the SBA. These States wouldn't need to seek permission from Congress, but Congress could block it.

If the Federal Government leases all or part of its property to a person within a State to conduct commercial activities, then that person must comply with the laws and regulations of that State.

> Safeguard against the Federal Government using its buildings, military bases, or national parks as a sanctuary for businesses thwarting State laws. It doesn't prevent Federal Government using Federal employees to perform activities in conflict with State laws.

Section 17. Intellectual Property

The Federal Government shall have exclusive jurisdiction for the promotion of Science and Useful Arts by securing the Rights of Persons to their respective Writings, Inventions, and Discoveries. If an author or inventor is a Citizen and the owner of the protected work, then the exclusive and modified Rights shall be secured during their lifetime. Congress may enact laws requiring compulsory licensing of protected works with maximum ad valorem or unit rates accruing to the author or inventor for a period not to exceed the lifetime of, or twenty years after the death of, the author or inventor.

If a Citizen leases, transfers, or hypothecates their intellectual property Rights during their lifetime, then the protection of Property Rights shall not exceed twenty years from the date of lease, transfer, or hypothecation.

This Section introduces the concepts of Exclusive Rights and Compulsory Licensing. This way we balance the need to develop an invention, but then don't protect a monopoly privilege. Congress could, at its discretion, give heirs twenty years of additional income.

This prevents the favoritism shown to Hollywood by extension of copyright protections for motion pictures to simply preserve the revenue stream of the studios that owned the rights. These extensions have nothing to do with furthering invention and are simply political payoffs. This section closes that loophole. The limitation on the sale of the patent or offering it as collateral in a loan is intended to eliminate a loophole where a corporation could get a patent for a period exceeding 20 years.

If an author or inventor is a legal person or non-Citizen, then the exclusive Rights shall not exceed twenty years or be less than fifteen years from the date of approval by the Government. A legal person may transfer or hypothecate its intellectual property rights for the remainder of the protected period of exclusive Rights.

Upon expiration of the protected period of exclusive Rights or compulsory licensing, the property shall revert to the public domain, or by act of Congress, become the property of the Federal Government.

Section 18. Qualified Immunity for Government Officials

Qualified immunity only applies to suits against government employees as individuals acting in an official capacity. It does not protect the government against suits for damages caused by the employees' actions. The Federal Government shall have the sole discretion to punish federal government employees for acts that violated the rights of persons. The Federal or State Governments have the discretion to punish non-Federal government employees for such acts.

Section 19. Prohibition of Government Resources for Campaigns

Government may not allow its employees, its property, or appropriations and expenditures of funds to be used by persons to support or oppose candidate campaigns, legislation, political actors, or political action committees. Elected Officials may only use Government employees, and Government-controlled communication channels and property to support or oppose legislation during the public exercise of their duties on Government property reserved for this purpose.

No Elected Official or Government employee may use Government funds for housing, security and transportation expenses to travel to events to solicit political contributions for any candidates, Political Party or Political Actor. A limited exception for the President is allowed for use of Government funds for security and transportation expenses to solicit contributions and to campaign solely for the President's own re-election to office no earlier than three-hundred days prior to the Final Date of Election. Any violation shall result in the suspension of the compensation of the guilty parties for no less than twelve months, and reimbursement of prohibited expenditures.

House Members may be reimbursed for reasonable travel expenses to their District for no more than thirty separate dates in a fiscal year. The funds for reimbursement of travel shall be managed by the Secretary of the Treasury.

All elected and appointed officials, and Government employees, must solely use Government-controlled property and communication channels to conduct or to provide information about any Government business. Only persons who violate the law may be excluded from Government-controlled property or communication channels.

> This prohibits the Hillary Clinton private email server. It also prohibits the use of private social media by government personnel to disseminate information, not otherwise publicly available, and excludes critics from viewing their accounts.

Section 20. Prohibition Against Privatizing Law Enforcement

No Government shall enact a law which bars its officials from enforcing that law; and instead authorizes private persons to sue anyone in civil court who violates that law and be awarded statutory damages or other expenses.

> This prevents States from adopting the legal strategy employed by Texas in its 2021 SB 8 law that evaded federal enforcement of *Roe v Wade* directly against the State of Texas because the law deputized private citizens to sue abortion clinics and be awarded at least $10,000 in damages by those clinics if the clinics were found to have provided an abortion.

No government shall enact a law granting powers to private persons to file lawsuits on behalf of persons who did not consent to be represented as the member of a class of injured persons in the controversy.

> Prohibits the use of Private Attorney General laws that authorize private persons to sue on behalf of the public interest in addition to their plaintiff. Attorneys must follow the rules of a class action lawsuit.

Any fines or settlement payments arising from a judgment in a case filed by the Government must be paid into the General Fund of the Government, and this money may not be re-directed to a non-Government person without an appropriation by the Legislature.

> This prohibits the Obama era practice of awarding judgments to Progressive non-profit organizations. The principle at stake is that revenues earned by the Government may only be appropriated by legislation, and not by the discretion of the Executive branch.

Section 21. Standing In Lawsuits For Violations Of This Constitution

Five Senators or Fifty Members of the House of Representatives may petition the Supreme Court to review any allegations of violations of this Constitution. In their petition they must designate one lead counsel and one co-counsel to present their case to the Court. A Senator or Member is limited to filing no more than one petition per twelve-month period.

Section 22. Limitations on Rule By Decree

Congress may enact a law granting the President the limited power to rule by decree under enumerated circumstances when it supersedes the authority of State Governments. This power to issue an order having the force of law upon the persons of the United States, expires under the following conditions: the President can declare a State of Emergency in accordance with law, to rule by decree for no more than thirty days in any twelve-month period; by a three-fifths vote, Congress may grant a single extension of no more than thirty days in any twelve-month period; by a two-thirds vote, Congress may grant a second extension of no more than sixty days in any twelve-month period; no additional extensions may be granted; the President may not combine

the authorization of separate laws to obtain additional days to rule by decree in any twelve-month period. The President forfeits the office to the Vice-President after ruling by decree for more than one-hundred eighty days during any four-year period.

During the one-hundred eighty days prior to the Final Date of Election, a three-fifths vote of Congress is required to approve the continuation or establishment of a State of Emergency.

> Because the Presidents ruled by decree during the COVID crisis, it is important to place limits on the scope of this power. The 180-day limit is a hard stop to prevent the evolution of a dictatorship and protects members of Congress from caving into threats to vote for extensions. The pressure to allocate these emergency powers is irresistible so it is better to regulate them than to ban them, and later have the ban ignored.

Section 23. Takings and Taxation Through Regulation or Statute

Whenever the Government controls the price of goods or services offered in commerce, and it is set below the unregulated price, then that loss of revenue shall be classified as an accrued tax paid by the owner. Excepting conscription for military service, whenever the Government compels the provision of goods and services, and it offers compensation below the unregulated price, then that loss of revenue shall be classified as an accrued tax paid by the owner. The tax liability of the owner owed to the Government that imposed the price controls or the compulsion of provision of services shall be reduced by the amount of accrued taxes earned. The Government may not classify these accrued taxes as revenue. Any excess of accrued taxes earned over the tax liability shall be refunded to the owner within twelve months of the end of the fiscal year it was calculated.

> Rent controlled property owners get relief. This provision doesn't prevent the Government from using price controls. It just recognizes that property owners have provided a social service and should be justly compensated for

the taking. Likewise, when Hospital Emergency Rooms are required to accept anyone regardless of ability to pay, the State offers relief in the form of reduced taxation.

If the Government enacts a new law or regulation governing the use of the property to promote a public purpose, and that use diminishes the value of the property by more than one-tenth and that law affects fewer than one-third of persons owning property within the Government's jurisdiction where the law or regulation applies, then this shall be classified as a taking under Section 9 of Article 19.

This addresses laws like the Endangered Species Act or Landmark Designations that change the current use of the property that the owner expected at the time it was purchased. When a small minority of persons have their property's value diminished in the name of a public good, then the public should compensate the property owner like any other taking by the Government. If more than 1/3rd of people is affected, then it rises to the level of a political question that could be resolved through elections because so many people are broadly affected.

Excepting conscription of natural persons for Military Service, The Government may not enact statutes or regulations that compel fewer than one-third of all non-Government, natural persons, acting jointly in a legal entity, or severally as individuals, within that Government's jurisdiction to fulfill a Government policy without just compensation.

The Government can compel persons to use a trash service because it is a widespread application to all households not narrowly targeted to discriminate against a specific class of individuals. But it cannot compel companies to allow the government to use their office space because that is a narrowly targeted group of individuals tasked with shouldering the burden of a public purpose.

All statutes granting discretion to administrative bodies to enforce statutes, write regulations, issue licenses or issue permits shall be subject to strict scrutiny for violations of due process.

> This provision is inspired by the works of Richard Epstein and Theodore Lowi who both warned about the excesses of the arbitrary powers vested with regulators who are captured by special interest groups.

Section 24. Publication of Records

All statutes and regulations issued by Governments must be published and made available to the public through a medium that is easily accessible and retrievable. Only portions of meetings where privileged information pertaining to a lawsuit or information that could jeopardize the physical safety of an individual was discussed shall be redacted from the minutes of any meeting.

Recorded deeds, liens, and the convicted criminal records of any persons shall be published and may not be withheld or redacted without an order from a Court in response to a specific request by an interested party for compelling reasons of physical safety.

Section 25. Civil Service Eligibility And Labor Contract Restrictions

Any employee of the Government employed for longer than twenty-five years in a Ministry or Board shall become an at-will employee. They may be discharged, transferred, or demoted without cause. All Government Employee Labor Contracts must originate at the beginning and expire at the end of each fiscal year. The terms of the current Labor Contract shall be in effect until a new contract is executed. Any law or negotiated contract in conflict with this Section shall be null and void. The Government fiscal year begins on January 1 and ends on December 31.

This Section balances the need for maintaining human capital in the bureaucracy with allowing a regular change in the ranks by different administrations. This doesn't cover Departments, only Ministries. Limiting labor contracts to one year prevents one administration from encumbering another one with legal obligations that prevent the exercise of democratic control over expenditures.

ARTICLE 18. PROCESS FOR CONSTITUTIONAL AMENDMENTS

Section 1. Amendment Initiated by States

The Proposed Amendment language shall be co-sponsored by no fewer than five State Legislatures that have passed identical resolutions containing the identical Amendment language by a six-elevenths majority. These States contain at least one-tenth of the population of the United States according to the most recent Census. No more than twelve months shall elapse between the passage of the Resolution by the first and last State. No State may propose more than one Amendment every twelve months.

Then this Proposed Amendment may be submitted to every remaining State Legislature and to the Chief Justice who may convey the Proposed Amendment to the State Legislatures with comments.

The Proposed Amendment must be passed by a majority vote of the remaining State Legislatures within four years after it was submitted, and that State counts as an approval of the Proposed Amendment. A subsequent vote by a State Legislature to rescind approval shall only be valid prior to the Amendment's approval by four-sevenths of State Legislatures. When four-sevenths of State Legislatures approve the Proposed Amendment, then the Proposed Amendment shall be submitted for Ratification by a Plebiscite in accordance with Section 5 at the next Federal Election no sooner than ninety days after the approval by four-sevenths of the States.

Section 2. Amendment Initiated by Congress
A five-ninths vote in Congress proposes an Amendment to this Constitution. This proposed Amendment shall be submitted to the State Legislatures. If two-fifths of the State Legislatures do not vote to oppose the Proposed Amendment within one year of the date it was submitted, then the Proposed Amendment shall be submitted for a Plebiscite in accordance with Section 5 for inclusion on the next Federal Ballot following no sooner than one year after the approval by Congress.

Section 3. Constitutional Convention
A proposed Amendment to this Constitution that exceeds three-thousand words shall require convening of a Constitutional Convention. (Section 2 of this Article contains eighty-three words.) The Supreme Court shall have jurisdiction for ruling on a proposed Amendment's compliance with this requirement.

The number of words deleted from the existing text of the Constitution as a consequence of the amendment shall not be added to the proposed text when determining the three-thousand-word limitation. However, any proposed amendment that would delete more than this limitation would require convening of a Constitutional Convention.

> This is an arbitrary cut-off that prevents re-writing the Constitution by simply going through the normal Amendment process. Or it forces the proponents to separate the proposal into two or more amendments to pursue the normal route for amendments with separate votes.

A request for convening a Constitutional Convention for a Substantial Revision or the creation of a new Constitution shall be submitted to all the State Legislatures and to the Chief Justice in the form of a Resolution passed by a six-elevenths majority vote of five State

Legislatures whose States contain at least one-tenth of the population of the United States according to the most recent Census. No more than twelve months shall elapse between the passage of the Resolution by the first and last State. This Resolution shall contain a first draft of the new Constitution or substantial revisions.

> To get the ball rolling on the possibility of a Constitutional Convention, there should be passionate support for the idea among a small group of States that will likely take the lead. Hence, the $6/11^{th}$ hurdle for five states. For taking this initiative, these States gain some control over the structure of the proceedings of a Constitutional Convention.

Hereinafter, substantial revisions shall be referred to as a new Constitution. Excepting revisions through a Constitutional Convention, no Amendment shall deprive a State of its equal suffrage in the Senate.

> This prevents abuse of the Amendment process for a single-subject matter by combining multiple subjects that should have separate votes.

Within sixty days, The Chief Justice may convey comments regarding this Resolution to every State Legislature.

> Knowing that the Chief Justice will have the right to write comments means that the leaders of this initiative will likely solicit input from the Chief Justice prior to passing the Resolution. However, the fact that the Chief Justice gets to make comments ensures that there is a learned, respected figure shepherding the process. If the Resolution contains a first draft or outline of the proposed revisions, then the Chief Justice's comments could be more detailed. If the Resolution addresses matters that the Courts would like guidance on, then it could be a laudatory comment.

The Convention shall be convened after the Resolution is passed by two-thirds of the State Legislatures no later than four years after passage of the Resolution by the five States. A vote to rescind the approval of the Proposed Resolution shall not have effect if passed

after two-thirds of States have approved. When two-thirds of State Legislatures approve the Resolution for a Constitutional Convention, then the Convention shall convene at a time and place in accordance with the Resolution.

The Proceedings of the Constitutional Convention shall terminate no later than six months after the final State approval for the Convention.

> A deadline is an important requirement. Also ensures that momentum for change is not dissipated.

The most numerous House of each State Legislature shall send two voting Delegates to the Convention according to the following method: Each representative shall cast one vote for one delegate. The delegate receiving the most votes shall be assigned three-fifths of the Electoral Votes for their State. The delegate receiving the second most votes shall be assigned the remaining Electoral Votes. Each Delegate shall select an Alternate to replace them if that Delegate cannot attend. Each Delegate and Alternate shall receive compensation from their State, and they shall not be engaged in any other employment throughout the duration of the Convention. Once appointed by the State Legislature, the Delegate cannot be removed or have a decrease in compensation, unless expelled for misconduct during the proceedings by a three-fifths vote of the Delegates. The State represented by an expelled delegate may replace their delegate.

> What is important here is that the Delegate has independence from their Legislature. Like the original Convention in 1787, the Delegates have to act in the interests of the general good, and not the parochial concerns of their State. Having 2 delegates per State with one delegate getting $3/5^{th}$ and the other $2/5^{th}$ of Electoral Votes for that State provides partisan diversity. This means that there will be fractional electoral votes, not just whole numbers.

The initial Presiding Officer and Secretary shall be chosen according to the terms of the Resolution, and they may not vote on any proposals. The permanent Presiding Officer and Secretary shall be chosen by the vote of the Convention Delegates. The Presiding Officer shall have the sole authority to issue reports and communicate to the public about debates and discussions during the Convention. All requests for documents and information and conversations with persons outside of the Convention must be approved by the Presiding Officer. Delegates and Alternates must consent to monitoring of all methods of communication.

All Delegates and Alternates are required to take an oath of secrecy. Any Delegate or Alternate that directly communicates or facilitates the transcription, eavesdropping, or recording of any content of the proceedings prior to the end of the Convention with any person who is not a Delegate or Alternate without the express, written permission of the Presiding Officer, shall be subjected to a vote of expulsion from the Convention and, if convicted by a Court, serve no less than five hundred days in prison. No State may bind the votes or conduct of its Delegates and Alternates by statute or with a fine.

> The Constitutional Convention in Philadelphia succeeded because there were no leaks about the debates and tradeoffs being considered. The men in 1787 did not have scores of media badgering them for leaks to be published online as would the Delegates for future Conventions. These sanctions are important for emphasizing the independence of the Delegates who cannot be checking back for advice from the State Legislatures.

The Electoral Votes assigned to a State Delegation during the Proceedings shall be according to the number of Members of the House of Representatives from that State plus one on all questions except votes for expulsion. A Quorum for the Convention is attendance of delegates representing one-half plus one of the Electoral Votes.

> The larger States have more votes. Unlike 1787, each State does not have equal voting strength. The Federal Districts and Territories are not represented at the Convention, but they will get to vote on its ratification.

The sponsors of the Resolution for the Constitutional Convention shall have the responsibility and privilege of sponsoring the venue for the Convention, submitting the first draft of a document, an agenda, and Rules for Conduct of the Proceedings, and selection of the permanent President and Secretary as the first discussion items for debate by the Delegates.

> This is the reward to the initiators of the Resolution. They likely have the most enthusiasm so they should have priority in setting the agenda and discussion items.

The Document supported by six-elevenths of all the Electoral Votes of the Constitutional Convention shall be submitted for Ratification by Plebiscite in accordance with Section 5 at the first Federal Election no sooner than one-hundred eighty days after approval by the Convention.

Section 4. Amendment for Bill of Individual Rights

Excepting Section 1 of Article 19, A nine-seventeenths vote by Congress sends the Proposed Amendment to Article 19 of the Bill of Individual Rights of this Constitution to the Supreme Court for Judicial Review to determine if the Amendment qualifies as an Article 19 amendment. If six Justices agree that it does, then the Amendment to Article 19 shall be submitted for Ratification by Plebiscite in accordance with Section 5 at the first Federal Election no sooner than twelve months after the approval by Congress.

If it is ratified by Plebiscite, then the Amendment shall remain in force for six years from the date of the first ratification vote, and a second Plebiscite shall be scheduled. The Amendment shall expire on the date of the third Federal Election after the initial ratification unless it is

ratified by Plebiscite a second time in accordance with Section 5. After the second ratification vote, the Amendment shall remain in force.

Sections 1, 2 and 3 of this Article shall govern any amendment to Article 19, Section 1.

> The prior Constitution's amendment ratification process was too onerous. This Constitution recognizes that changes in the structure of the government should face a greater hurdle than modifications and additions to Individual Rights.
>
> The fight for Civil Rights often leads to the Supreme Court inventing rights on the fly or Congress passing laws that were violating the letter of the Constitution. Lowering the threshold for ratification makes it more likely that the courts and legislatures won't flout the text of the Constitution so readily.
>
> Article 19, Section 1 is not an individual right, but a definition of the scope of the kinds of rights protected by the Federal Government, and those reserved to the States. Therefore, it requires the 2/3 vote threshold for amending the structural elements of the Constitution.

Section 5. Plebiscites for Constitutional Amendments

The Final Voting date for the Plebiscites in Sections 1, 2, 3, and 4 of this Article shall be held on the date of a Federal Election under the auspices of the Election Board.

Excepting the Candidates for Federal Office, in the case of a Plebiscite under Section 1, 2, or 4, the ballot may only contain the Question: *Shall the Constitution of the United States be amended by the following provision {text of Proposed Amendment}?*

Excepting the Candidates for Federal Office, in the case of a Plebiscite under Section 3, the ballot may only contain the Question: *Shall this*

Document {text of Proposed Constitution} be approved as the New Constitution of the United States?

The choices are *Yes* or *No*. A copy of the proposed changes shall be provided free of charge to all Eligible Voters.

The votes shall be counted according to the following formula: The choice receiving a plurality of the votes in a district for a Member of the House shall receive one Electoral Vote. The choice receiving a plurality of the votes in the entire State shall receive one Electoral Vote. The plurality of the combined votes in the Federal House District shall receive one Electoral Vote. The Document is Ratified if six-elevenths of the Electoral Votes are *Yes.*

> The requirement that every amendment to the Constitution requires a Plebiscite with a 55% super-majority vote enshrines the notion that the power for enumerating Rights and governing those who govern the Citizenry resides with the Citizens, not with their government. The Government serves as a filtering mechanism for bringing an issue to the voters for the final decision. Requiring a Plebiscite is necessary for stamping out the doctrine of Substantive Due Process and exalting Citizens as the ultimate authority for deciding which rights can be memorialized in the Federal Constitution. This kind of direct democracy was utilized with the Ratification of the Constitution by the States in 1787. We continue that tradition in this Anti-Elitist Constitution.

ARTICLE 19. THE BILL OF INDIVIDUAL RIGHTS

Section 1. Scope of Rights Protected by Federal and State Governments

All rights enumerated in this Article shall apply to the States, Territories, Federal Districts, and Federal government. Individual Rights protected under this Article shall be reserved for matters that solely

restrain the actions of the Government and other persons against the exercise of these enumerated rights by individuals.

Guarantees for Individual Benefits are reserved exclusively for the States. Individual Benefits Guarantees impose a Constitutional requirement that the government make pecuniary and non-pecuniary transfers to persons or groups to supplement their income, provide food, medical services, housing, education, and other goods and services. Individual Benefit Guarantees are not Rights under this Constitution.

> Making welfare benefits a "right," hamstrings the fiscal decision-making of a future a Congress. Better to let the States compete in offering programs to attract residents and let them experiment with tying down their Legislatures with Constitutional constraints like California's Prop. 98 and Prop. 13.

The power to enumerate Civil Rights in this Constitution and in State Constitutions resides with the Citizens. The rights enumerated in State Constitutions may differ between the States as determined by Citizens in their respective States. Not all claims for Civil Rights by individuals are protected by the States or by the Federal Government. The Eligible Voters have the discretion to ratify which rights shall be enumerated and prioritized for restraint against encroachment.

> This Section revises the original 9th and 10th amendments. It acknowledges that just because a right isn't enumerated, doesn't mean it doesn't "exist." However, it also says that not all rights necessarily rise to the level of a Constitutional right worthy of protection by the courts. This clips the substantive due process doctrine allowing courts to discover new rights.

The Federal Enforcement of a Civil Right to protect all Citizens or persons of the United States requires an amendment enumerating this Right within this Article to enforce a uniform National Right. Neither the Judiciary, the Executive, nor Legislature of the States or Federal Government shall arrogate this power from the Eligible Voters.

> This ends the doctrine of "substantive due process," used to legislate new rights from the bench. It recognizes that there is a whole list of unenumerated common law civil rights, but it leaves those under the control of the Citizens through their State Constitutions and Legislatures. You must amend Article 19 in order to enumerate something as a Federally protected right. The Anti-Elitist Constitution lowered the barrier to amend Article 19 so that this would not be difficult to achieve rights that are widely practiced and accepted. Without the pretext of enumerated powers in the original Constitution, we can dispense with the 9th and 10th Amendments in this Anti-Elitist Constitution. Any unenumerated rights yet to be discovered shall be enumerated by authority of the Citizens, not the Courts.

Any amendment to this Article cannot take effect without inclusion of language explicitly repealing any portions of the existing Sections that conflict with the amendment. The repeal of existing language shall be separate from the new Individual Right that is adopted. The proposed language shall be submitted by the Speaker of the House to the Supreme Court for review. If six Permanent members of the Supreme Court do not object, then the Amendment may be submitted to the State Legislatures in accordance with Article 18, Section 4.

Section 2. Freedom of Religion

Government shall make no law or adopt policies endorsing or discriminating against a Religion or Religious Organization, or prohibit the free exercise, thereof, including the repudiation of a Religion. The Government shall not discriminate in the eligibility to hold office and employment with the Government based upon the profession of belief in a Religion or affiliation with a Religious Organization. Elected Officials are free to express their convictions during the exercise of their duties, but no Government resources may be used to proselytize religious doctrines or to compel the participation in a religious ceremony.

This Section protects the favoring of a religion, discriminating against a religion, and the criticism of a religion that would include atheism. There is further recognition that Congress may open its sessions with a sectarian prayer if it wishes, but it cannot use government resources to proselytize. This is going to be an area where it is difficult to get precise language to cover all circumstances. Inevitably, there will be lots of evolving Supreme Court doctrines deciding close cases.

The Government shall not discriminate in the provision of financial assistance and use of its property based upon the profession of belief in a Religion, affiliation with a Religious Organization, or restrictions on membership within the Religious Organization. A person that accepts an elected office, employment with, or contracting of services with the Government may not require accommodations or conduct in conflict with the equal application of rules regulating persons, not affiliated with their Religious Organization, that are necessary and proper for the consistent and uniform provision of public services.

This revises the Lemon v. Kurtzman case regarding the tripartite test to determine violations of the Establishment Clause. This section ensures that religions don't receive special treatment and they also cannot be discriminated against simply due to the mission and membership of their organization. You could not refuse to rent out Government property to a Group that doesn't permit homosexuals as members, any more than the Government could rent out a facility to another group that excludes non-members from attending an event. The Government cannot be an arbiter of acceptable doctrines as a condition for using its property.

This amendment ensures that a Muslim employed by the Government cannot demand breaks during the day to pray to Mecca, or that government meetings conform to a religious calendar. However, a Jew cannot be prevented from wearing a kippa unless it somehow obstructs the provision of services. I believe that you could prevent a woman employee from wearing a niqab that covers her face because that undermines the uniform dress code for identifying a public employee in a uniform, and covering the face prevents identification and accountability by the public when a civil servant

does improper actions. Again, this area of Constitutional law will continue to be litigated at the margins.

Unless a high school prohibits all unreserved displays on a football field, a coach can pray on the 50-yard line with his players. The school cannot discriminate against its employees' leading prayers, but then allows an employee to endorse a political candidate using a bull horn on the 50-yard line. Must be neutral in their application.

Religion refers to a specific body of beliefs about the behaviors of persons that are prescribed and proscribed, and the reasons for holding these beliefs. Adherents of these beliefs may form *Religious Organizations* to transmit these beliefs and behaviors among their children and other adherents in communal rituals. They may also proselytize non-members in accordance with Section 3 of this Article.

This Section defines religion to be something more than a belief in God. A belief in a God is not required to qualify as a religion. Therefore, "In God We Trust" on coins is not discrimination in favor of religion vis a vis atheism because asserting the existence of God is a metaphysical, not a religious belief. However, a government-sponsored crucifix would be endorsement of Christianity. But hanging art in a government museum with pictures of Christian religious themes should not be considered discrimination in favor of a religion.

Section 3. Freedom of Expression Without Suppression

Citizens have the right to speak, write, publish, and disseminate information and ideas. The right to communicate information and ideas that others oppose and wish to suppress is fundamental to this freedom of expression. Any prior restraint by Government upon the publication of information is subject to a prompt hearing by a Court on the grounds of imminent endangerment of the lives or property of Citizens, residents, and Government agents. Government may only abridge these rights when the speaker advocates the use of physical violence or when the speaker discloses private information to aid and

abet those intending to cause physical injury and death of persons and the destruction of property. Mental anguish and emotional distress are not grounds for abridging these rights.

The Government may regulate and prohibit the distribution and production to persons under eighteen years of audio, visual, and written depiction of sex acts, nudity, bodily trauma, and mutilation of persons or animals. The Government may regulate the time and place of the dramatic commercial production and distribution of this content to persons over eighteen years.

> Permits government regulation of any offensive material to persons under 18 years. Limits government to regulating for-profit pornography to persons over 18. Documentaries or news containing offensive matters would be permitted to persons over 18, but the Government could institute Zoning Laws, but not prohibit it.

Excepting conditions of Section 21, Government shall make no law that compels the speaker, writer, or publisher to offer use of their property to other persons as a condition for the use of media regulated and licensed by the Government.

> Recognizes that freedom of the press is not meaningful in the internet age when bloggers are reporting the news. Broadens the protections of free expression but recognizes the situations where prior restraint upon publication may be justified. Also prohibits the adoption of a "Fairness Doctrine."

The speaker or publisher must pay reasonable attorney fees to a Government Official for a judgment of slander or libel. The Government Official may only collect monetary damages from a non-Government person if the speaker or publisher contested the lawsuit and did not offer an acceptable apology and retraction; or provide an opportunity for rebuttal to the audience for the offending act. No

public funds may be drawn by Government officials to pay for the expenses incurred for the prosecution of slander or libel.

> Weakens the Sullivan decision a bit, but the remedy can be non-financial if the publisher offers a forum for rebuttal. It is not a Fairness Doctrine, either. Equal time is only required when there is a conviction for slander or libel.

Government may not impose any financial burden or restraint upon Citizens exercising their freedom of expression because of threats of violence or property damage against the speaker or host.

> Responds to the scourge of ANTIFA campus activists that disrupt speakers with violence and mayhem. Prohibits government colleges from imposing exorbitant security costs upon hosts to suppress the airing of unpopular views on campus.

The right of a Citizen to write, speak, and disseminate information to an audience that was lawfully assembled and hosted by that Citizen in a physical or virtual space under their control has value only if the Government and persons do not obstruct or sabotage the ability of this audience to view, read and listen to the writer and speaker.

Persons guilty of issuing or carrying out these threats of violence, property damage, sabotage, or disruption shall be guilty of a felony and liable for damages suffered by Citizens exercising their freedom of expression.

> This covers the disruption of meetings by persons who trigger fire alarms, or other pranks to force an assembly to disperse. Also covers people who engage in disruptive chants that drown out the speaker. Covers persons who gather up newspapers and throw them into the trash. Any attempt to silence speech by forceful intervention is handled. It excludes claims that anyone has the right to speak out of turn to an audience if they didn't pay for assembling the audience in a venue under their control. Speaking in a public park is not protected. Covers online hacking of websites, implanting viruses, etc.

Section 4. Freedom of Association

Government shall make no law abridging the Citizens' right of free association to admit and exclude any person from membership in organizations not engaged in commerce.

> Allows religious organizations, political parties, and other non-profit endeavors to have the freest reign possible in crafting their membership.

Section 5. Right to Privacy

Government shall make no law abridging the right of consenting Citizens who have attained the age of eighteen to engage in non-commercial and non-lethal activities involving any sexual acts, rituals, games, meetings, performances, consumption of food, drink, herbs, plants, or chemical compounds of their choosing within the privacy of their homes. The Government may not prohibit persons from administering tests to other persons as means of exclusion from an association or commercial enterprise whenever prohibited substances of their choosing are detected.

> Guarantees right to privacy in matters that we expect while still leaving the Government free to outlaw prostitution and casinos by limiting it to non-commercial activities occurring in the home. Allows for private enforcement of illicit drug use rather than reliance upon Government law enforcement.

Section 6. Protection from Government Surveillance and Intrusion

The right of persons to be secure in their bodies, private residence, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. Unreasonable searches include physical entry and technical means of recording activities or retrieving information, including information

about a person's location and travels, that have a reasonable expectation of privacy, whether acquired from other parties or by persons controlled by the Government.

> This covers infrared surveillance to determine if persons are inside a building, measuring sound vibrations on windows to track conversations, and other methods that don't require physical entry into a building. This also covers the government's purchase of mobile phone location tracking data to determine whether someone was at a crime scene. Warrants must be obtained for these situations.

Communications over the electromagnetic spectrum may be monitored without a warrant to uncover unlawful conspiracies by non-Citizens, but no evidence gathered by this method without a warrant may be used as evidence in a prosecution against a Citizen.

> This paragraph covers the NSA data gathering revealed by Edward Snowden. This is a compromise to allow the program to continue if the evidence collected cannot be used against a Citizen.

The Government may screen passengers and their belongings on common carriers and private vehicles traveling on public thoroughfares. The Government has the burden of proof for utilizing profiles of race or ethnic origin or other physical characteristics to engage in the non-random selection of persons for screening.

> This covers roadblocks on highways where cars, trucks, and buses are inspected. It also covers screenings at airports. If everyone is screened or randomly screened, then there are no issues. Otherwise, a valid justification must be made for profiling.

Recorded surveillance of public spaces by private persons may be obtained by issue of warrants for use as evidence in the prosecution of specific crimes. Metered inflows and outflows of energy, water, and

effluent into a residence or business may be used as evidence to establish probable cause to secure a warrant.

> With the widespread use of video recording at homes and businesses, this provides clarity about the government's power to obtain private information. The second sentence covers situations where covert growing of marijuana is inferred when there is unusual water and energy usage. Also, the chemical composition of sewage discharge from a residence can be presented to a judge to obtain a warrant.

Upon issue of a warrant, the Government may gather unique identifying information from a person's body. If biological information was previously gathered and stored by the Government pursuant to another purpose, then the Government may conduct a search to compare evidence from a crime to this biological information to identify suspects.

Section 7. Right of Assembly, Solicitation, and Political Action

Government shall make no law abridging the right of Citizens peaceably to assemble, communicate, cooperate, or plan to petition the Government for redress of grievances; or to support or oppose candidates for office. Government shall make no law infringing upon the non-commercial solicitation of a person for political action in public spaces or at their residence, except when a person has affirmatively communicated their preference for non-solicitation.

Section 8. Double Jeopardy

No person shall be subject to the same offence, to be twice put in jeopardy of life or limb. If a person can be tried for an offence to a Federal statute and a State statute pertaining to the same criminal act, then the Federal Court shall assign the jurisdiction for the alleged offense to either the State or the Federal court for a single trial.

This guards against the abuse by prosecutors of using laws of a State and Federal government covering the same crime to go after a defendant twice.

Section 9. Compensation for Government Taking of Private Property
Private property shall not be taken by easement or expropriation for a public purpose by the Government without just compensation. Compensation shall be paid for the destruction or damage of Private Property of innocent persons arising from law enforcement activities. Private property shall include land, buildings, commercial goods, intellectual property, loans receivable, financial securities, and chattel.

A proper public purpose for land and buildings includes transportation, water, sewage, transmission lines for power and communications, flood control, recreation, park lands, and other similar uses that require the taking, easement, or compelled lease of the property by the Government for its operations, or the execution of a law. The appraisal of just compensation shall be conducted by a disinterested third party selected by the Court and paid by the Government.

If the Government takes private property for the benefit of a Non-Government person for development of a project, then the public purpose shall be that the project must increase the amount of tax collections in a twenty-year period by more than twice the amount of money paid for the taking. The valuation date shall be prior to any disclosure of the intent for the taking, and the valuation shall be based upon the use of the property prior to this disclosure.

During this twenty-year period, the Government shall, in addition to the original compensation for the taking, make annual payments to the original and subsequent property owners the greater of one-twentieth of the incremental amount of annual taxes collected or one-half of the original amount paid for the taking, adjusted for any diminution in the purchasing power of money.

This addresses the problems in the *Kelo v. City of New London* case decided by the Supreme Court in 2005. For urban renewal purposes, the government might condemn land of low value so that a developer can come in to increase the value of the land or generate jobs with income tax revenues. This clause ensures that the threshold of the improvements must be high, and the current property owners will make a nice profit. Prevents the Government from offering excessive tax breaks for enticing a developer to build the project because the rationale for building it is to increase Tax collections -- a public purpose.

Section 10. Indictments and Protection Against Self-Incrimination

No natural person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment by a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger or in an Administrative Law Court; nor shall be compelled in any criminal case to be a witness against themselves. Upon arrest the police must advise the suspect of their right to remain silent and to consult with legal defense counsel that could receive compensation from the Government at the rate no less than one-sixth of the total expense of the Government's prosecution of the case. This protection shall extend to cases in Administrative Law Courts. The law enforcement officials shall be sanctioned for any violations of this right, but any evidence obtained may be admitted by the Court provided that these sanctions are a material deterrent against violations of this right.

Language from original Constitution plus the Miranda protection. Eliminates exclusionary rule if law enforcement officials have meaningful penalties to deter this behavior.

Section 11. Speedy Trial By Jury and the Rights of Jurors

Excepting matters of espionage for non-Citizens, in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial. Excepting prosecution for espionage by non-Citizens, in all trials,

the accused shall enjoy the right to an impartial jury of the State and Territory wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against them; to have compulsory process for obtaining witnesses in their favor, and to have the Assistance of Counsel for their defense. Non-public trials for espionage of a Citizen shall be adjudicated by a panel of no fewer than five Federal Judges if a jury or public trial would endanger national security.

> Many spies are not prosecuted because of the right to a public trial for the accused would reveal sources and methods of espionage. Carving out this exception empowers the government to prosecute spies, while providing the accused with rights to be heard by a panel of 5 judges.

Residents of the Federal Districts are ineligible to serve on Juries for Federal criminal or civil cases. Adjoining States may include residents of the Federal Districts in their own jury pools for State crimes.

> Excluding residents of Federal Districts from serving on Juries for Federal cases ensures that there is no bias in the jury pool because most of these residents will be employed by the Government.

Jurors must be Citizens who have attained thirty years and not more than eighty-five years. The convenience of Jurors shall supersede those of the Judges, employees of the Judicial Branch, plaintiffs, and defendants. To encourage the formation of the most representative jury pools, trials by Jury shall be scheduled at times that impose the least disruption to the ability of Jurors to earn compensation and to care for their dependents; or the Government shall provide sufficient compensation and support services to offset these disruptions. The Government may not compel any employer to pay compensation to its employees serving as Jurors. Government employees may not be paid more than two-thirds of their normal compensation if they take a leave

of absence during jury service. Excepting a voluntary waiver by a juror, sixty months must elapse from the time of a Citizen's prior jury service before the Government may compel Jury Service for that Citizen.

> The right to Trial by Jury is enhanced by protecting rights of Jurors to not be exploited by the Judiciary. Puts onus upon the Government to schedule trials in the evenings, weekends, provide childcare services, meaningful jury payment. If the Government must provide compensation, then trials will be run with fewer breaks and be completed sooner than is the custom today. Government employees won't get full pay if they don't show up to work to serve on a jury. This prevents stacking juries with Government employees, and it gives incentives to the Government to accommodate its own employee work schedules when setting trial dates, just like non-Government jurors.

Section 12. Right of Jury Trial

In Suits at common law, where the value in controversy shall exceed one-twentieth of the annual compensation of a Member of the House of Representatives, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court, other than according to the rules of the Common Law. Suits in Administrative Courts shall preserve the right of trial by jury according to Article 10.

Section 13. Bail, Punishment, and Asset Forfeiture

Excessive bail shall not be required, nor excessive fines imposed, nor infliction of severe pain, mutilation, sleep deprivation nor solitary confinement for more than thirty days in any ninety-day period while a suspect or prisoner is in the custody of the Government. For Federal or State crimes, any forfeiture of assets used in an alleged criminal act prior to the conviction of their owner must be transferred to an impartial custodian appointed by the Federal Courts. After a conviction, the proceeds from sales of these assets shall be transferred to the Government to retire any outstanding Government Debt, and the remainder into its General Fund.

Solitary confinement has been abused against prisoners and caused real psychological harm. Sleep deprivation has been added to the list of cruel and unusual punishments. This Section also prevents the abuse of asset forfeiture rules that enrich police departments and provide perverse financial incentives to abuse the rights of the accused.

A penalty of death by hanging from the neck is a permitted form of punishment, but the Government can offer the condemned alternative methods of execution. Excepting a Court Martial, a penalty of death may not be executed prior to the fifth anniversary of the verdict.

Eliminates the term "cruel and unusual punishment" that has been abused to prevent the death penalty and to prevent local authorities from removing homeless people from public spaces. Instead, offers a precise list of torture methods employed against suspects and prisoners so that it is far less ambiguous. Prevents abuse of Asset Forfeiture by law enforcement agencies that get the proceeds of the sale of the seized property.

Death by hanging is defined as allowable so using lethal injection or other more humane methods cannot be disallowed if the condemned would prefer that. 5-year waiting period before execution is carried out gives the condemned an opportunity to introduce new evidence to reverse a wrongful conviction.

Section 14. Slavery and Prison Labor

Excepting compulsory military service, neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

No person convicted of a crime may be required to provide labor for any tasks as a condition for fulfillment of or shortening the length of their sentence. An exception can be offered to shorten the sentence if the convict earns income during their imprisonment and voluntarily offers to pay damages directly to the victims of their criminal acts.

Language from the original Constitution plus a prohibition against labor camps used by the Soviet Union. After reading the accounts of the abuse of prisoners in the Gulags, that motivated this protection. An exception offered to permit restitution to victims of crime.

Section 15. Due Process and Equal Protection

No Government shall collect fines, or temporarily or permanently confiscate all or part of the property of any person without due process of law. No Government shall execute, imprison, or detain a natural person without due process of law. The Government may not deny the equal protection of the laws to any person within its jurisdiction.

Instead of using "nor be deprived of life, liberty, or property," I substitute my wording to make it narrower and more precise. Recent expansive definitions of life, liberty, and property have created a huge array of unenumerated rights subject to substantive due process. Difference between a natural person's rights and a legal person.

Section 16. Discrimination and Preferences by Government

Citizens of the United States shall not be denied, nor be given preferences, for services or employment offered by the Government on account of race, color, national or ethnic origin, sex, religion, sexual orientation, or Political Party affiliation. Any person receiving payment for services to, or assistance from, the Government must comply with this Section. If evaluations of the qualifications for employment or contracting of services do not disclose identity characteristics of an applicant, then that creates a Safe Harbor protection against any claims of discrimination. Birthright Citizenship and prohibitions against affiliation with foreign organizations may be required for positions in or supporting the Armed Forces, Espionage, and Security Services. Employees of the President subject to Section 8 of Article 5 are exempt from the protections of this Section. Exceptions may be considered in cases of adoption when it is in the best interests of the minor children.

In the past, Communist Party membership could be grounds for denial of employment by the government. This would make Affirmative Action programs illegal. If anonymous evaluation of test scores for job applicants is utilized, then the Safe Harbor clause provides protection against disparate impact claims for discrimination. There is no longer a presumption of discrimination due to disparate impact if you follow the Safe Harbor guidelines. Exceptions are made for discrimination based on race for adoption of children.

Section 17. Discrimination and Preferences in Commerce

The Government and Non-Government persons engaged in commerce may not deny, abridge, or show preferences in the commerce of goods, services, or employment to Citizens of the United States on account of race, color, sex, national or ethnic origin, religion, sexual orientation, or Political Party affiliation. Religious Organizations, Political Parties, and non-commercial associations are exempt from these requirements if they are not engaged in commercial activities. If evaluations of the qualifications for employment or contracting of services do not disclose identity characteristics of an applicant, then that creates a Safe Harbor protection against any claims of discrimination.

More explicitly protects a person against discrimination in commercial transactions. Non-commercial associations are not included.

Section 18. Habeas Corpus

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion Congress determines the public safety may require it.

Section 19. Parental Authority to Direct Education

Parents or Guardians of children under the age of seventeen are guaranteed the right to direct the education of their children. This right does not confer any authority upon the Parents or Guardians to direct

the operations of a Government or non-Government school or instructor.

> This Section incorporates the rights established by the 1925 Supreme Court decision *Pierce v. Society of Sisters.* Directing Education is not an absolute right to do what a parent pleases. But it establishes their priority over the State in choosing what is in the best interests of the child. Does not give the parent the right to make demands of the Government to provide whatever they want.

The Government may not regulate the manner of instruction by Parents, Guardians, or educators, nor require licensing or other qualifications, unless they are employees of a Government School or private persons contracting with the Government. The Government may require instructors to disclose their educational credentials, and civil or criminal convictions. Any sanctions against substandard education must be based solely upon the educational achievement of the child measured on the same examinations administered to students in Government Schools of similar age.

> Prevents back door regulations using licensing, credentials, degrees or other means to throttle a free market in education. Protects homeschoolers and others from regulatory harassment while still making them accountable to the State for providing evidence of learning by objective standards.

Any Examinations commissioned by the Government must be administered to all children between ages six and seventeen, and the content of the examinations and sanctions for substandard performance cannot discriminate based upon the education provider selected by their parents.

> Public School students will be subjected to the same exams as those who don't attend public schools.

The content of the examinations is confined solely to determine the child's proficiency in reading, writing, mathematics, geography, physics, chemistry, biology, and the knowledge of the history and civic institutions of their State and the United States relative to children of similar age.

> Testing subjects are the basics necessary for civic participation. Avoid the ideological indoctrination as much as possible, although it will inevitably creep into the History curriculum.

Except their age, no identity characteristics of the child who took the test shall be disclosed to the persons grading the examinations. Those results are confidential, and absent the consent of the Parent or Guardian, shall only be disclosed to the Parent or Guardian and the Government authority enforcing any sanctions against deficient performance.

> The teachers won't have access to these results without parental consent. Anonymous grading of the tests ensures that favoritism cannot be employed. Notice that the Feds don't get to receive the individual test results.

Any sanctions applied on account of deficient performance on the examinations must be applied on a uniform basis to all persons directing the instruction of any child without regard to their education provider or employer. No Government may discriminate in its offer of services, benefits, or employment to any person on account of their education providers.

> This equal treatment clause makes it tricky for attacking students not attending public schools. How could the State punish parents and teachers of public school students? The reality is that there are no performance requirements that have any consequences for someone's losing their job or a pay cut in the Public Schools. Also, cannot give preference for admissions to State Universities based upon attendance in public schools.

Compulsory instruction requirements cease upon attaining seventeen years of age, and children who have attained this age may direct their own education.

Section 20. Occupational Licensing Protections

The Government shall have the burden of proving that occupational licensing requirements enacted are the least onerous method of protecting persons from physical injury and financial losses due to fraud or incompetence. Only the Government may approve, suspend, or deny a license. The Government may solicit advice from an Association of Practitioners, but the issuance of a license cannot be contingent upon payments to or membership in this Association of Practitioners.

> Placing the burden on the government to justify its licensing. Ends those requirements solely intended to restrain entry into the market and preserve a monopoly position. Cannot delegate power to private sector interests. As an end-around, the Government may charge license fees and then use that revenue to pay the Bar Association or Medical Association consulting costs in their evaluation of the fitness of a practitioner. However, a government official will always be responsible for any sanctions against a practitioner.

Eligibility for taking these examinations may not be restricted by any requirements other than age, Citizenship, residency, examination fees, and prior criminal or civil convictions. Excepting an inactive License fee, License fees cannot be contingent upon the income of the licensee.

> Opens licenses to persons who haven't attained a college degree. Your ability to master the subject matter is all that can be assessed.

No State may restrict interstate commerce and obstruct the solicitation, purchase and receipt of goods and services by their Citizens from vendors who are not domiciled or licensed in the State. However, a State may require that attorneys representing clients in that State's Courts be licensed by that State.

Opens up competition for things like insurance that could only be sold and marketed to a State's residents by persons licensed in that State. While an attorney may be required to pass the State's Bar to represent a client in Court Proceedings, a State cannot exclude persons who did not pass the State's Bar from rendering legal advice for payment, if the are not representing that client in a Court proceeding. For example, preparing a Living Trust, giving advice on Family Law, preparing a contract, etc. Would likely end the scam of preventing sale of eyeglasses without a prescription.

Professional licensing in complex and dangerous practices where practitioners could cause serious bodily harm or serious property damage exceeding one-fourth of the compensation of a Member of the House of Representatives per incident can be subject to the requirement of an apprenticeship and an evaluation of expertise by practitioners in the field, but in no case shall these requirements be arbitrary or un-related to the prevention of injury, or have the effect of restricting competition by competent practitioners.

Not every license can be reduced to a written examination. But preventing qualified physicians from Germany practicing medicine until they go through Medical School and residency training in the US is an example of what we're trying to stop. The excuse of requiring licenses for K-12 teachers is covered in Section 19 where student examinations uncover deficiencies. If a private school or school district wants to have its own tests for hiring their staff, then that's fine. That's not the same as a license to teach.

If the Federal Government adopts an occupational licensing requirement, then no State may require a person with a Federal-issued License to obtain a State-issued license for a similar occupation.

Federal licenses for physicians would be helpful to avoid the hodgepodge of 50-different State regulators.

Excepting interstate commerce between persons residing in different states, the Federal government may not prevent the practice of an occupation in a State by requirement of a Federal-issued license. Enactment of exceptions to this rule requires a three-fifths vote of Congress.

> This limits the ability of the Feds to get involved with local licensing and is an escape valve preventing the Feds from enacting something too onerous.

Section 21. Information Network Companies, Network Privacy

For purposes of this Section, Information is content transmitted over the electromagnetic spectrum that is received by a person in a visual, audio, or other sensory form. An Information Network is the system of media utilizing the electromagnetic spectrum to connect nodes that transmit and receive information.

> The landlines, cellular phone network, internet, satellites, are encompassed in this definition.

Although, an Information Network Company shall not be treated as the publisher or speaker of any information that is created by its Network Producers not employed by the Information Network Company, it shall assume responsibility for detecting and minimizing violations of laws by its users. A Safe Harbor requirement for an Information Network Company to enjoy this treatment is that they allow any content that is not prohibited by Federal law, and that they are impartial in their payment of revenue to producers, issuance of warnings, or restrictions of accessibility of producer content hosted on their network. Otherwise, they shall be treated as the publisher or speaker of content produced by their Network Producers.

> The Information Network Companies will not be able to apply politically motivated bias to exclude content while claiming the non-publisher shield.

Regarding the payment of tort claims arising from a judgment of slander, libel or violations of intellectual property rights against its Network Producers, when the Information Network Company is not treated as the speaker or publisher, then it shall not be a co-defendant, but it shall indemnify the plaintiffs for any deficiency in restitution by the defendant.

> The Information Network Companies are not treated as publisher or speaker, but they still retain some limited liability for any abuses by their users. This will force content providers to carry liability insurance to ensure that they don't force the Info Net Companies to cover deficiencies in judgments.

The users of an Information Network Company possess an ownership interest in any information they transmit as a condition for using the network. The Information Network Company must obtain consent and pay minimum monthly compensation to any users in exchange for collection and distribution of this private information. The minimum monthly compensation shall be the annual compensation of a Representative divided by six thousand.

> This creates a user's property rights to their information and compels a minimum payment by the company to use this information. No more Terms of Service Agreements with unrestricted use of browsing history to be sold to advertisers in exchange for "free" use of the service. Now these companies will essentially be forced to charge a minimum subscription fee to offset the monthly minimum. This also eliminates the problem of bots and fake accounts because subscription payments will be linked to a credit or bank account. Requiring consent from the users also eliminates the incredible power exercised by Google, Facebook, and others who collect private information without knowledge of their users.
>
> This eliminates the current model of Facebook, Twitter, YouTube that allows them to engage in viewpoint discrimination against unpaid users of their services.

The Federal Government shall have jurisdiction for claims of violations by an Information Network Company. The prevailing party in any lawsuit may recover reasonable attorney fees in addition to any damages awarded.

> This modifies Section 230 of the Communications Decency Act of 1996. This applies to "interactive computer services." This Section uses the term *Information Network Company* to give a broader definition encompassing computer services and telecommunications.

Congress shall have the power to enforce this Section by appropriate legislation and to block foreign Information Network Companies that do not comply with this Section.

Section 22. Marriage

A Marriage is a voluntary, joint and several, partnership of only two natural persons, sanctioned by the laws of the Government. A person may be recognized as married to more than one person by a foreign government, but only one spouse for any person will be recognized under the jurisdiction of the United States. No other spouse will be recognized prior to submitting evidence for divorce or death of the spouse that was previously recognized.

> Because persons married abroad may not conform to all of the conditions listed below, we can recognize those marriages, as long as they are limited to only 2 persons. You can marry your cousin or sibling in another country (not allowed in the US), but we don't recognize polygamy (allowed in Muslim countries). You cannot claim to be married to your first wife one day, and then turn around and claim that your second wife is now your official wife another day. First you have to prove the first one died, or you divorced. You can live with multiple "wives," but the Government will only recognize one of them as your official "wife."

Marriages originating under the jurisdiction of the United States must meet the following conditions for recognition: At the inception of the

marriage, they must be fully informed, consenting persons, attained sixteen years, and not be consanguineous through parental descent, or as a sibling or first cousin. Neither person may be married to another person.

To ensure that both persons are fully informed, the Government may require the following disclosures by both persons as a condition for the issuance of a Marriage License: health, fertility, and paternity information, financial records, and records of prior criminal convictions, marriages, and divorces. Excepting license fees, no additional restrictions may be imposed by any Government.

> You can have same-sex and opposite-sex partnerships. 16-years and older is only real restriction. The State could require an STD test or other background checks to be done to inform the other party to ensure they make the decision with full information. No marriages of 3 or more persons recognized. Otherwise, marriage could be abused as an evasion for formation of a Partnership or corporation subject to additional taxation. "No additional restrictions may be imposed" means that gay marriage and inter-racial marriage is protected.

Section 23. Combatants in War upon the United States

Persons engaged in acts of physical violence and warfare against the United States who are not affiliated with nations that are signatories to and adherents of Conventions governing the laws of war shall be classified as enemy combatants. Excepting Citizens of the United States, enemy combatants shall be under the jurisdiction of the Military Justice System. No later than six years after imprisonment, an Enemy Combatant has the right to an appeal and review by the Federal Courts, Special Courts or Tribunals that are established by law to adjudicate whether the Enemy Combatant shall be given a term of imprisonment or date of release.

Deals with the prisoners held at Guantanamo Bay during the War on Terror. Government argued that they aren't covered by the Geneva Convention. Because they aren't held on US Territory under Federal Court jurisdiction, they fell into a gray area where they could be held indefinitely with no rights. This Section provides some recourse to protect against abuse.

20. TRANSITION AFTER RATIFICATION

Section 1. Excepting Articles and Sections enumerated below, this Constitution shall take immediate effect upon Ratification.

Section 2. Articles 5, 6, and 7 shall take effect for the first Federal Election following Ratification.

Section 3. Article 4 shall take effect when the Elections and Census Boards are operational.

Section 4. Excepting Section 1 of Article 16, Article 16 shall take full effect no later than six years following Ratification.

Section 5. The Federal Reserve shall dispose of all assets prohibited by Article 13, Section 2 no later than three years following Ratification.

Section 6. The selection of the President according to Article 2, Section 16 by majority vote shall take effect at the first election for President after the Elections and Census Boards are operational.

Section 7. Regarding Social Security and Medicare, the enforcement of Article 16, Sections 13 and 14 shall take effect no later than eight years following Ratification.

Section 8. The Census and Elections Boards shall obtain all records necessary to establish the Federal Census Database and the Federal

Voter Registration List. States must share their information, but the Federal Government shall compensate the States for expenses incurred. State Officials refusing to cooperate will be subject to fines no less than one-tenth the annual compensation of a Member of the House and imprisonment for no less than thirty days.

Section 9. The Census and Elections Boards shall obtain all records necessary to establish the Federal Census Database and the Federal Voter Registration List from Federal Departments, Ministries, Boards, and Agencies possessing this information. The President is responsible for the enforcement of this Section upon Government personnel.

Section 10. Until the Elections and Census Boards are operational, States must conduct their Federal Elections in conformity with Article 2. State Legislatures shall redraw boundaries for Districts of the House of Representatives that shall remain in effect until the Elections and Census Boards are operational.

The House of Representatives shall draft and propose a law to append to the regulations promulgated prior to the ratification of this Constitution the statutory provenance required to comply with Article 10, Section 2. It shall also propose repeal of regulations made moot by this Constitution.

Section 11. Ten years after ratification of this Constitution, all laws and regulations of the United States Federal Government in effect prior to ratification shall be repealed, unless re-enacted by Congress after ratification of this Constitution.

21. PLEBISCITES FOLLOWING ADOPTION OF CONSTITUTION

These Plebiscites use the Electoral Vote method of Article 18, Section 5. Except instead of requiring a six-eleventh super-majority, they only require a

simple majority for adoption of the proposed amendments. These issues are so controversial that it makes sense to bypass the legislative filters of Article 18 and go straight to the voters for a final resolution. Electoral Votes are counted instead of popular votes to mitigate against the geographical concentration of partisan control. Counting Electoral Votes by House District, instead of just at large by State, makes approval by a popular minority vote highly unusual.

Section 1. Abortion Plebiscite

At the second Federal Election following adoption of this Constitution, a Plebiscite in accordance with Article 18, Section 5 shall be scheduled for the first Tuesday of November following the first Monday to decide the propositions concerning the rights of a mother and an unborn child. The proposition receiving most Electoral votes shall be ratified as an amendment to Article 19 of this Constitution:

This issue has infected electoral politics and the judiciary for too long. It is time that it is resolved by the voters because the representatives have ducked responsibility.

Proposition 1.

"A woman has an unalienable right to control her body and terminate a pregnancy at any time prior to birth, without hinderance, and at the time of her choosing."

Proposition 2.

"A woman who is pregnant may terminate the pregnancy without restrictions any time prior to the twelfth week after conception. After twelve weeks, the laws of each State shall regulate the grounds for termination of the pregnancy for any woman who has attained fifteen years. If the woman signs a Statement of Involuntary Pregnancy no later than fifteen-weeks after conception, then the State assumes custody of the child if the mother surrenders custody within one year of birth. The State must pay for any diminished compensation and

medical costs incurred to involuntarily continue the pregnancy after the mother surrenders custody of the child. The State pays damages to the mother or her heirs if the mother dies or suffers permanent physical impairment because of the birth of the child. A State is only obligated to provide these remedies for women who were full-time residents of the State for greater than nine of the twelve months prior to the birth date of the child.

"If a State fails to fully compensate any mother or her heirs within twelve months of surrendering custody of her child, then that State will be liable for treble damages and any attorney fees paid by the victim pursuing their claims for compensation."

> The Pro-Life lobby would want the language "The life of a child begins at the moment of conception, and the intentional termination of that life constitutes murder."
>
> Others might modify that language to include exceptions for rape, incest, and endangering the life of the mother, but those exceptions rely upon the testimony of the mother or her doctor, and those are loopholes that are not really enforceable.
>
> The second proposition surrenders the absolutist protection at the moment of conception and moves the goalposts to twelve weeks before any restrictions can occur. But then financial responsibility for the mother and child is introduced as a condition of regulating her decision about carrying a baby to term. These are fair requirements that most Americans would agree with.

Section 2. Plebiscite for Right to Self Defense

At the second Federal Election following adoption of this Constitution, a Plebiscite in accordance with Article 18, Section 5 shall be scheduled for the first Tuesday of November following the first Monday to decide the propositions concerning the right to self-defense. If the Proposition receives a majority of the Electoral votes, then it shall be ratified as an amendment to Article 19 of this Constitution:

Proposition:

Through neglect, or lack of capacity, the Government cannot always guarantee the protection of the lives and property of its Citizens against attacks by other Persons.

> Hearkens to the experience of Blacks in the South where whites wanted to suppress their right to own guns. We see police forces in India stand by observing Hindu mobs massacre Muslims. The right to self-defense is based upon the reality that the police may not be available to offer protection when it is needed. Doesn't do any good to own a gun if you can't buy bullets or practice on a shooting range. Inserting the cost-benefit analysis so that State government has some consequences when exercising the power to regulate guns for self-defense beyond federal law. This predicate is established to justify what follows.

Therefore, Citizens, without a conviction for a crime causing injury to persons or property, who have attained eighteen years, possess the Right of Self Defense of their bodies and property by using weapons commonly used for the self-defense of Government representatives, officials or employees or used by persons contracted by or employed by the Government for the public safety of their State, Federal District, or Territory. Any law that prohibits ownership or promulgates discriminatory regulation, taxation, license fees, insurance, and other impediments to the acquisition, and transportation of these weapons, their supporting equipment, storage, or practice in their safe use shall be an infringement upon this Right of Self Defense.

Any Government that infringes this Right of Self Defense assumes responsibility for payment of all damages for any loss and destruction of property, injuries, ongoing medical care, and death to victims of criminal acts on their property, place of business, or private transportation. This responsibility and liability extend to those persons who were denied the Right of Self Defense, and to those who were in that person's custody or care. The Government has the burden of

proof that its laws and regulations do not infringe upon this Right of Self Defense.

If a Government fails to fully compensate any victim, their insurer, assignee, or heirs within twelve months of commission of these acts, then that Government will be liable for treble damages and any attorney fees paid by the victim pursuing their claims for compensation.

> Doesn't prevent anti-gun regulations. It just inserts a cost-benefit analysis upon any State from imposing them. Limits the kinds of weapons allowed. The scope of the need is not to repel an army, but rather to defend against criminals. Also, possessing weapons for the purpose of having an independent militia that could threaten the State's police powers is not a protected use. Imposing a cost to the State is limited to acts committed in homes or places of business where it is less controversial that use of a gun should be permitted. We're not offering a right to concealed carry, just Self-Defense in the home or business.
>
> Also, cases where the government (e.g. Portland, OR) makes it a criminal offense to kill someone attacking and destroying property, then the government shall be liable for covering the costs of the destruction if it fails to quell the rioters. Essentially, the government has a cost-benefit analysis to allow rioters rampage at will.

22. DEFINITIONS:

State Legislature shall mean the most numerous House if the State has more than one Legislative Body. The Legislatures of the States are composed of representatives elected by Eligible Voters of that State. Any provision of a State Constitution or State law in conflict with this definition of the Legislature for purposes of this Constitution shall have no effect. These State Legislatures may not delegate any power to appoint Senators, approve Proposed Amendments or any other responsibilities assigned by this Constitution or Federal Law.

Department is an executive body under the authority of the President.

Secretary is the Executive in the President's *Cabinet* with authority over the Department.

Ministry is an executive body under the authority of the Governor General.

Minister is the Executive under the Governor General with authority over the Ministry.

Per-Capita Basis is number of Citizens in a State divided by the total Citizen population of all States in the most recent Census accounting.

State shall refer to the Government of a State and include the Legislative, Executive, and Judicial Branches, and any political subdivisions of the State that exercise the authority to impose taxes, enact laws and regulations, adjudicate lawsuits, and apply force in its exercise of power.

Safe Harbor is a policy that provides protection against prosecution for a penalty or liability claim.

Government, used without modification, shall refer to the Federal District, Federal Territories, Indigenous Sovereign Nations, Federal and State government, and their political subdivisions collectively.

Congress refers to the House of Representatives and the Senate.

A *Person* can be either a natural person or a legal person. A *Natural Person* is a human being; no animal can be accorded the legal rights of a person. A *Legal Person* is an association of natural persons, or other

legal persons derived from associations of natural persons. It is formed and authorized to operate according to law, and it is governed by its charter to act as a single person under the law.

Due Process requires that the Government provide the accused with notice of an offense, an opportunity to be heard, and an impartial tribunal.

Under this Constitution and under the laws of Governments, the classification by sex of a female or woman, and a male or man shall be in accordance with biological criteria related to the chromosomes, gametes, genitalia, and reproductive organs unique to females and to males that can be consistently recognized by inspection at the time of birth.

23. CLASSIFICATION OF FEDERAL OFFICIALS AND PERSONNEL:

Section 1. Persons Compensated For Labor Services

Persons compensated for Labor Services by the Federal Government are either employed by the Federal Government or they are vendors who are not employees of the Federal Government. The positions described in the following Sections are employees of the Federal Government.

Section 2. Elected Officials

The President, Vice-President, and Members of the House of Representatives are Elected Officials of the Federal Government.

Section 3. Officers of the Federal Government

Excepting Elected Officials, any office created by this Constitution or by law, is occupied by an officer of the Federal Government. With an appointment by the President, the Vice-President may exercise powers

of an office while retaining the privileges of an Elected Official. Excepting Secretaries on a Presidential Slate, the Vice-President, and At-Will Staff, all other officers appointed by the President are subject to Senate review for a veto or an approval.

Section 4. Principal and Inferior Officers Appointed by President
The Secretaries of Departments, Judges, Adjudicators, Justices, Chief Justice, Ambassadors, and Board Members appointed by the President are Principal Officers occupying a Principal Office.

Congress may enact laws designating no fewer than five-hundred commissioned officers of the military branches whose commission is subject to a veto or approval by the Senate, but not to exceed two-thousand commissioned officers. Commissioned Officers subject to Senate review are Principal Officers and their subordinates are Inferior Officers.

Persons appointed to Principal and Inferior Offices are not eligible for Civil Service protections. Except Secretaries of Departments, all non-military officers may be dismissed from employment without cause. Congress may enact laws governing the dismissal or demotion of military officers by the President.

Section 5. Other Principal and Inferior Officers
The Governor General and Ministers are Principal Officers elected by the House of Representatives who may exercise the powers of their office while retaining the privileges of an Elected Official. The Speaker and Vice-Speaker are Principal Officers elected by the House of Representatives.

Board Members appointed by the Governor General are Principal Officers. The Executive Director appointed by the Board is a Principal

Officer. The Sergeant At Arms appointed by the Speaker is an Inferior Officer. Persons appointed by the Governor General or by the Ministers to offices created by law are Inferior Officers.

Persons employed by Members of the House of Representatives are at-will staff ineligible for Civil Service protection.

Section 6. Employees With Civil Service Protection

Except as otherwise provided in this Constitution, Congress may enact Civil Service laws governing the hiring, dismissal, and demotion of grade, or diminished compensation of non-military employees of the Federal Government who are not principal or inferior officers. Any employee participating in a coordinated scheme of stoppage, absence, or obstruction of normal work routines shall forfeit Civil Service protections. Any Civil Service employee who accepts an At-Will Staff appointment or appointment to a Principal or Inferior Office shall forfeit all rights to Civil Service protection if they return as an employee of the Government.

Any employee displaced from their position by the appointment of At-Will Staff shall preserve their grade and compensation as an employee within that Department, subordinate to the At-Will Staff.

> Article 23 clarifies the confusion in the current Constitution about who is an officer of the Government? This Section distinguishes Elected Officials from Principal and Inferior Officers. It further distinguishes Employees from Officers for the purposes of delineating who is eligible for Civil Service protections.
>
> Congress gets to regulate the President's ability to fire and demote military officers because we don't want to give the President the power to do whatever he wishes with the military. However, the President can clean the Slate and fire all Principal and Inferior Officers in Departments. At Will Staff represent the President's further discretion to place persons in non-

officer positions that are loyal to the President's agenda. However, due to their temporary nature, they won't be eligible for Civil Service protection.

Strikes by Government employees are not prohibited, but they come at the cost of losing Civil Service protection. That is the tradeoff for receiving Civil Service protection. Also, once an employee reveals a partisan affiliation by accepting an appointment as At-Will Staff or an Officer, then they forever forfeit the ability to receive Civil Service protection.

Civil Service Protection is granted on the theory that it protects non-partisan professionals who serve under different partisan leadership without any bias. Once that veil is pierced, then the protection can no longer be offered.