

# THE US RE-CONSTITUTION AND EXEGESIS

**The First Draft of a New American Constitution  
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The Exegesis of the Re-Constitution is written in Blue.

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## **PREAMBLE:**

This Constitution is a covenant between Citizens and Our Posterity to regulate and restrain the powers collectively exercised by Citizens through their States and National government. By ensuring that Citizens are judged by the content of their character, not the color of their skin, group affiliation, economic status, or kinship, this Constitution shall strengthen ties that bind Citizens together as a Nation. It shall foster the spirit to sacrifice one's life, fortune, and sacred honor in this nation's defense and to participate in its civic proceedings. It shall ensure that government of the people, by the people, and for the people shall not perish from the earth.

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.

Essence of the Martin Luther King quote is that Individualism is the basis for liberty for all. Judging individuals based upon their group membership is the source of oppression. "We the Citizens," instead of "We the People," emphasizes the primacy of Citizenship, and the fact that US Citizens are the ones who crafted and approved this Constitution. "One's Life, fortune, and sacred honor," is a nod to the Declaration of Independence. The quotation from Lincoln's Gettysburg Address is a nod to the universal mission of the United States as a shining light on a hill to people all over the world. The Preamble stresses this new Constitution's connection and continuity with the past.

## **ARTICLE 1: UNITED STATES CITIZENSHIP, RESIDENCY AND STATE CITIZENSHIP**

Important that 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 14<sup>th</sup> 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.**”

Currently, the children of American Citizens who are not born on US soil, are still categorized as Citizens so the 14<sup>th</sup> amendment was not comprehensive in defining citizenship. Lots of open questions, like are the children of embassy staff born on US soil US Citizens? 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 status quo creates a strong incentive for illegal entry in the hopes of obtaining citizenship for themselves through their children.

### **Section 1. Exclusivity of US Citizenship**

The value of Citizenship is created by the ability to define and limit who may possess the attribute while excluding all others who wish to possess it. The value of Citizenship is essential for a single individual's commitment to strengthen ties that bind other individuals together in union for a common purpose.

More of a preamble stating principles to justify the very concept of Citizenship. It is rooted in the ability to exclude persons who desire Citizenship. The reason is hard to explain, but we know it makes sense. Most nations in the world, like China, Japan, and Korea, have a blood and racial method of defining Citizenship. The Roman Empire might be the first example of a nation that expanded the idea of rights of Citizenship that could transcend blood lines. The United States has a unique challenge for defining Citizenship. From the time of the founding, the US was eager to increase its population to expand into the West. Now that the

geographical boundaries are fixed, the challenges are political cohesion and preserving the nation's ecosystem from the pressures placed upon the land and resources to accommodate a population increase.

## **Section 2. Limitations on Additional Immigration**

The exclusion of persons from Citizenship and residency in the United States is necessary to protect wildlife and their wilderness habitat from damage caused by expanding human habitation. The limitation of exogenous population growth is essential for sustainable agriculture, animal husbandry, extraction of minerals and timber, 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.

Pursuant to these goals, the number of additional persons admitted into the United States plus the endogenous increase in the existing population of persons living in the United States plus the number of Refugees living in the United States cannot exceed one two-hundredth of the total endogenous population counted by the Census Board from the prior fiscal year. With a three-fifths vote, Congress may enact legislation to suspend this limitation for twelve months, but this limitation may not exceed one-one hundredth growth for twelve months, absent a two-thirds vote.

Provides an additional rationale for exclusion related to the health of the environment and the impact of immigrants upon the labor market. Citizenship is worthless and meaningless if there aren't solid grounds for excluding anyone who volunteers to become a Citizen. There is the notion of Citizenship as merely a ticket permitting entry onto territory, and rights to participate in the labor force, and obligations to pay taxes and perhaps, perform military service. Are there any grounds besides racism for excluding new residents and allowing them to become Citizens? The Progressive Left answers that there are no reasons to exclude persons who wish to come in, and opponents are racists. Although, my bet is that

if South African Whites were political refugees, then Progressives would fight very hard not to admit them, proving that their stance is purely for partisan power, not principle.

Libertarians would say that as long as the new entrants and their offspring aren't a fiscal drag, then there's no reason to exclude them. Conservatives would argue, that in addition to the fiscal drag, new entrants depress wages of existing blue collar workers, and new immigrants from nations with illiberal political and cultural traditions (e.g Muslim extremists, etc.) pose a threat to the political traditions of this nation.

I am adding the preservation of the environment and value-added for existing Citizens as additional reasons. But the biggest rationale for exclusion is that value for Citizenship relies upon its scarcity. The Progressive philosophy drives the value of Citizenship to zero so that service in the military or government becomes a mere transactional arrangement that cannot rely upon an *esprit de corps*. The United States is in a phase of its history where it's ecological systems will be strained as the population grows. We cannot control endogenous growth, but we can control the exogenous growth from immigration. And we should be more choosy about the immigrants allowed to enter, and the skills they bring to the table.

From 2019 – 2020 the US Population grew by 0.35%. That leaves a gap of  $0.15\% \times 330,000,000 = 495,000$  new immigrants minus the number of Refugees that would be the maximum allowed. With a lower birth rate below the replacement rate of 2.1, the maximum number of new immigrants should be always near 0.5% of the population. This is a growth rate that could permit the gradual absorption of new immigrants without disrupting labor markets, and it would slow population growth. Subtracting the number of Refugees from the total closes a loophole that could be exploited, and provides incentives to promptly process Refugees and either admit them as permanent residents or deport them.

### **Section 3. Birthright Citizenship**

The following persons are Birthright Citizens of the United States:

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

In cases where there is artificial insemination or a surrogate that carries a fertilized egg from another woman, the Citizenship of the woman whose egg was fertilized shall determine maternal line of Birthright Citizenship. The Citizenship of the man who inseminated the egg shall determine the paternal line of Birthright Citizenship. A maximum of two children may receive Birthright Citizenship from a single woman or a single man applying such methods.

In cases of disputes over the maternal or paternal line, then Congress shall have the power to enforce this Section by appropriate legislation.

#### **Section 4. Naturalized Citizenship**

Entry, residency, or obtaining Citizenship is a privilege, not a right. Congress shall establish a uniform Rule for Naturalization as a Citizen of the United States subject to the following requirements:

The applicant provides evidence of legal entry into the United States, a minimum of five years legal residency, a minimum of five consecutive years of payment of taxes to the Government and no tax payments in arrears.

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-twentieth of the compensation of a Member of the House of Representatives.

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.

Limits naturalization to law-abiding, self-supporting individuals who can speak enough English to fully participate in the civic and economic matters of the nation. 5-year mandatory residency requirement protects against sudden surges of new Citizens approved for partisan purposes. Permanent residency is always an option for person who don't fulfill these requirements.

### **Section 5. 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.

Provides a huge disincentive for illegal immigration and prevents partisan gamesmanship for leniency on border enforcement. Although illegal immigrants cannot become Citizens, they could become legal residents.

### **Section 6. Queue for Entry, Residency, Naturalization**

Subject to requirements of Section 2 of this Article, Congress shall establish uniform Rules of Permanent and Temporary Residency and Travel for persons who are not Citizens of the United States.

The queue for applicants for residency and naturalization shall be publicly disclosed, and applications must be processed in the order they were received. The President shall have the discretion to select no more than three thousand applicants for expedited processing every fiscal year with three-fifths consent of Congress. The President must provide a written explanation of the reasons for the expedited processing based solely upon the promotion of national security, or the possession of exceptional economic or scientific benefits.

Forcing the queue to be transparent prevents bribery of officials. Limit discretion for exceptions to this rule, recognizing that special skills and emergency needs may arise. Also prevents discriminating in favor of a nationality or crisis of the month and punishing those who went through the process in an orderly manner.

## **Section 7. Asylum for Political Refugees**

A person seeking asylum as a Refugee from political persecution may be admitted only if they produce evidence that they sought and were refused asylum by other nations closer to their nation of origin during their transit to the United States. Otherwise, the presumption shall be that the person's primary motivation is improvement of economic and security circumstances rather than an escape from political persecution, and thereby subject to prompt deportation. Refugees who are admitted shall be subject to confinement and restrictions upon travel within the United States. The President may transfer a Refugee to another country that will not subject the Refugee to persecution.

Refugees may be released from confinement if they are sponsored by a Qualified Citizen, and they are not classified as a security or safety risk. A Qualified Citizen must sign a waiver that permits the federal taxation of their income and garnishment of wages to exceed the limitations of Article 16, Section 5, and they waive bankruptcy protections. These charges are imposed to cover any costs incurred by the Government for this Refugee and their dependents, in addition to any medical care, education, fines, convictions, and incarceration. The Refugee and their offspring will be returned to confinement if the Citizen fails to provide sufficient support or indemnification of claims. A Qualified Citizen can be an individual Citizen, a partnership, or legal person with recourse to personal guarantees from Citizens, or the Estate of a Citizen subsequent to the death of the Qualified Citizen that cumulatively meets the financial requirements.

Refugee Treaties are the big loophole used by illegal immigration supporters. This deftly handles the problem because a Treaty cannot supersede the Constitution. Also, we provide a way for these refugee boosters to put their money where their mouth is. Refugees can go outside the refugee camp as long as they have a qualified sponsor. It also tests the concerns of many Conservatives and Libertarians who claim that immigration is OK if the immigrants can cover the costs of their public burden and those of their children.

### **Section 8. State Citizenship and 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 in elections held by the State and Federal governments.

## **ARTICLE 2. ELECTIONS**

Citizenship and Elections are the Foundations upon which the branches of government rest. Therefore, they are covered in great detail at the beginning of this Constitution.

### **Section 1. Voter Eligibility**

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.

Very wide eligibility. Even Persons who have served their time in prison or haven't paid fines, and taxes cannot have their right to vote abridged. Only other restrictions are included later relating to employment by the government. Hard to cover persons with mental disabilities like Alzheimers without giving the government too much discretion to exclude participation.



Eligible Voters have the right to vote for only one candidate for a single office in a single election in a secure manner. Eligible Voters must comply with regulations required of all other Eligible Voters to ensure that these conditions are met.

## **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. The procedures for casting the ballot and the color, shape, and material composition of the ballot shall not disclose which voting option was 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 once it is dropped into the box, this allows you to observe how someone voted, and so it is not truly secret.

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 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.

The Government may not deliver non-secret ballots, unsolicited, to voters who did not request to use one. A Valid, Non-Secret Ballot and identifying envelope must be provided by the Government.

To prevent duplicate and fraudulent voting, the Government may not begin the count of Non-Secret Ballots prior to the conclusion of the publication of the names of Eligible Voters who cast a Secret Ballot.

This recognizes that Mail-In Ballots are a convenience that Americans demand, and won't surrender. The reason that the Government is prevented from mailing Mail-In Ballots to everyone automatically is because that weakens the position of those voters who wish to cast a secret ballot. This is a more honest disclosure to voters that Mail-In ballots are not secret. However, there are ways to make the identity of the person opaque. Instead of requiring their 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 a higher-level manager with access to the database could figure it out.

If someone knows that you received a mail-in ballot, then they could demand that you make your selections in front of them so that they could mail it in. Also,

mailing ballots out to everyone complicates the security for those casting ballots in Secret. You might have persons who mailed their ballot several weeks prior, forget, and then vote in person. First count all the Secret Ballots and authenticate the list.

No Eligible Voter may allow another person to inspect selections, nor may they make a visual recording 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.

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.

This establishes the principle that voluntarily-employed Government workers are servants of the Citizenry, who have a conflict of interest in decisions about taxation and spending. However, this also protects Government workers from being exploited for political purposes by persons in management. Makes Hatch Act superfluous. However, involuntary government servitude cannot be used as a

tool to suppress the voices who might disagree with the policies forcing their service. 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.

Requires that elections are run with serious security protocols with individual accountability. Practically, a voter identification system will have to be implemented to prevent fraudulent misrepresentation of 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.

Addresses shall not be published. The Elections Board shall not publish the names of Eligible Voters who demand anonymity, and it may not share any information about Eligible Voters with non-governmental organizations.

This 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.

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

The total number of Eligible Voters who cast a secret ballot and a separate number of Eligible Voters who cast a non-secret ballot shall be counted and tabulated 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 have to fix the number of ballots eligible to be counted in order to have any kind of a system that prevents and detects fraud. The current system has votes arriving weeks after the voting date. This essentially allows corrupt officials to gauge how many fake ballots to dump into the system based upon the preliminary tallies showing the gap between candidates.

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 ballots 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 more easily identify the perpetrators of the fraud, 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.

### **Section 8. Oversight of Ballot Count**

Election Officers 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 staff of the Elections Board in their processing of ballots.

### **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 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 first Tuesday 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 persons waiting in line in the event of a pandemic situation.

### **Section 11. Special Accommodations for Disabled Voters**

The Extraordinary Voting Period for Eligible Voters who are physically disabled and unable to visit a voting precinct shall be no more than thirty days prior to the Final Voting Date. The Elections Board shall promulgate regulations for classification of persons qualified for Extraordinary Voting privileges and the procedures for the manner, time and place of visits by Elections Officers.

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

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 Officer 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.

Eliminates the problem of ballot harvesting and justification for mail-in ballots for the elderly. Also, elderly in nursing homes incapable of voting won't have proxies 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**

No election may be sponsored by a State or its political subdivisions sixty days prior to or subsequent to the Final Voting Date.

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 and 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 hold any elected or appointed office in the United States.

Dual loyalties taint the undivided commitment to the United States.

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

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

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 equals 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 1 Electoral Vote.

If there is a tie in the number of electoral votes, then the Candidate receiving the greatest number of votes from the House District at Large 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.

### **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 subsequent to, 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 who would be immediately replaced by the President after inauguration.

### **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 House District at Large is chosen to be the Member of the House representing Citizens not residing in a State. A Member of the House or the Senate may claim Citizenship in their State if they reside in a Federal District during their term in the House of Representatives.

Retain the first-past-the-post method for the House where it is possible that someone lacking a majority of votes could win. This 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. Provides a voting House Member representing Citizens not residing in States. This Member will be the only one representing more than 400,000 Citizens, unless a large number are ineligible government employees.

### **Section 19. Special Elections for House District Vacancies**

If a Vacancy occurs in a House District with more than fourteen months 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 House District at Large**

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. Any Eligible Voter not registered in a precinct may not cast a ballot for a candidate for the House of Representatives in a district of the State, but they may cast a ballot for the candidate representing the House District at Large. Eligible Voters not registered to vote in a precinct must visit an office of the Elections Board to cast a ballot no later than five days prior to the Final Voting Date. This ensures that their identity can be authenticated, the secrecy of their ballot can be preserved, and notifications can be issued to all other Election Board offices, prior to accepting their ballot, to ensure no additional votes are cast in that election by that Eligible Voter.

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. Persons who live a nomadic lifestyle or who are homeless will still have the right to vote and have representation, but they have the burden of visiting the offices to vote, unlike the elderly entitled to a visit from the election officials. A large number of Citizens living in the House District at Large will be government employees who are ineligible to vote in Federal Elections.

**Section 21. 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.

**Section 23. Rules for Holding a Plebiscite**

A Plebiscite may be held no less than ten years after the previous Plebiscite. All Eligible Voters may participate. Plebiscites are limited to amending Article 19 with the exception of Section 1 of The Bill of Individual Rights of this Constitution; or to enact Legislation; or to approve a Treaty. Any proposition whose operation would repeal an

existing section of this Constitution, or a statute, must contain the text that is to be repealed within the proposition. The Propositions comprising the Plebiscite shall be submitted to the Supreme Court to evaluate their compliance with this Constitution. The Court shall submit any recommendations to Congress for changes to the text of the Propositions.

This section limits plebiscites to no more frequent than once every ten years to ensure that they are rare and special, for only the most controversial and difficult questions where legislators prefer to punt their responsibility for taking a stand and leave it up to the voters. This could be a popular way to amend the Bill of Rights to add new rights.

Excepting the first Plebiscite authorized by Article 21, Sections 1, 2 and 3, the ballot may contain no more than two propositions. If the ballot contains two propositions, then the proposition receiving a majority of the votes shall be enacted. If a ballot contains a single proposition, then the proposition is enacted if it receives a seven-thirteenths majority of the votes.

A three-fifths vote of the House of Representatives schedules a Final Voting Date for a Plebiscite to be scheduled one year after an Election for Members of the House of Representatives.

Plebiscites get the undivided attention of the electorate with no distractions by races for the President or the House. It takes a supermajority to place a plebiscite on the ballot, but only a majority of the electorate to approve a contested plebiscite, and a 54% majority to approve an uncontested plebiscite.

The vote to schedule a Plebiscite must occur at least one-hundred eighty days prior to the Final Voting Date and no more than three-hundred days prior. The Final Voting Date shall occur on the first Tuesday of November of an odd-numbered year. Voting procedures shall be identical to those governing elections for the President.

After a Plebiscite Voting Date is scheduled, then three-fifths of the House of Representatives may sponsor a single proposition to be placed on the ballot. Otherwise, each Member of the House may sponsor no more than one proposition. The Speaker shall announce the two propositions with the largest number of sponsors to be placed on the ballot.

For example, the Plebiscite regarding abortion could have one question on the ballot, “Shall a woman have an unalienable right to control her body and terminate a pregnancy without hinderance at the time of her choosing?”, provided that 3/5<sup>th</sup> of the House could agree to this.

Or more likely, two more moderate questions will be sponsored that will receive the most votes. Because a Member cannot sponsor more than one measure, strategically-minded Members will craft moderate language that could defeat a politically-extreme measure.

Then the voters will most likely select between two more moderately worded measures. Because abortion is such a hot-button issue, causing a deep rift in the electorate, it is important that the matter be put to rest in a plebiscite because Congress and the Courts have punted on taking a definitive stand in this matter. A plebiscite forces the most extreme proponents to moderate their language to win a majority.

## **ARTICLE 3. QUALIFICATION OF CANDIDATES**

### **Section 1. Minimum Length of Citizenship to Hold Office**

Every holder of an Elected or Appointed office 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, Prime Minister, and any Office Holder in the Line of Succession for the Presidency must have attained the age of thirty-five years and be Birthright Citizens 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, 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 House District at Large 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 on one ballot for one office during any biennial election for a Federal Office.



#### **Section 4. Legal Status of Political Parties**

Political Parties are legal persons chartered by the Federal or State governments. Political Parties sponsor candidates on Federal Ballots for the House of Representatives, the President and Vice-President and shall not be prohibited 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.

Formally recognizes Political Parties and their role in the political process.  
Protects them from interference by the government.

#### **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. 1/6<sup>th</sup> 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 House District at Large 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<sup>th</sup> calculation of their former party which is based upon sponsorship at the prior election.

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.

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, may deny that current Office Holder its sponsorship. 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.

### **Section 7. Ballot Access for Unaffiliated Candidates, Dual Sponsorship**

Unaffiliated Candidates who qualify as a Candidate for President must nominate a Vice-President, and 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<sup>th</sup> 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 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. Slates for President and Vice-President must be uniform in every voting precinct.

### **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.

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. 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 House District at Large.

### **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 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 make a decision. Six candidates is 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 shall establish by-laws to govern their procedures for sponsoring Candidates to appear on a ballot for elected office.

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 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.

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. Monetary donations and in-kind contributions by legal persons, foreign and domestic governments, and non-Citizens are prohibited. 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 period for all limitations on political donations shall be measured over four years prior to the election date for the office.

### **Section 2. Restrictions on Party Support of Candidates**

Political Parties may not donate to Candidates who are not Affiliated with their Party. Only Citizens 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 or smoke-filled rooms 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 actually 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 by Political Actors to support or oppose candidates for Government Office, their Political Parties, or to support or oppose 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 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 receiving these expenditures for services rendered to Political Actors shall not be subject to an additional prohibition against using their own 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.

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 of 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? Very possibly.

Political Parties could create subscription-based media where qualified donors get access to political commentary. News media would split into political reporting and news reporting.

If a Candidate fails to qualify for the ballot, then its Candidate Campaign privileges to receive donations not subject to taxation shall terminate on the Final Voting Date.

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 expenditures. The Elections Board and the Census Board will have the 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-tenth of one-percent on the unremitted deposits payable to the Campaign.

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 7 days after the Final Voting Date, and additional reports shall be issued every 30 days.

Specific timetable for the Elections Board to report campaign donations. Reports of expenditures 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 and openly discloses the entirety of the written loan agreement to the Elections Board. 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 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 for Disbanded Campaigns**

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.

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.

### **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. 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 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. Donor will have to volunteer their support directly to the campaign. Harsh penalties for 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 ten percent interest or receives more than ten percent of the income;

All monetary and in-kind gifts and inheritance in excess of ten percent of the compensation for a House Member in any 12-month period;

The names of any source of income that accounted for more than twenty percent 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.

## **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 Prime Minister. The President takes on the non-partisan responsibilities of military and foreign affairs and domestic security that



demand national consensus. The Prime Minister handles the partisan issues of domestic policies that are more divisive.

### **Section 1. Oath of Office for Head of State**

The President becomes the Head of State after taking the following Oath or Affirmation before entering on the Execution of the Office: “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 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 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, and territory within five miles of the land Borders without a Domestic Force Resolution.

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. Police Powers, 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 and commerce into the United States.

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 is intimately connected to military concerns, this is added to what reasonably could be assigned to the Prime Minister.

Collect taxes and disburse funds in accordance with an Appropriations or Taxation Bill enacted by law.

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, provided that 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 subsequent to their appointment. The Senate doesn't have this ability to remove ambassadors today so it is an additional power.

Appoint Justices of the Supreme Court, judges of inferior courts, 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 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.

Except in cases of Impeachment, 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, Electoral Fraud, himself, his spouse, siblings, or those in his line of descent, or in the Line of Succession. Unless annulled by a two-thirds 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 overridden by a three-fifths vote of Congress.

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

#### **Section 4. Division of Powers Between Prime Minister and President**

The Powers of the President and the Prime Minister are exclusive to each office. These powers may not be shared or delegated. The President, the Prime Minister, 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.

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 and Prime Minister wanted 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 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.

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 has to resign or be removed by authority granted in a later Section.

## **Section 6. Term Limits for President**

No person may serve more than eight years as President. 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 Branch of the United States.

Strict, unambiguous term limits. Prevents a Putin-Medvedev collaboration.

## **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 works as long as 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 and the Secretary of War, only active, commissioned officers in the military chain of command may issue orders to members of the armed forces.

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 Executive Branch under the President. The compensation of any individual at-will staff and the Cabinet Secretaries 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.

At-will staff shall be Citizens of the United States and attained twenty-one years who are 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 the not succumbing to the short-comings 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.

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.

### **Section 9. Circle of Executive Privilege**

The President shall designate twenty staff 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 term. Communications between the President and privileged staff are confidential. The President and 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 of 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.

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.

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, 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. Limitations on Veto**

The President may not veto Appropriations for Departments.

If the total of all Appropriations enacted by the House exceed the Revenue collected during the most recent twelve-month fiscal period by more than one-tenth, then the President may veto bills for the authorization of spending on the Ministries under the Prime Minister,

except for the compensation paid to the Members of the House, Justices of the Supreme Court, and the staff and Members of Boards.

The President is only able to veto spending bills when the Congress is running a significant budget deficit. The veto is limited to the Ministries not under his control.

If the total of Appropriations Authorizing Spending on Departments is one-twentieth less than the previous fiscal year, then the President may veto bills for the authorization of spending on the Ministries under the Prime Minister, except for the compensation paid to the Members of the House, Justices of the Supreme Court, and the staff and Members of Boards. A seven-thirteenths vote of the House and Senate can override this veto.

The House might wish to employ gamesmanship and threaten to cut the President's budget by more than 5% for his Departments in exchange for leniency regarding the deficit spending plans of the House. This Section prevents that tactic from being employed too frequently.

#### **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 Prime Minister shall have standing 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 three-fifths 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, and violations of Article 1, the President shall receive a life pension with an annual benefit no less than the current annual compensation of a Member of the House multiplied by years of service as President.

The President and Supreme Court justices are 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.

### **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 provided that it is transmitted to the Speaker of the House. This is followed by the Prime Minister, and Ministers in the order specified by the Prime Minister, 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 Prime Minister 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.

## **ARTICLE 6. HOUSE OF REPRESENTATIVES, PRIME MINISTER**

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

All legislative powers herein granted shall be vested in the House of Representatives. No money shall be drawn from the Treasury, but in consequence of Appropriations made by Law, and a regular Statement and Account of the Revenues, Expenditures, Assets and Liabilities of all Federal Accounts shall be published for each fiscal year. No revenues shall be collected from Citizens but in consequence of a Revenue Bill or Fine enacted by law.

Similar language to the original Constitution, but added Assets and Liabilities to the accounting. Add the additional sentence regarding collection of taxes and fines.

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.

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

## **Section 2. Calendar and Conduct of Business of the House**

The Majority of the House of Representatives shall provide a 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. No official business may be conducted outside the calendar without two-thirds consent of all House Members. 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 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.](#)

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 Prime Minister 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 Prime Minister**

The third vote taken at the start of a new session of the House shall be to select The Prime Minister. The Prime Minister 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 Prime Minister of the United States. The extent of the Executive Power of the Prime Minister shall be defined by laws enacted by Congress and shall not encroach upon the Executive Powers of the President.

The model of this Constitution is betting that the President and the Prime Minister will be competing against each other to enlarge the domain of their authority and ensure that no one office-holder concentrates excessive power into the Executive Branch. The legislative and executive branches are merged under the Prime Minister for matters of domestic social policy. The President is reserved authority for matters of foreign policy and enforcement of laws. The bet 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 Prime Minister, and Department and Secretary denotes agencies and subordinates under the President.

The Prime Minister 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 count the votes and declare the winner. The term of the Prime Minister ends after Members are seated subsequent to 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 Prime Minister shall govern the Ministries authorized by law. The Prime Minister shall appoint Members of the House to be Ministers of each Ministry with the concurrence of a majority vote of the House. During their term, Ministers may only be removed by a seven-thirteenths vote of the House.

The Prime Minister 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.

Any Ministry administered by the Prime Minister 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 Prime Minister. 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 Prime Minister 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-thirteenths of Members of the House, the Prime Minister 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 the annual compensation of a Member of the House or thirty-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 Prime Minister must answer questions from Members of the House for no less than two hours every fifteen 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. Failure of the Prime Minister to appear and answer questions for the allotted time results in the loss of fifteen days of compensation for each occurrence, unless three-fifths of the Members grant a waiver.

Institutes the British practice of Prime Minister's 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. Apart from an Appropriations Bill, an authorization to increase the amount of borrowing on the Credit of the United States requires a three-fifths vote of Congress that expires at the end of the fiscal year.

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 to veto any Appropriations Bills that exceed the 10% deficit spending threshold. It also prevents the issuance of indexed bonds. In case of an emergency, Congress can always authorize additional borrowing with a 3/5th's vote.

The Treasurer shall have the discretion to borrow less than the maximum amount appropriated by the Congress provided that Revenue Collections support the amounts of expenditures authorized by the Appropriations Bill.

No need to borrow full amount of debt and pay interest while putting tax collections in the bank. But Treasurer cannot refuse to borrow if it prevents expenditure of the entire amount that Congress wanted.

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. The President shall have the discretion to prioritize the funding of Expenditures in the event that Revenue Collections and the Authorization to Borrow do not support the amounts of expenditures authorized by the Appropriations Bill.

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.

### **Section 6. No Binding Obligations for Future Appropriations**

Except as provided by this Constitution, no enactment of law or 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 compensation outside an Appropriations Bill for a single fiscal year are binding and enforceable.

This means that loan guarantees have no legal enforceability. SBA, Fannie, Freddie, etc. are out. This will generate huge opposition. An exception is carved out for Medicare and Social Security in a later Section. Loan guarantees are obligations for Appropriations for a future Congress imposed by the current Congress so that violates democratic control of the purse.

## **Section 7. Continuing Appropriations for Departments**

The Bill for Appropriations of Departments and Boards Not Under the Control of the Prime Minister 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. Excepting Social Security and Medicare benefits as of 2022, 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 passage of The Bill for Appropriations of Departments and Boards Not Under the Control of the Prime Minister.

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. Same for Medicare and Social Security. Because the House Majority controls the Ministries, the House can ensure that there are no interruptions of funding for the Ministries as long as they don't run a deficit exceeding 10% where the President could veto the Appropriation.

## **Section 8. Department Funding Priority, Supplemental Restrictions**

Bills for Appropriations and Raising Revenue cannot contain resolutions or matters of criminal or civil law. The first Bill for Appropriations and raising revenue in a fiscal year for all programs under the control of the Prime Minister may be passed by majority vote and submitted to the President for review. Any supplemental Bills within a fiscal year passed after this first Bill require a three-fifths majority. A Bill for Appropriations of Departments and Boards not under the Control of the Prime Minister must be passed prior to any vote taken for any Bill for Appropriations and raising revenue for that fiscal year.

This Section prevents budgetary gamesmanship by the House and Prime Minister. Appropriations Bills must be free of extraneous matters. It provides incentives for the House to pass one major Appropriations for Departments and another for

Ministries. If the House tries to break up Appropriations into separate bills, then it encounters super majority requirements for passage. The Departments are not at risk because they have the Continuing Budget authority in place. The Ministries will have a problem. Forcing the Appropriations for Departments to be voted on prior to the Ministries ensures that the President cannot be held hostage for any potential veto of the Appropriations for Ministries in the event of deficit-financing limits being breached.

### **Section 9. Super-Majority Thresholds for Deficit Spending**

The voting majority thresholds for the House to pass a Bill for Appropriations of Ministries under the Control of the Prime Minister is based upon the excess of the combined Appropriations of Departments, Boards, and Ministries compared to the Revenue collected by the Treasury during the most recently reported, previous twelve-month fiscal period: a majority for an excess less than ten per-cent; seven-thirteenths for an excess less than fifteen per-cent; three-fifths for an excess less than twenty percent; two-thirds for an excess greater than twenty per-cent.

The House has super-majority requirements for deficit spending beyond 10%. This makes it far more difficult to have routine deficit spending. Deficit spending should be reserved for unexpected and compelling circumstances that could muster a super-majority for approval.

### **Section 10. 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 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 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 outside the House of Representatives.

[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 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 11. 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 Prime Minister

is set at ten times; the Chief Justice is set at four times; the Speaker of the House and Justices of the Supreme Court is set at three times; the Vice-Speaker is set at two times. Forfeiture of the compensation of House Members for noncompliance with this Constitution shall not affect the compensation of other office holders, excepting the Prime Minister. The annual compensation of the Members of the House 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 Prime Minister and a maximum of eight Ministers, each member of the House of Representatives shall receive the same compensation. Ministers may not receive more than one-half the compensation of the Prime Minister.

The total Appropriations for operations of the House, use of facilities, and compensation of Members and 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 into 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.

Excepting Citizenship, criminal and civil convictions, Representatives shall not be subject to any regulations of paid or unpaid staff they employ. 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 upon expulsion.

This prevents setting wage and hour conditions, requiring union representation, etc.

The Prime Minister 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.

The Prime Minister'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 Prime Minister 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 so that it can restrain the extent of the exercise of Federal authority and protect the interests of a minority of Citizens.

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.



## **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.

## **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.

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.

## **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.

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 and Special Prosecutors to conduct business in the Federal Districts similar to the Members of the House. Compensation of the Senate staff and Special Prosecutors are the responsibility of the States.

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. Administrative Law Oversight**

By a majority vote the Senate can vacate the decisions of administrative law courts and administrative law judges not employed by the Judicial Branch.

This is one of the restraining powers against regulatory over-reach that the Senate has at its disposal.

## **Section 7. 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 8. 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 one-hundred eighty 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 180 days to consider whether it wishes to initiate a

rejection of the bill. Senate's consent isn't required, but the Senate can be proactive and reject something.

## **ARTICLE 7. 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 or Justices of the Supreme Court, 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. A Special Prosecutor's authority is limited to bringing charges for acts committed during the period of service in that Office under investigation. 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 unto 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 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.

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 Prime Minister, 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 Prime Minister may authorize Articles of Impeachment with consent of seven-thirteenths vote of the House of Representatives and a majority vote of the Senate. Then Senate will 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**

The Judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

Language from the original Constitution.

### **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.

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.

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 sixteen 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 35 years.

16-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.

Two-thirds of the Justices may compel the recusal of another 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 and Pension**

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 nominee is approved by a two-thirds vote of the Senate, then the nominee is appointed for a maximum sixteen-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 Supreme 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 eight 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 a 16-year term instead of an 8-year term.

A justice who gets an 8-year term cannot resign and hope to be re-appointed for another 8-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.

During their term of service, judges and Justices may not earn any compensation for services outside of the Government. Upon retirement, a Permanent Member of the Supreme Court shall receive a life pension in the amount of three times the annual compensation of a Member of the House, and they may not receive any other compensation during their lifetime.

A bribery prevention measure. Wouldn't want Justices rendering decisions in the hope that they would be appointed to a University position or on the Board of Directors of companies who like their decisions.

## **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 term on the Court based upon a random drawing by the Speaker of the House. The Speaker shall draw these names at random, 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.

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.

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 Court Judges**

No federal judicial office of an inferior Court may be held for more than sixteen 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; between Citizens of different States, between Citizens of the same State claiming Lands under Grants of different 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.

[Language from the original Constitution.](#)

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, with such Exceptions, and under such Regulations as the Congress shall make.

[Language from the original Constitution.](#)

### **Section 8. Right to Trial by Jury, Treason,**

The Trial of all 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 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 Senators and Members with standing, then the President shall forfeit one year of compensation for the first offense, and their pension for the second offense, and the surrender the power to appoint judges of the inferior courts and Justices of the Supreme Court to the Prime Minister for the remainder of their term for a third 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.](#)

Five Senators or fifty Members of the House of Representatives shall have standing to file a complaint with the court and select an advocate to present their case.

[Under the current doctrine of standing, no one could bring an action against this kind of prosecutorial discretion before a court.](#)

## **Section 10. Limitations on Court Injunctions**

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 consideration

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.

## **Section 11. Justices and Judges Recommendations for Amendments**

On September 30 of each year, the Chief Justice shall deliver the recommendations for Amendments to this Constitution to the Speaker of the House. This report shall contain text for amendments and arguments for Congress to propose Amendments for consideration by the State Legislatures.

# **ARTICLE 10. REGULATORY AGENCIES**

## **Section 1. Congressional Oversight of Regulatory Agencies**

The Departments and Ministries may delegate rule-making authority to agencies to promulgate regulations to implement laws enacted by the House and the Senate. The House and Senate have oversight over these agencies' interpretation of laws enacted by Congress. Any regulations proposed by these agencies shall be first submitted to the House and then to the Senate for approval. The regulations only take effect if they are approved by a majority vote of the House and Senate within one-hundred eighty days of their submission to the House.

The original Constitution did not contemplate Regulatory Agencies that combine legislative, judicial, and executive authority. This Re-Constitution recognizes their

Constitutional status in the Executive Branches, yet still subject to the oversight of the House and Senate.

The House of Representatives will be forced to write legislation that is very thorough and detailed rather than broadly delegating policy decisions to unelected bureaucrats. Failure to do this hard, detailed work will open the door to the House or Senate to prevent the adoption of regulations that bring vague legislation to life, or invent regulations that go beyond the original scope and intent of the legislation. The regulators have to make the case to the House and Senate for approval of what they're proposing. Easier for them to do this when the legislation is detailed and clear.

## **Section 2. Provenance of Regulations**

Every regulation promulgated must cite the statute or statutes enacted into the law as the basis for its authority. Other regulations cannot form a basis for authority. Absent this citation, the regulation has no effect. Upon the repeal of the statute or a finding by a court that the statute is invalid, then all regulations supported by the statute shall be null and void. Fifty members of the House or five members of the Senate have standing to bring a lawsuit against a Regulatory Agency alleging that a regulation violates this Constitution.

Establishes the doctrine that the authority of a regulation is derived from statutes enacted by a representative body. Regulators cannot rule by decree.

## **Section 3. Administrative Law Courts**

Congress may authorize Regulatory Agencies to establish Administrative Law Courts to adjudicate civil disputes. For any civil dispute of an amount exceeding the annual compensation of a Member of the House of Representatives, the defendant has the right to a trial in the Federal Court.

## **ARTICLE 11. THE CENSUS BOARD**

### **Section 1. Responsibilities and Non-Partisan Mandate**

The Census Board shall establish offices 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.

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.

Failure to notify the Census Board of any changes in residence forty days prior to a Final Voting Date will prevent an Eligible Voter's registration in a precinct to vote for a Member of the House of Representatives for a House District in a State. Their vote for President and a Member of the House will be apportioned to the Federal Districts and Territories comprising the House District at Large.

Centralized record-keeping of Citizens' addresses minimizes the probability of multiple votes being cast by one person in a single election. Failure to assume responsibility for notifying the Census Board means that the Citizen is the cause of their inability to vote in an election. If they do vote in a Presidential or House election, then their votes are not counted among the States, but with the Territories and District of Columbia.



When a Citizen has attained eighteen years, and they failed to submit a return for an accounting of individual income taxes, whether or not 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 in 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 Prime Minister of the total number of the following categories as of the previous thirty-first day of December: total numbers of Citizens, 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 Tax Payments. 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 at birth, aliases, current name, names of parents and their citizenship, 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 independent body 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 decade. 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.](#)

## **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 decade, 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.

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 House District at Large 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 House District at Large 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 House District at Large 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 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 House District at Large shall be comprised of Citizens from the Federal Districts, Territories, those with an unverified address, and those with no permanent residence. This District shall be assigned one Representative for the House.

#### **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-tenth of the total population of Citizens residing within the smallest district. These House District maps shall be redrawn at the end of each decade and employed for the first Federal Election following the end of each decade.

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, unbroken by another District boundary. The districts shall be compact to minimize the ratio of the boundary perimeter and the area of the district while minimizing the number of political subdivisions contained within its boundaries. 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 thirty-first day of October of the first year of a decade, then the Executive Director shall be discharged from their office.

This solves the problem of partisan gerrymandering. Their best option would be using a randomized artificial intelligence software to draw the boundaries. Prohibition of voting history and Party Affiliation makes it easier for the Executive Director to adopt neutral standards for drawing boundaries.

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 December 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 Election Officers.

$(310,000,000/2,000)*\$175,000 = \$27,125,000,000$  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.

These extraordinary restrictions upon employees of the Elections Board are necessary for creating a trustworthy, non-partisan, impartial body that 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 tender for all debts, public and private in the United States. The States may not issue any Money or regulate banks or other institutions subject to the oversight of the Federal Reserve Board.

### **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.

The Federal Government and Federal Reserve may not purchase the debt instruments of the States or their political subdivisions, nor may they make payments on these debt instruments. 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 assets are limited to the public debt instruments issued by the Treasury of the United States, gold and silver bullion, or deposit accounts with Member Banks domiciled within the United States, Central Banks of other nations, and supra-national organizations controlling foreign currency supplies.

This confines the Fed to purchasing the debt of the US, or assets like gold. 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.

### **Section 3. Freedom From Restraints of Money Transfers**

Excepting member banks in the Federal Reserve System, the Government may not open deposit accounts for Citizens or legal persons domiciled within the United States at the Federal Reserve or any other Government-controlled bank.

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.

## **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. 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 to fulfill public information requests by



Citizens for documents, in accordance with laws protecting national security.

Congress may enact legislation and appropriate funding for this Board to 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.

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

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

Boards are intended to carry out Government functions insulated from partisan influence and to ensure that its work is in accordance with 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 Prime Minister. 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 Prime Minister'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 Prime Minister's nominee, then the Prime Minister 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 five times the annual compensation of a Member of the House, and the compensation for a Board Member may not exceed 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.

### **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-tenth in the sixth fiscal year.

6 years should permit States to revise their Constitutions to permit reliance upon individual income taxes and adjust to the removal of Sales and Corporate Income taxes as sources of revenue. The Federal Government will lose Social Security, Medicare, and a large portion of regular individual income taxes. However, closing of all loopholes and deductions means that the effective income tax revenue collections won't decrease that much. 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 taxes. 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 16<sup>th</sup> 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 10% tax rates in a single fiscal year. Forces the adoption of the VAT, corporate income tax, utility taxes, and other revenue sources.

## **Section 2. Uniformity of Rates**

All schedules of rates of Federal Taxation shall be uniform throughout the United States.

## **Section 3. Limitations on Federal Payments to State Governments**

The Treasurer shall calculate the total appropriations for payments to the States minus Reimbursements for State services provided to foreign residents. The Treasurer divides that number by the total population of Citizens to determine the Per Capita Expenditure. 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 Expenditure, unless suspended for a single fiscal year by a two-thirds vote of the House and the Senate.

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.

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 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-tenth 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-tenth 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.

The Federal government may not indirectly levy taxes on individual income of Citizens by basing its assessment of tax liabilities from third parties based upon the income of their residents, employees, or members. These limitations shall apply to a Trust established for the benefit of a living, natural person who is a Citizen.

This shuts down back-door attempts to have a shadow income tax that exceeds the ten percent maximum by indirectly levying the tax on third parties.

## **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 the income. No credits for payments of other taxes, donations, deferrals of payments of tax liabilities incurred, deposits into savings or retirement accounts, receipt of non-pecuniary benefits in the form of goods, services, insurance, or other means of discriminating between taxpayers in the calculation of their Federal income tax obligations are permitted.

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 10% 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.

All subsidies and tax credits must be in the form of an Expenditure approved as an Appropriation in a Bill for each fiscal year they are paid. For purposes of complying with Section 5 of this Article, subsidies and tax credits paid to an individual may not be counted as a reduction in their tax liability for any fiscal year.

Government cannot tax someone at a rate higher than 10%, and later argue that the subsidy paid netted out the excess taxes paid to yield a 10% net tax rate.

Donations to non-profits, mortgage interest, and State Taxes cannot be deducted, but with a 10% 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. If the Federal Government wishes to reward donations, or compensate home owners 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. 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 10% rate. Again, if the Federal Government wishes to encourage pension and medical insurance, then it can send out subsidy checks.

### **Section 7. After-Tax Income - Expenditures to Violate Laws**

No expenditure to further the violation of a Government law or 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. 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 good or service by an individual or legal person, or payment of membership dues in an organization, then that expenditure shall be classified as taxation of individual income, subject to the limitations of Section 5 of this Article. Payments for occupational licensing fees pursuant to Article 19, 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. Any attempt to pass this at the federal level will bump up against the 10% maximum on income taxation. Licensing fees are business expenses.

### **Section 9. Exclusive Domains for Federal Taxation**

The Federal government has the exclusive right to levy taxes on the following: income of legal persons and sole proprietorships; ad valorem taxes on the sales of goods and services; the volume and mass of poisonous and polluting emissions into the air, ground, and water; land, air, and water vehicle registration; tolls on interstate highways, railways, navigable waterways, air travel, airports, shipping, and ports,



travel into outer space; communications and power transmitted through the electromagnetic spectrum for commercial exchange.

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**

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 forty per-cent of the value of the estate at time of death. This limitation applies for estates with an appraised value less than fifty 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.

In 2021 this threshold is approximately \$174,000,000. 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 remaining balance in excess of this amount may not exceed seventy per-cent.

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.

Estate and inheritance tax obligations of Citizens must be extinguished no later than ten years from the date of death, based upon the valuation on the date of death. 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 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 in excess of 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.

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.

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

The federal government may not levy any other taxes upon persons not listed in this Article, and any other taxation of Citizens not listed are reserved to the States. Taxes upon the value of property and assets during the life of a Citizen are reserved to the States. Fees charged for licenses and inspections must be directly related to the Government's cost of administration, and may not discriminate based upon the income of the owner.

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

A State will have the right to levy taxes on legal persons that hold title to property, based solely upon the assessed value of the property located in the State.

This clears up any ambiguity about holding title to property in an LLC. States can still levy and collect property taxes.

States have the exclusive right to levy taxes on the value of property, except property owned by the Federal Government. Any annual charges by States related to the incorporation of a legal person is limited to actual costs incurred that is identical for all legal persons, and in no case may exceed one five-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 \$348.

The Federal government is obligated to share Federal Tax Returns with 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 after receipt of evidence from the United States Treasury of the legal person's intent to file Federal Tax Returns.

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.

## **Section 12. Per-Capita Tax Payments from the States**

By a majority vote of the House, the Federal Government may collect Per-Capita Tax Payments from the States. The aggregate amount shall not exceed one-seventh of the Federal Government Tax Revenue, net of any Per-Capita Tax Payments, during the prior twelve-month fiscal year.

This is the back-up for Federal Tax Collection if the other sources are inadequate for an emergency. The Feds can get indirect access to personal income tax revenue by taxing the States on a per-capita basis, not directly upon the income of the individuals. The States will resist this because they get the blame for raising taxes on their residents and send it off to the Feds who will use it for their own purposes.  $1/7^{\text{th}}$  represents the amount of taxes collected for Social Security and Medicare today.

Any Per-Capita Tax Payments by the States in an aggregate amount not to exceed one-fifth of the Federal Government Tax Revenue, net of any Per-Capital Tax Payments, during the prior twelve-month fiscal year may occur with a seven-thirteenths vote of the House and the Senate; three-fifths vote of the House and the Senate for amounts in excess of one-fourth; two-thirds vote of the House and the Senate for amounts in excess of one-third.

The super-majority threshold gradually increases if the Feds wish to levy higher amounts of per-capita taxes.

These authorizations to appropriate Per-Capita Tax Payments from the States expire at the end of the fiscal year.

New vote has to be taken each year for these taxes because they expire after 12 months.

### **Section 13. Sanctions Against States' Non-Payment of Per Capita Tax**

The Citizens of any State in arrears of Per-Capita Tax Payments for two years during any five-year period shall forfeit the protections of Section 5 of this Article. The protections of Section 5 shall be restored to the Citizens of a State that paid the full Per-Capita Tax liability for three consecutive years subsequent to the forfeiture of the protections of Section 5.

This provision is a back-up measure for any State that doesn't collect sufficient taxes to make its payments. State Citizens will be very upset about losing their 10% income tax ceiling, while continuing to pay all the other State taxes. Also, in the event that State legislators are recalcitrant and refuse to raise enough State taxes, they would suffer political backlash from the voters who lose their 10% maximum federal tax ceiling.

### **Section 14. Prohibition Against Loan Guarantees**

Except for the debts of the Federal Government and the pension of the President and Supreme Court Justices, no law shall be enacted that guarantees the repayment of any financial obligation. Any loan guarantees 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.

## **ARTICLE 17. GENERAL PROVISIONS**

### **Section 1. State Legislatures Cannot Delegate Authority**

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 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. The creation of independent commissions for redistricting replacing, rather than advising, the legislature were another violation of 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 EU is trying to impose upon Poland.

### **Section 3. Admission of New States**

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 two-thirds 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 to add Democrat Senators demonstrates that creation of new States has been weaponized. Under this Constitution, the Senate's powers have been weakened so the small States have less sway over legislation compared to the current Constitution.

A new State can be formed from a Federal Territory under the following conditions: it submitted a Per-Capita Tax Payment to the Federal Government equal to the amounts submitted by the States for five consecutive fiscal years one-year prior to the vote for admission; two-thirds of the House of Representatives and the Senate must consent.

A State Must demonstrate the ability to pay the Per-Capita taxes and support itself without Federal Aid. The limitation of Article 16 Section 3 effectively prevents Territories from becoming States unless they are self-sustaining.

### **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 three-fifths vote of the House of Representatives and the Senate.

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 two-thirds vote of the House of Representatives and the Senate, and the consent of the State Legislature, 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, and artistic 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 a disaster 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. Privileges and Immunities, 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.](#)

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States, subject to the restrictions of Section 10.

[Language from original Constitution, plus a caveat for Section 10.](#)

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.

[Language from original Constitution.](#)

The United States shall guarantee to every State in this Union a Republican Form of Government, and 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.

Any inspection and entry restrictions conducted by the States at their Borders to deter the spread of contaminants injurious to crops, plants, 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 original Constitution.

### **Section 10. Right 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 assistance or other services from the 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. Non-Citizens with permanent resident status are excluded.

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 Federal Government, the only permitted wording shall be: "Brought to you by the Taxpayers of the United States of America." 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 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.

## **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 Office Holder 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 be in effect, and all Members of these Tribes are Citizens of the United States, a State, and their Sovereign Nation. Congress shall enact legislation regarding the authority of the States for taxation of Citizens of these Sovereign Nations.

Members of the Tribes can be Citizens of States for voting purposes. However, Congress could offer Citizens of a Sovereign Nation an exemption from State taxation.

#### **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.

#### **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 or to support Federal Programs. No State may enforce any penalties or sanctions against employees of the State who cooperate with the Federal Government. States may enter into 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.

If the Federal Government leases all or part of its property to a person within a State, then that person must comply with the laws and regulations of that State.

Safeguard against the Federal Government simply using its buildings as a sanctuary for businesses thwarting State laws.

### **Section 17. Taxation of Pension Contributions**

Any promise of future compensation by an employer to an employee based upon the earnings of the employee shall be subject to income taxation during the current period when that compensation, both pecuniary and non-pecuniary, is received. This Section applies to Government and Non-Government employers and employees. All promises of future compensation require employer contributions of money collateral that shall be paid into a fund during each earning period.

This forces States to disband Defined Benefit Pension Plans and move to Defined Contribution plans. This requirement avoids the fiscal catastrophe experienced by Illinois' underfunded employee pension plans. Also, makes clear that federal personal income taxes are levied on all compensation. No tax-free harbor for pension plans. However, the Federal Government can issue refund checks to persons or pension systems who contribute to a pension plan. It just makes the expenditure, or size of the tax benefit, more transparent.

### **Section 18. Qualified Immunity for Government Officials**

Qualified immunity only applies to suits against government officials as individuals acting in an official capacity. It does not protect against suits against the government for damages caused by the officials' actions. The Federal Government shall have the sole discretion to punish federal government officials for acts that violated the rights of individuals. The Federal or State Governments have the discretion to punish non-Federal government officials for such acts.

## **ARTICLE 18. PROCESS FOR CONSTITUTIONAL AMENDMENTS**

There are four methods for amending the Federal Constitution. Each requires the consent of the most numerous House of a State's Legislature.

### **Section 1. Amendment Initiated by States**

The Proposed Amendment language shall be co-sponsored by no fewer than five State Legislatures that have passed a resolution with the identical Amendment language by a four-sevenths majority. Then this Proposed Amendment may be submitted to every State Legislature for ratification within six years of the transmittal date, 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 a State Legislature, and that State counts as an approval of the Proposed Amendment. A subsequent vote by a Legislature to rescind approval shall have no effect after three-fifths of State Legislatures have approved. When three-fifths of State Legislatures approve the Proposed Amendment, then it is ratified.

### **Section 2. Amendment Initiated by Congress**

A three-fifths vote in the House and Senate proposes an Amendment to this Constitution. This proposed Amendment shall be submitted to the State Legislatures. It shall be ratified provided that two-fifths of the State Legislatures do not vote to oppose the Proposed Amendment within five years of the date it was submitted.

### **Section 3. Amendment for Bill of Individual Rights**

Excepting Section 1 of Article 19, a five-ninths vote in the House and Senate sends the Proposed Amendment to Article 19 of the Bill of Individual Rights of this Constitution to the State Legislatures. It shall be ratified provided that four-ninths of the State Legislatures do not

vote to oppose the Proposed Amendment within three years of the date it was submitted. Sections 1, 2 and 4 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 letter 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 4. Constitutional Convention**

A request for convening a Constitutional Convention for a substantial revision or creation of a new Constitution may be submitted to the Chief Justice in the form of a Resolution passed by a five-ninths majority vote of five State Legislatures.

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 5/9<sup>th</sup> hurdle for five states. For taking this initiative, these States gain some control over the structure of the proceedings of a Constitutional Convention.

Within sixty days, The Chief Justice shall convey this Resolution along with comments to every State Legislature, but failure to do so shall not prevent consideration of this Resolution by the States.



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 can be convened after the Resolution is passed by two-thirds of the State Legislatures no later than six years after passage of the Resolution by the five States. A vote to rescind the approval of the Proposed Amendment 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 twelve months after the final State approval for the Convention.

A deadline is an important requirement. Also ensures that momentum for change is not dissipated.

Each State Legislature shall send one voting Delegate, and one alternate Delegate, to the Convention. 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.

The Presiding Officer and Secretary shall be chosen according to the terms of the Resolution, and may not vote on any proposals. 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.

The Constitutional Convention in Philadelphia succeeded because there were no leaks about the debates and tradeoffs being considered. The men in 1787 were more trustworthy than 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 weighted vote number assigned to a State Delegate 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.

The larger States have more votes. A State votes as a single bloc, and the number of votes counted on behalf of that State is the number of House Members from the State plus one Senator. The Federal Districts and Territories are not represented at the Convention.

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 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 three-fifths of the weighted State Delegate Votes of the Constitutional Convention shall be submitted to the State Legislatures. This Document shall be ratified upon approval by two-thirds of the State Legislatures no later than two years after its submission by the Convention.

## **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, and Federal governments. Individual Rights protected under this Article shall be reserved for matters that solely rely upon their enforcement by the police powers and the Courts of the Governments, and that do not compel Congress or the Legislatures of the States to appropriate funding for their execution.

Guarantees for rights to receive assistance through government expenditures for benefits like healthcare, housing, and education are reserved for the States.

Making welfare benefits a “right,” is fraught with ambiguity and imprecision not suitable for Federal enforcement. Better to let the States compete in offering programs to attract residents.

Any amendments to this Article that conflict with existing Sections of this Article cannot take effect without inclusion of language explicitly repealing those conflicting portions of the existing Sections. The repeal of existing language shall be separate from the new Individual Right that is adopted.

## **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. 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.

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 or affiliation with a Religious Organization. The individual or Religious Organization that accepts an elected office or employment with the Government, or financial assistance from the Government, and uses of Government property on the same terms as persons who do not share their beliefs, acknowledges that the Government has no duty to allow the unrestricted free exercise of their Religion where it may be in conflict with the rules regulating persons who do not share their beliefs.

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 of their organization. The "entanglement" theory is irrelevant because this section makes it clear that a religious organization might surrender some of its protections if it accepts government aid and uses government property, then it might have to allow non-Members to participate on the same terms that non-Religious organizations are bound to follow. There is no "free-lunch" for religion.

For example, the Government doesn't have to lease out a Government-owned facility to a Church if the Church could exclude homosexuals from attending services. However, then the Government would have to be careful that it doesn't violate equal protection requirements by leasing out facilities to an organization that excludes "non-members" from attending. What if being a member required a large membership fee that discriminated against poor people and had the effect of excluding persons of a minority racial group? The Government could be caught in a trap that makes it impossible to lease facilities to anyone without violating equal protection requirements.

Hopefully, this language addresses the impropriety of having a privately-sponsored monument in shape of a cross on government property. A cross is a symbol used by Christians, but it doesn't express a doctrine. These are close calls. Shall grave sites in Veteran Cemeteries with crosses be taken down?

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.

*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**

Government shall make no law abridging the freedom to speak, write, publish, and disseminate information to other persons. Any prior restraint upon the publication of information is subject to a prompt hearing by the Courts on the grounds of imminent endangerment of the lives or property of Citizens and residents. Persons who ignore the demand for prior restraint shall be subject to criminal charges and civil damages arising from incidents facilitated by the publication of the information.

Excepting conditions of Section 21, Government shall make no law that compels the speaker, writer, or publisher to offer use of their platform 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 did not offer an acceptable apology and retraction or provide an opportunity for rebuttal.

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 has value only if the Government and persons do not obstruct or sabotage the ability of this audience to read and listen to the writer and speaker.

The Government and 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 persons 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. "An audience assembled and hosted by lawful means" excludes claims that anyone has the right to speak out of turn to an audience if they didn't pay for assembling the audience.

#### **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 medicines of their choosing in the privacy of their homes.

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.

#### **Section 6. Protection from Government Surveillance and Intrusion**

The right of Citizens to be secure in their persons, houses, 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.

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.



## **Section 7. Right of Assembly 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 persons at their residence for political action, except when persons have communicated their preference for non-solicitation.

## **Section 8. Double Jeopardy**

No person shall be subject for 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 for a public purpose by the Government without just compensation. A proper public purpose would be for transportation, water, sewage, transmission lines for power and communications, flood control, recreation, park lands, and other similar uses that require the taking of private property; or use of the property by the Government for its operations. 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 entity or entities for development of an approved 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. During this twenty-year period, the Government shall, in addition to the original compensation for the taking, make annual payments to the original property owners and their heirs, 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 person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of 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; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law. Upon arrest the police must advise the suspect of their right to remain silent and to consult with legal defense counsel that could receive reasonable compensation from the Government. The police shall be sanctioned for any violations of this right, but any evidence obtained may be submitted.

Language from original Constitution plus the Miranda protection. Eliminates exclusionary rule.

### **Section 11. Speedy Trial By Jury**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and District 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.

[Slight modification of Language from original Constitution](#)

### **Section 12. Suits at Common Law**

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 of the United States, than according to the rules of the Common Law.

[Language from original Constitution, except the \\$20 has been replaced by 1/20<sup>th</sup> of the compensation of a House Member, currently \\$8,700](#)

### **Section 13. Bail and Punishment, Asset Forfeiture**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. For Federal or State crimes, any forfeiture of assets allegedly 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. The proceeds from sales of these assets shall be transferred to the Federal Reserve.

[Prevents abuse of Asset Forfeiture by law enforcement agencies that get the proceeds of the sale of the seized property.](#)

A penalty of death by hanging is not cruel and unusual 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.

Language from original Constitution plus the clarification that the death penalty cannot be categorized as cruel and unusual, and doesn't allow judges to negate the death penalty by using a backdoor denial by focusing on the method of execution. 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**

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 suffered by the victims of their criminal acts.

Language from original Constitution plus a prohibition against labor camps used by the Soviet Union. Exception offered to permit restitution.

#### **Section 15. Due Process and Equal Protection**

No State shall deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Language from original Constitution

## **Section 16. Discrimination and Preferences by Government**

Citizens of the United States shall not be denied or given preferences for any services or employment offered by the Government on account of race, color, national origin, sex, religion, sexual orientation, or Political Party affiliation. Any person receiving payment for services 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.

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.

## **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 origin, religion, sexual orientation, or Political Party affiliation. 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 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 employed by a Government school. Any sanctions against substandard education must be based solely upon the educational achievement of the child measured on examinations administered to students in Government Schools.

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.

The identity of the child who took the test shall not be known 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 an equal 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 and benefits 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.

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.

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.

Opens up 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 prevent its residents from purchasing and receiving any goods or services from vendors who are not domiciled or licensed in the 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.



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, and have the effect of restricting competition from 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 are 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 License to obtain a State 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 individuals residing in different states, the Federal government may not prevent the practice of an occupation in a State by requirement of a Federal license. Enactment of exceptions to this rule require a three-fifths vote by the House and Senate.

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. Publisher Exemption for Online Service Providers**

No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information-content provider. A safe harbor for this exemption applies if the provider of the service only excludes users engaged in activities prohibited by law.

Whenever it excludes or restricts content not prohibited by law, then it may only discriminate in the display of user content or its offer of services or compensation based upon rules of exclusion, restriction, manner of display, and compensation that are published.

The interactive service provider must contact any user who has violated these guidelines with an explanation of which guidelines were violated, and the remedy for reinstatement or lifting of restrictions. This message must be posted for public viewing on the service provider's platform, in accordance with law, for no less than sixty days and archived in the format prescribed by law.

Twitter, Facebook, Google, etc. would be classified as publishers subject to libel if they continue to curate their content. This modifies Section 230 of the Communications Decency Act of 1996. This applies to "interactive computer services," more precisely defined where the provider and user aren't physically interacting. It's likely that these social media companies will only exclude lawful content based on pornography, use of foul language and racial slurs. Politically-motivated exclusions are likely to run afoul of these conditions.

Victims of discriminatory treatment may sue for damages. Congress shall have the power to enforce this Section by appropriate legislation.

## **Section 22. Marriage**

Marriage is a voluntary, joint and several partnership of only two individuals, sanctioned by the laws of a State. At the inception of the marriage, they must be fully-informed, consenting individuals, attained sixteen years, and not be consanguineous through parental descent, or

as a sibling or first cousin. Neither individual in a marriage may be married to other persons. To ensure that both individuals are fully-informed, the State 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 State.

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.

### **Section 23. Combatants in War upon the United States**

Persons engaged in acts of violence and warfare against the United States who are not affiliated with nations that are signatories to 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. An Enemy Combatant imprisoned for eight years has the right to an appeal and review by the Federal Courts, Special Courts or Tribunals that are established by law to rule 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 Plebiscites of Article 21 shall be held after the Elections and Census Boards are operational.

Section 7. 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 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.

## **21. PLEBISCITES**

### **Section 1. Abortion Plebiscite**

Upon ratification, one year after the first Federal Election for President and Members of the House of Representatives, a Plebiscite shall be scheduled for the first Tuesday of November to decide the propositions concerning the rights of a mother and an unborn child. The proposition receiving the majority of votes shall be ratified as an amendment to 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 any time prior to the detection of an unborn child’s heartbeat. After the detection of a heartbeat, the laws of each State shall regulate the grounds for termination of the pregnancy provided that (1) the State assumes responsibility for the care of the child if the mother surrenders custody within one year of birth; (2) the State pays for any diminished compensation and medical costs incurred to involuntarily continue the pregnancy; (3) the State pays damages in the event that the mother dies or suffers permanent physical impairment as a consequence of the birth of the child. The State is obligated to provide these remedies for women who were residents of the State for greater than one year prior to the birth date of the child.

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 the fetal heartbeat 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 a majority of Americans would agree with.

## **Section 2. Social Security and Medicare Age Adjustment Plebiscite**

Upon ratification, one year after the first Federal Election for President and Members of the House of Representatives, a Plebiscite shall be scheduled for the first Tuesday of November to decide this proposition concerning the adjustment of the age of persons to qualify for full Social Security and Medicare benefits. The proposition shall be enacted into law by a seven-thirteenths majority, and may only be modified or

repealed by Congress twenty years after its approval or by a subsequent Plebiscite or Constitutional Amendment.

Proposition: “Shall the Board of Records have the authority to utilize actuarial data of expected remaining lifespan of the American Population at a given age to adjust the minimum age for qualification to receive full benefit payments for Social Security and Medicare? Even though all beneficiaries receive Social Security and Medicare for their remaining lifespan, this minimum age for qualification would be adjusted so that, on average, beneficiaries would not receive more than fifteen years of payments, adjusted for changes in the purchasing power of money.

“Congress may enact laws to allow persons to receive lower payments for Social Security commencing receipt of benefit payments at a time prior to the minimum age for qualification or higher payments for deferring payments at a time later than the minimum age for qualification in accordance with a schedule calculated by the Board of Records to ensure that the expected expenditures would not exceed the amount if everyone enrolled at the minimum age for qualification.”

Social Security and Medicare are huge fiscal time bombs that carry tremendous political peril for the political party proposing to defuse it. A Plebiscite is the best way to tackle this issue because the elderly couldn't form a coalition to exact punishment upon the younger taxpayers the way they could against a Political Party.

### **Section 3. Right to Self Defense**

#### Proposition 1:

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 of violence to persons or property, who have attained eighteen years, possess the Right of Self Defense of their bodies and property by using weapons commonly employed for the self-defense of the police forces of their State, Federal District, or Territory. Any law that prohibits ownership or promulgates discriminatory regulation, taxation, license fees, and other impediments to the acquisition, and transportation of these weapons, their supporting equipment, 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 extends to those who were denied the Right of Self Defense, and to those who were in their custody or care.

If a government fails to fully compensate any victim, their insurer, assignee, or heirs within twelve months of commission of these criminal acts, then all laws in that jurisdiction infringing upon this Right of Self Defense shall be null and void. The laws abridging the Right of Self Defense in that jurisdiction may not be reinstated for a minimum of five years.



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. 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 place 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 allowing rioters rampage at will.

#### Proposition 2:

Citizens do not have the right to own lethal weapons. The Government may restrict the ownership, use, and transfer of lethal weapons.

## **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 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 Prime Minister.

*Minister* is the Executive under the Prime Minister 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 cases, and exercise police 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, Federal and State government and their political subdivisions collectively.

*Commerce, commercial* are activities related to an exchange of money or credit to a producer for goods and services received by the buyer that generates income subject to taxation. Donations to Political Parties and Candidates as prescribed in Article 4 are not classified as a commercial activity.

*Congress* refers to the House of Representatives and the Senate.

*Income* is the difference in flows of money paid and received over a period of time, plus any goods and services received over that period of time.

*Wealth* is a measure of the difference in value of a person's assets and liabilities at a single point in time.

*Sole Proprietorship* is a business entity, with all its assets owned by a natural person, that deducts expenses related to the operation of the business from revenue to calculate the income subject to taxation.