

The State of Sierra Constitution

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Preamble: We, the People of the State of Sierra, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

Article I: Declaration of Rights

- a. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.
- b. Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

- i. A publisher, editor, reporter, or other person connected with or employed upon a newspaper, magazine, or other periodical publication, or by a press association or wire service, or any person who has been so connected or employed, shall not be adjudged in contempt by a judicial, legislative, or administrative body, or any other body having the power to issue subpoenas, for refusing to disclose the source of any information procured while so connected or employed for publication in a newspaper, magazine or other periodical publication, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.
 1. Nor shall a radio or television news reporter or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured while so connected or employed for news or news commentary purposes on radio or television, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.
 2. As used in this subdivision, “unpublished information” includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated.
- c. The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.
 - i. The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
 - ii. A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access. A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.
 - iii. Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
 - iv. Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided in Section 7.

- v. This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings of public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.
- vi. Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions; nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.
- vii. In order to ensure public access to the meetings of public bodies and the writings of public officials and agencies, as specified in paragraph (1), each local agency is hereby required to comply with the Sierra Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act that contains findings demonstrating that the statutory enactment furthers the purposes of this section.
- d. Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion.
 - i. A person is not incompetent to be a witness or juror because of his or her opinions on religious beliefs.
- e. The military is subordinate to civil power. A standing army may not be maintained in peacetime. Soldiers may not be quartered in any house in wartime except as prescribed by law, or in peacetime without the owner's consent.
- f. Slavery is prohibited. Involuntary servitude is prohibited.
- g. A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws; provided, that nothing contained herein or elsewhere in this Constitution imposes upon the State of Sierra or any public entity, board, or official any obligations or responsibilities which exceed those imposed by the Equal Protection Clause of the 14th Amendment to the United States Constitution with respect to the use of pupil school assignment or pupil transportation. In enforcing this subdivision or any other provision of this Constitution, no court of this State may impose upon the State of Sierra or any public entity, board, or official any obligation or responsibility with respect to the use of pupil school assignment or pupil transportation, (1) except to remedy a specific violation by such party that would also constitute a violation of the Equal Protection Clause of the 14th Amendment to the United States Constitution, and (2) unless a federal court would be permitted under federal decisional law to impose that obligation or responsibility upon such party to remedy the specific violation of the Equal Protection Clause of the 14th Amendment of the United States Constitution.

- i. Except as may be precluded by the Constitution of the United States, every existing judgment, decree, writ, or other order of a court of this State, whenever rendered, which includes provisions regarding pupil school assignment or pupil transportation, or which requires a plan including any such provisions shall, upon application to a court having jurisdiction by any interested person, be modified to conform to the provisions of this subdivision as amended, as applied to the facts which exist at the time of such modification.
- ii. In all actions or proceedings arising under or seeking application of the amendments to this subdivision proposed by the Legislature at its 1979–80 Regular Session, all courts, wherein such actions or proceedings are or may hereafter be pending, shall give such actions or proceedings first precedence over all other civil actions therein.
- iii. Nothing herein shall prohibit the governing board of a school district from voluntarily continuing or commencing a school integration plan after the effective date of this subdivision as amended.
- iv. In amending this subdivision, the Legislature and people of the State of Sierra find and declare that this amendment is necessary to serve compelling public interests, including those of making the most effective use of the limited financial resources now and prospectively available to support public education, maximizing the educational opportunities and protecting the health and safety of all public school pupils, enhancing the ability of parents to participate in the educational process, preserving harmony and tranquility in this State and its public schools, preventing the waste of scarce fuel resources, and protecting the environment.
- v. A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. Privileges or immunities granted by the Legislature may be altered or revoked.
- h. A person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, sexual orientation, or national or ethnic origin.
- i. A bill of attainder, ex post facto law, or law impairing the obligation of contracts may not be passed.
- j. Witnesses may not be unreasonably detained. A person may not be imprisoned in a civil action for debt or tort, or in peacetime for a militia fine.
- k. Habeas corpus may not be suspended unless required by public safety in cases of rebellion or invasion.
- l. A person shall be released on bail by sufficient sureties, except for:
 - i. Capital crimes when the facts are evident or the presumption great;
 - ii. Felony offenses involving acts of violence on another person, or felony sexual assault offenses on another person, when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others; or
 - iii. Felony offenses when the facts are evident or the presumption great and the court finds based on clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released.

- iv. Excessive bail may not be required. In fixing the amount of bail, the court shall take into consideration, first and foremost, income, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case.
- v. A person may be released on his or her own recognizance in the court's discretion.
- m. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.
- n. Felonies shall be prosecuted as provided by law, either by indictment or, after examination and commitment by a magistrate, by information.
 - i. A person charged with a felony by complaint subscribed under penalty of perjury and on file in a court in the county where the felony is triable shall be taken without unnecessary delay before a magistrate of that court. The magistrate shall immediately give the defendant a copy of the complaint, inform the defendant of the defendant's right to counsel, allow the defendant a reasonable time to send for counsel, and on the defendant's request read the complaint to the defendant. On the defendant's request the magistrate shall require a peace officer to transmit within the county where the court is located a message to counsel named by defendant.
 - ii. A person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.
- o. The defendant in a criminal cause has the right to a speedy public trial, to compel attendance of witnesses in the defendant's behalf, to have the assistance of counsel for the defendant's defense, to be personally present with counsel, and to be confronted with the witnesses against the defendant. The Legislature may provide for the deposition of a witness in the presence of the defendant and the defendant's counsel.
 - i. Persons may not twice be put in jeopardy for the same offense, be compelled in a criminal cause to be a witness against themselves, or be deprived of life, liberty, or property without due process of law.
- p. Trial by jury is an inviolate right and shall be secured to all, but in a civil cause three-fourths of the jury may render a verdict. A jury may be waived in a criminal cause by the consent of both parties expressed in open court by the defendant and the defendant's counsel. In a civil cause a jury may be waived by the consent of the parties expressed as prescribed by statute.
 - i. In civil causes the jury shall consist of 12 persons or a lesser number agreed on by the parties in open court. In civil causes other than causes within the appellate jurisdiction of the court of appeal the Legislature may provide that the jury shall consist of eight persons or a lesser number agreed on by the parties in open court.
 - ii. In criminal actions in which a felony is charged, the jury shall consist of 12 persons. In criminal actions in which a misdemeanor is charged, the jury shall consist of 12 persons or a lesser number agreed on by the parties in open court.
- q. Cruel or unusual punishment may not be inflicted or excessive fines imposed.

- r. Treason against the State consists only in levying war against it, adhering to its enemies, or giving them aid and comfort. A person may not be convicted of treason except on the evidence of two witnesses to the same overt act or by confession in open court.
- s. Private property may be taken or damaged for a public use and only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation.
 - i. The State and local governments are prohibited from acquiring by eminent domain an owner-occupied residence for the purpose of conveying it to a private person.
 - ii. Subdivision (i) of this section does not apply when State or local government exercises the power of eminent domain for the purpose of protecting public health and safety; preventing serious, repeated criminal activity; responding to an emergency; or remedying environmental contamination that poses a threat to public health and safety.
 - iii. Subdivision (i) of this section does not apply when State or local government exercises the power of eminent domain for the purpose of acquiring private property for a public work or improvement.
- t. Noncitizens have the same property rights as citizens.
- u. Property owned before marriage or acquired during marriage by gift, will, or inheritance is separate property.
- v. The right to vote or hold office may not be conditioned by a property qualification, and shall not be infringed upon by the local or state governments for any reason.
- w. One or more grand juries shall be drawn and summoned at least once a year in each county.
- x. Rights guaranteed by this Constitution are not dependent on those guaranteed by the United States Constitution.
 - i. In criminal cases the rights of a defendant to equal protection of the laws, to due process of law, to the assistance of counsel, to be personally present with counsel, to a speedy and public trial, to compel the attendance of witnesses, to confront the witnesses against him or her, to be free from unreasonable searches and seizures, to privacy, to not be compelled to be a witness against himself or herself, to not be placed twice in jeopardy for the same offense, and to not suffer the imposition of cruel or unusual punishment, shall be construed by the courts of this State in a manner consistent with the Constitution of the United States. This Constitution shall not be construed by the courts to afford greater rights to criminal defendants than those afforded by the Constitution of the United States, nor shall it be construed to afford greater rights to minors in juvenile proceedings on criminal causes than those afforded by the Constitution of the United States.
 - ii. This declaration of rights may not be construed to impair or deny others retained by the people.
- y. The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have

been planted therein by the State; provided, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.

- z. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.
- aa. All statutes of this State requiring, authorizing, imposing, or relating to the death penalty are to be no longer in full force and effect upon the passage of this Constitution
- bb. In a criminal case, the people of the State of Sierra have the right to due process of law and to a speedy and public trial.
- cc. This Constitution shall not be construed by the courts to prohibit the joining of criminal cases as prescribed by the Legislature or by the people through the initiative process.
 - i. In order to protect victims and witnesses in criminal cases, hearsay evidence shall be admissible at preliminary hearings, as prescribed by the Legislature or by the people through the initiative process.
 - ii. In order to provide for fair and speedy trials, discovery in criminal cases shall be reciprocal in nature, as prescribed by the Legislature or by the people through the initiative process.
- dd. The State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, body type, sexual orientation, or national origin in the operation of public employment, public education, or public contracting.
 - i. This section shall apply only to action taken after the section's effective date.
 - ii. Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting.
 - iii. Nothing in this section shall be interpreted as invalidating any court order or consent decree which is in force as of the effective date of this section.
 - iv. Nothing in this section shall be interpreted as prohibiting action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the State.
 - v. For the purposes of this section, "State" shall include, but not necessarily be limited to, the State itself, any city, county, city and county, public university system, including the University of Sierra, community college district, school district, special district, or any other political subdivision or governmental instrumentality of or within the State.
 - vi. The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, sexual orientation, or national origin, as are otherwise available for violations of then-existing Sierra anti-discrimination law.
 - vii. This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.
- ee. The following provisions are hereby enacted to enhance public safety, improve rehabilitation, and avoid the release of prisoners by federal court order, notwithstanding anything in this article or any other provision of law:

- i. Parole Consideration: Any person convicted of a nonviolent felony offense and sentenced to state prison shall be eligible for parole consideration after completing the full term for his or her primary offense.
- ii. For purposes of this section only, the full term for the primary offense means the longest term of imprisonment imposed by the court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence.
- iii. Credit Earning: The Department of Corrections and Rehabilitation shall have authority to award credits earned for good behavior and approved rehabilitative or educational achievements.
- iv. The Department of Corrections and Rehabilitation shall adopt regulations in furtherance of these provisions, and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.

Article II: Voting in the State of Sierra

- a. All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.
- b. A United States citizen 18 years of age and resident in this State may vote.
- c. A voter who casts a vote in an election in accordance with the laws of this State shall have that vote counted.
- d. The Legislature shall define residence and provide for registration and free elections.
- e. The Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent
- f. Voting shall be secret.
- g. No amendment to the Constitution, and no statute proposed to the electors by the Legislature or by initiative, that names any individual to hold any office, or names or identifies any private corporation to perform any function or to have any power or duty, may be submitted to the electors or have any effect.
- h. Terms of elective offices provided for by this Constitution, other than Members of the Legislature, commence on the Monday after January 1 following election. The election shall be held in the last even-numbered year before the term expires.

Article III: General Rules of the State of Sierra

- a. The State of Sierra is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land.
- b. The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution.

- c. Suits may be brought against the State in such manner and in such courts as shall be directed by law.
- d. English as the Official Language of Sierra.
- e. The retirement allowance for any person, all of whose credited service in the Legislators' Retirement System was rendered or was deemed to have been rendered as an elective officer of the State whose office is provided for by the Sierra Constitution, other than a judge and other than a Member of the Senate or Assembly, and all or any part of whose retirement allowance is calculated on the basis of the compensation payable to the officer holding the office which the member last held prior to retirement, or for the survivor or beneficiary of such a person, shall not be increased or affected in any manner by changes on or after November 5, 1986, in the compensation payable to the officer holding the office which the member last held prior to retirement.
- f. The proceeds from the sale of surplus state property occurring on or after the effective date of this section, and any proceeds from the previous sale of surplus state property that have not been expended or encumbered as of that date, shall be used to pay the principal and interest on bonds issued pursuant to the Economic Recovery Bond Act authorized at the March 2, 2004, statewide primary election. Once the principal and interest on those bonds are fully paid, the proceeds from the sale of surplus state property shall be deposited into the Special Fund for Economic Uncertainties, or any successor fund. For purposes of this section, surplus state property does not include property purchased with revenues described in Article XIX or any other special fund moneys.

Article IV: Legislative Powers

- a. The Sierra General Assembly shall consist of seven (7) assemblymembers, in one (1) unicameral house.
- b. Assemblypersons shall not be permitted to act on their duties until sworn in. The oath of office is as follows: "I, (your name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the Western State against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the Western State; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the Western State by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the Western State by force or violence or other unlawful means except as follows: _____ (If no affiliations, write in the words "No Exceptions") and that during such time as I hold the office of Assemblyman of the Western State I will not advocate nor become a member of any party or organization, political or

otherwise, that advocates the overthrow of the Government of the United States or of the Western State by force or violence or other unlawful means.

- c. There shall be no prayer of any type conducted by, or for, the Assembly at any point during the term.
- d. All bills and resolutions shall originate from any member of the [/r/ModelUSGov](#) simulation.
 - i. Amendments to any piece of legislation on the floor shall originate from any sitting Assemblypersons,
- e. The Governor must sign, veto, or state an abstention if permitted, on all legislation which reaches their desk within two (2) week of passage by the Assembly
 - i. If the Governor abstains on legislation, if permitted to do so, that legislation will become law without their signature.
 - ii. If the Governor signs legislation, that legislation will take effect in accordance to the enactment clause in said legislation.
 - iii. If the Governor vetoes legislation, any Assemblyperson can call for a veto override.
 - 1. Veto overrides can be called for by submitting a private message to both the State Clerk and any Deputy Clerks.
 - a. Any veto override shall take place in the following voting session, in addition to the normal schedule of legislation.
 - 2. If an Assemblyperson calls for a veto override, then the proposed legislation must be voted on again
 - 3. All veto overrides require a two-third ($\frac{2}{3}$) majority of a quorum in order to pass the floor into law.
 - iv. If the current term ends, and the Governor has not signed all legislation that requires a signature, that legislation will immediately go into effect without the Governor's signature, with the exception of Constitution replacements.
 - v. The Governor must sign or veto the entire piece of legislation.
- f. Powers of the Assembly; limitations
 - i. The authority of the Assembly shall extend to all subjects of legislation not herein forbidden or restricted; and a specific grant of authority in this Constitution upon a subject shall not work a restriction of its authority upon the same or any other subject. The omission in this Constitution of specific grants of authority heretofore conferred shall not be construed to deprive the Assembly of such authority, or to indicate a change of policy in reference thereto, unless such purpose plainly appear.
 - ii. The Assembly shall confer on the court's power to grant divorces, change the names of persons, and direct the sales of estates belonging to infants and other persons under legal disabilities, and shall not, by special legislation, grant relief in these or other cases of which the courts or other tribunals may have jurisdiction.
 - iii. The Assembly may regulate the exercise by courts of the right to punish for contempt. The Assembly's power to define the accrual date for a civil action based on an intentional tort committed by a natural person against a person who, at the time of the intentional tort, was a minor shall include the power to provide for the retroactive application of a change in the accrual date. No natural person shall have a constitutionally protected property right to bar a cause of action based on intentional torts as described herein on the

ground that a change in the accrual date for the action has been applied retroactively or that a statute of limitations or statute of repose has expired.

- iv. The Assembly shall not enact any local, special, or private law in the following cases:
1. For the punishment of crime.
 2. Providing a change of venue in civil or criminal cases.
 3. Regulating the practice in, or the jurisdiction of, or changing the rules of evidence in any judicial proceedings or inquiry before the courts or other tribunals, or providing or changing the methods of collecting debts or enforcing judgments or prescribing the effect of judicial sales of real estate.
 4. Changing or locating county seats.
 5. For the assessment and collection of taxes, except as to animals which the House of Delegates may deem dangerous to the farming interests.
 6. Extending the time for the assessment or collection of taxes.
 7. Exempting property from taxation.
 8. Remitting, releasing, postponing, or diminishing any obligation or liability of any person, corporation, or association to the state or to any political subdivision thereof.
 9. Refunding money lawfully paid into the treasury of the state or the treasury of any political subdivision thereof.
 10. Granting from the treasury of the State, or granting or authorizing to be granted from the treasury of any political subdivision thereof, any extra compensation to any public officer, servant, agent, or contractor.
 11. For registering voters, conducting elections, or designating the places of voting.
 12. Regulating labor, trade, mining, or manufacturing, or the rate of interest on money.
 13. Granting any pension.
 14. Creating, increasing, or decreasing, or authorizing to be created, increased, or decreased, the salaries, fees, percentages, or allowances of public officers during the term for which they are elected or appointed.
 15. Declaring streams navigable, or authorizing the construction of booms or dams therein, or the removal of obstructions therefrom.
 16. Affecting or regulating fencing or the boundaries of land, or the running at large of stock.
 17. Creating private corporations, or amending, renewing, or extending the charters thereof.
 18. Granting to any private corporation, association, or individual any special or exclusive right, privilege, or immunity.
 19. Naming or changing the name of any private corporation or association.
 20. Remitting the forfeiture of the charter of any private corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the laws passed in pursuance thereof.

Article V: Elected Positions in the Assembly

- a. The sole elected position in the Assembly shall be the Speaker of the Assembly.
- b. Only Assemblypersons can be elected to be Speaker of the Assembly
 - i. Members of the executive branch and judicial branch of the State of Sierra cannot be elected to any Assembly position concurrently.
- c. The winner of each Speaker of the Assembly election shall be the one that receives a majority of a quorum.
 - i. In the case of a tie, the Lieutenant Governor shall serve as a tiebreaker.
 - ii. Should there be for any reason, a failure to elect the Speaker of the House of Delegates, the Lieutenant Governor shall serve as the Speaker Pro Tempore until a new election shall be held, which shall occur no less than seven (7) days prior to the previous election.
- d. Elected positions of the Assembly may relinquish their positions voluntarily at any time.
- e. The Speaker of the Assembly shall be subject to a motion of no confidence at the request of any five (5) members of the Assembly.
 - i. A request for a motion of no confidence can be filed by submitting a private message to the State Clerk or any Deputy Clerks.
 - ii. After requests have been filed by five (5) or more members, a vote on the motion of no confidence shall be held in the following voting session of the House of Delegates.
 - iii. The motion of no confidence shall require a simple majority of quorum in order to pass.
 - iv. If the motion of no confidence passes, the Speaker shall lose their position, and an election for a new speaker shall take place
 1. The Speaker shall remain as a member of the Assembly.
 - v. If a motion of no confidence fails, another motion of no confidence may not be voted on until the third voting session following the failure of the original motion.
- f. Any House of Delegates elected positions will be permitted to post speeches in [/r/ModelWesternState](#)

Article VI: Powers of the Governor

- a. The executive power shall be vested in the governor, who shall hold office for six months; the lieutenant-governor shall be chosen at the same time, and for the same term. The governor and lieutenant-governor shall be chosen at the general election. They shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices, and the legislature by law shall provide for making such choice in such manner. The respective persons having the highest number of votes cast jointly for them for governor and lieutenant-governor respectively shall be elected and bound by no term limits.
- b. The Governor, hereby considered to be the chief executive power, will not be permitted to act on their duties until sworn in. The oath of office is as follows: "I, (your name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the Western State against all enemies, foreign and domestic; that I will bear true

faith and allegiance to the Constitution of the United States and the Constitution of the Western State; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the Western State by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the Western State by force or violence or other unlawful means except as follows: _____ (If no affiliations, write in the words "No Exceptions") and that during such time as I hold the office of Governor of the Western State I will not advocate nor become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the Western State by force or violence or other unlawful means."

- c. The Governor is permitted to appoint a Lieutenant Governor, provided the position is vacant. Their candidate is subject to a confirmation hearing.
- d. The Governor is permitted to create a cabinet and appoint executives to the cabinet, provided any of the executive positions are vacant. Their candidates are subject to a confirmation hearing.
 - i. If the Assembly does not confirm an executive cabinet appointee after three (3) votes in the same term, the Governor will no longer be permitted to nominate that appointee an executive cabinet appointee until the next Assembly term.
- e. The Governor is permitted to appoint one (1) Chief Justice and up to two (2) Associate Justices, provided any of the positions are vacant. Their candidates are subject to a confirmation hearing.
 - i. If the Assembly does not confirm a Chief Justice or Associate Justice appointee after three (3) votes in the same term, the Governor will no longer be permitted to nominate that appointee as Chief Justice or Associate Justice until the next Assembly term.
- f. The Governor is permitted to enact executive orders.
 - i. All executive orders passed by the Governor are challengeable by the State Supreme Court and the Supreme Court of the United States
- g. The Governor is permitted to abdicate their duties for a specified amount of time for up to two (2) weeks and allow the Lieutenant Governor to act in their place for that time.
 - i. The Governor must alert the Lieutenant Governor and the Speaker of the Assembly at least one (1) days in advance of abdication.
 - 1. The Lieutenant Governor shall be tasked with alerting [/r/ModelWesternState](#) upon assuming the position of acting Governor.
 - 2. If the Governor does not alert both the Lieutenant Governor and the Speaker of the Assembly of their abdication, they shall be deemed inactive and removed from office.
 - 3. If the Governor does not make a post in [/r/ModelWesernState](#) announcing that they are resuming the role of Governor within one (1) week of their scheduled return, they shall be deemed inactive and removed from office.
 - 4. If the Governor does return to their seat, the Acting Governor will return to their duties as Lieutenant Governor.

- a. If the Acting Governor successfully appoints a Lieutenant Governor during the time in which the Governor has abdicated their duties, then the Acting Governor will be dismissed as Lieutenant Governor.
- h. The Governor has permission to post their speeches, executive orders, appointments, and other executive actions directly to [/r/ModelWesternState](#).
- i. The Governor has the power to sign, veto, or state an abstention on all legislation passed by the Assembly.
 - i. If the new term begins, and the Governor has not signed all legislation, that legislation will immediately go into effect without the Governor's signature, with the exception of any Constitutional amendments or Constitution replacements.
 - ii. The Governor shall have the power of a "line-item veto", granting them the power to reject an individual provision of a bill,
 - iii. The Governor shall have the power of a "reduction veto", granting them the power to reduce appropriation provisions of a bill
- j. The Governor has the power to propose a replacement to the Constitution.
- k. The Governor is susceptible to impeachment by a 2/3rds majority in the Assembly.
- l. The Governor also has the same powers as unelected officials as defined in Article XI.
- m. Executive and administrative powers
 - i. The Governor shall take care that the laws be faithfully executed.
 - ii. The Governor shall be commander-in-chief of the armed forces of Sierra and shall have power to embody such forces to repel invasion, suppress insurrection, and enforce the execution of the laws.
 - 1. The Governor is not permitted to create new branches of the Sierra armed forces.
 - iii. The Governor shall conduct, either in person or in such manner as shall be prescribed by law, all intercourse with other and foreign states.

Article VII: Powers of the Lieutenant Governor

- a. The Lieutenant Governor, hereby considered to be the chief executive power, will not be permitted to act on their duties until sworn in. The oath of office is as follows: "I, (your name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the Western State against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the Western State; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the Western State by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the Western State by force or violence or other unlawful means except as follows: _____ (If no affiliations, write in the words "No Exceptions") and that

during such time as I hold the office of Governor of the Western State I will not advocate nor become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the Western State by force or violence or other unlawful means.”

- b. Any Lieutenant Governor not elected at the start of a new term shall be appointed under the conditions listed in Article VI Section C and are subject to a confirmation hearing.
- n. If the Governor is removed from their seat for any reason, or has temporarily abdicated their duties, then the Lieutenant Governor shall take their place.
- o. If the Assembly comes to a tie on a vote for the confirmation of any position, the Speaker of the Assembly, any piece of legislation, or amendments to legislation, then the Lieutenant Governor shall serve as the tie-breaking vote and must break said tie within one (1) week of the occurrence of said tie.
- p. The Lieutenant Governor has permission to post their speeches and actions directly to [/r/ModelWesternState](#).
- q. The Lieutenant Governor is susceptible to impeachment by a 2/3rds majority in the Assembly
- r. The Lieutenant Governor shall also have the same powers as unelected officials as defined in Article XI.

Article VIII: Powers of the Cabinet

- a. Cabinet positions will fall under two (2) categories, executive and staff.
 - i. Executive cabinet positions lead the executive offices of Sierra. These positions are limited to the Secretary of Finance and Infrastructure, the Secretary of the Environment, and the Secretary of Labor, Education, Health, and Human Services.
 - 1. The Attorney General, while considered an executive Cabinet position, shall have their powers listed in Article XII.
 - ii. Staff cabinet positions assist the Governor. These positions include, but are not limited to the Chief of Staff, and Press Secretary.
- b. Cabinet positions will be appointed under the conditions listed in Article VI, and executive cabinet positions are subject to a confirmation hearing.
 - i. Staff cabinet positions will not be required to undergo a confirmation hearing, but may request one if desired.
 - ii. Cabinet positions are not required to take an oath of office.
- c. The Cabinet will be maintained from term to term if the sitting Governor is re-elected.
 - i. If the sitting Governor is not re-elected, then the new Governor can decide to keep the current Cabinet on a Cabinet-member-by-Cabinet-member basis.
 - 1. The new Governor must make a decision on which Cabinet members will be kept, if any, within one (1) week of their swearing into office. Any and all Cabinet members not decided upon will be dismissed from their duties.
- d. All Cabinet positions will be permitted to post speeches to [/r/ModelWesternState](#).
 - i. Executive Cabinet positions will be permitted to post directives, which have the same force of law in the context of their department, to [/r/ModelWesternState](#).

- ii. All Cabinet members will be required to post a minimum of once per month on [/r/ModelWesternState](#).
 - 1. Any Cabinet member that does not meet this requirement shall be deemed inactive and removed from office.
- e. All Cabinet positions, including the Attorney General, serve at the Governor's pleasure and may be dismissed at any time by the Governor.
- f. The Executive Cabinet Positions and Attorney General are susceptible to impeachment by a 2/3rds majority in the Assembly.
- g. Cabinet positions also have the same powers as unelected officials as defined in Article XI.

Article IX: Powers of the Supreme Court

- a. The State Supreme Court shall consist of one (1) Chief Justice and up to two (2) Associate Justices.
 - i. These positions may remain empty and do not need to be continuously filled.
- b. The Chief Justice will not be permitted to act on their duties until sworn in.
- c. The Associate Justices will not be permitted to act on their duties until sworn in.
- d. All Justices shall be appointed to their position by the Governor, are subject to a confirmation hearing.
- e. The Chief Justice and Associate Justices will be permitted to change their Rules of Practice and Procedure on an as-needed basis.
 - i. All changes must be announced by the Court.
- f. Court cases shall be decided by a simple majority.
 - i. In the event of a tie, the court case will fail.
 - ii. In the event of a failed court case, the petitioner may appeal to the Supreme Court of the United States.
- g. Should the State Supreme Court fail to provide a decision within three (3) months of the petition, the case shall be referred to the higher court unless the higher court grants an extension on the case not to exceed one (1) month.
- h. The Chief Justice and Associate Justices also have the same powers as unelected officials as defined in Article XI.
- i. The Chief Justice and Associate Justices may provide advisory opinions to the Governor and members of the Assembly on the constitutionality of laws as long as there is no conflict of interest with an existing case heard in the Sierra Supreme Court.
- j. The Chief Justice and Associate Justices will be permitted to post speeches to [/r/ModelWesternState](#).
- k. Judicial Power; Jurisdiction
 - i. The Supreme Court shall, by virtue of this Constitution, have original jurisdiction in cases of habeas corpus, mandamus, and prohibition; to consider claims of actual innocence presented by convicted felons in such cases and in such manner as may be provided by the Assembly; in matters of judicial censure, retirement, and removal, and to answer

questions of state law certified by a court of the United States or the highest appellate court of any other state. All other jurisdiction of the Supreme Court shall be appellate. Subject to such reasonable rules as may be prescribed as to the course of appeals and other procedural matters, the Supreme Court shall, by virtue of this Constitution, have appellate jurisdiction in cases involving the constitutionality of a law under this Constitution or the Constitution of the United States and in cases involving the life or liberty of any person.

l. Administration of the Judicial System

- i. The Chief Justice of the Supreme Court shall be the administrative head of the judicial system. He may temporarily assign any judge of a court of record to any other court of record except the Supreme Court and may assign a retired judge of a court of record, with his consent, to any court of record except the Supreme Court. The Assembly may adopt such additional measures as it deems desirable for the improvement of the administration of justice by the courts and for the expedition of judicial business.

m. Opinions and Judgments of the Supreme Court

- i. When a judgment or decree is reversed, modified, or affirmed by the Supreme Court, or when original cases are resolved on their merits, the reasons for the Court's action shall be stated in writing and preserved with the record of the case. The Court may, but need not, remand a case for a new trial. In any civil case, it may enter final judgment, except that the award in a suit or action for unliquidated damages shall not be increased or diminished.

Article X: Powers of the Attorney General

- a. The Attorney General is not required to take an oath of office.
- b. The Attorney General is appointed under the conditions listed in Article VI and is subject to a confirmation hearing.
- c. The Attorney General has the power to represent the State in any court case where the State is being sued or is suing in.
- d. The Attorney General will be permitted to post speeches to [/r/ModelWesternState](#).
 - i. The Attorney General will be required to post a minimum of once per month on [/r/ModelWesternState](#).
 1. If the Attorney General does not meet this requirement, they shall be deemed inactive and removed from office.
- n. The Attorney General serves at the Governor's pleasure and may be dismissed at any time by the Governor.
- o. The Attorney General is susceptible to impeachment by a 2/3rds majority in the Assembly .
- p. The Attorney General also has the same powers as unelected officials as defined in Article XI.

Article XI: Powers of Unelected Officials

- a. Unelected officials have the power to submit legislation to the docket.

- b. Unelected officials do not have the power to vote on any legislation, amendments, or appointments.

Article XII: Order of Succession

- a. If the position of Governor is vacated for any reason, then the Lieutenant Governor shall take the position of Governor.
- b. Should the positions of both Governor and Lieutenant Governor both fall vacant for any reason, then the Speaker of the House shall take the position of Governor.
- c. Should the positions of Governor, Lieutenant Governor, and Speaker of the House fall vacant for any reason, then the Attorney General shall take the position of Governor.
- d. Should the positions of Governor, Lieutenant Governor, Speaker of the House, and Attorney General fall vacant for any reason, then a special election shall be called to fill the positions of Governor and Lieutenant Governor.
 - i. In the time between the offices falling vacant and the swearing in after the special election, the senior-most Assemblymember shall serve as the interim Governor.

Article XIII: Constitutional Replacement

- a. A replacement to the Constitution can be sponsored by any currently-sitting Assemblyperson, the Governor, or the Lieutenant Governor.
 - i. Unelected citizens, Cabinet Members, Chief Justices, Associate Justices, and the Attorney General cannot propose a new Constitution.
 - 1. The positions mentioned in Subsection 1 will be permitted to assist in writing the replacement Constitution.
 - ii. If any of the positions mentioned in Article III Section A Subsection 1 become a Delegate, Governor, or Lieutenant Governor in the future, they will be permitted to sponsor a new Constitution.
 - iii. Only one constitutional proposal can be on the floor for debate at one time.
 - iv. If the proposal passes the Assembly, it must be sent to the Governor for their signature.
 - 1. If the Governor vetoes the proposal, it must be sent back for voting under the conditions and must receive a unanimous vote of Yea to pass and override the veto.
 - 2. The Governor must veto in full; amendatory vetoes are not permitted.
 - v. The Governor will not be permitted to state an abstention on the proposed Constitution.
 - vi. If the proposal is passed under the conditions outlined in this section and signed by the Governor, then the new Constitution will replace the previous in-simulation Constitution immediately.
 - 1. The previous in-simulation Constitution will be considered null and void.
- b. If the proposed Constitution does or does not pass, then thirty (15) days must pass before a new Constitution can be proposed.

Article XIV: Constitution-Wide Provisions

- A. All provisions within this article apply to all other Articles, Sections, Subsections, and so on, within the constitution.
- B. Any vote or election requires a quorum of three (3) members of the legislature unless otherwise stated.
- C. Any vote or election may end prematurely, at the discretion of the State or Deputy Clerk if all votes are accounted for.
- D. This Constitution is to be considered as the supreme law of the State.
 - a. The word of or interpretation of the State Clerk, Federal Clerks, Head Moderators, Sierra State Supreme Court, or Supreme Court of the United States shall override anything stated in this Constitution.
 - b. In regards to issues that this Constitution does not address, citizens shall defer to the real-life [Constitution of the State of California](#).
- E. If any provision of this Constitution shall be found unconstitutional, unenforceable, or otherwise stricken, the remainder of the Constitution shall remain in full force and effect.

This Constitution was written by Governor /u/ZeroOverZero101