



CONSTITUTION OF THE REPUBLIC OF FREMONT

February 8, 2021

*Sponsored by HurricaneofLies (Dem., Governor)
Co-sponsored by IcyHelicopter (GOP, Assemblyman)*

PREAMBLE

WE THE PEOPLE of Fremont, united in our diversity, confident in the strength of our democracy, and resolute in our vigilance to secure and perpetuate our liberties, hereby ordain this Constitution for our State.

ARTICLE I DECLARATION OF RIGHTS

SECTION 1. 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.

SECTION 2. (a) 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.

(b) 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or employed for publication in a newspaper, magazine or other periodical publication, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

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so connected or employed for news or news commentary purposes on radio or television, or for refusing to disclose any unpublished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.

As used in this subdivision, “unpublished information” includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been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) No court shall render a civil judgment against a person for exercising their constitutionally protected right to free expression. No person who holds office under the State or the United States shall maintain any civil action for defamation or damages in the courts of the State pertaining to the free expression of another person.

SECTION 3. (a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

(b) 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. A statute, court rule, or other authority 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.

SECTION 4. 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.

SECTION 5. The right of the people to keep and bear arms shall not be infringed.

SECTION 6. Slavery and involuntary servitude are prohibited.

SECTION 7. (a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws on the basis of sex, sexual

orientation, gender identity, race, creed, color, or national, ethnic origin or physical disability.

(b) 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. Statutory rights shall not be abrogated except in a neutrally applicable manner and which is not arbitrary or capricious.

SECTION 8. A person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, sexual orientation, gender identity, race, creed, color, or national, ethnic origin or physical disability.

SECTION 9. A bill of attainder, ex post facto law, or law impairing the obligation of contracts may not be passed; provided, that nothing contained herein imposes upon the State or any public entity, board, or official any obligations or responsibilities which exceed those imposed by the analogous provisions of the United States Constitution.

SECTION 10. Witnesses may not be unreasonably detained. A person may not be imprisoned for failure to pay a private debt or a fine.

SECTION 11. Habeas corpus may not be suspended unless required by public safety in cases of rebellion or invasion. No suspension of habeas corpus shall take effect except pursuant to an order of the Governor upon the endorsement of a two-thirds majority vote of the State Legislature.

SECTION 12. 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.

SECTION 13. No person shall be deprived of the right to life, liberty or security of the person except as reasonably justified in a free and democratic society.

SECTION 14. (a) 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.

(b) A person unable to understand the common language of judicial proceedings who is charged with a crime or defendant in a civil action has a right to an interpreter throughout the proceedings.

SECTION 15. 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.

SECTION 16. (a) Cruel or unusual punishment may not be inflicted or excessive fines imposed. No person shall, in guise of punishment, be subject to the deprivation of life or the loss of bodily functions under color of law, nor shall any person be subject to a fine where there is no reasonable expectation that they have the ability to pay.

(b) 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.

(c) Bail or surety shall not be required except when necessary to prevent imminent flight from jurisdiction, nor shall excessive bail be imposed.

SECTION 17. Private property may be taken or damaged for a public use and only with just compensation. 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, except for the purpose of protecting public health and safety; preventing serious, repeated criminal activity; responding to an emergency; developing a public work or improvement; or remedying environmental contamination that poses a threat to public health and safety.

SECTION 18. The right to vote or hold office shall be guaranteed to all adult citizens except as expressly prohibited by this Constitution and may not be conditioned by a property qualification or by the absence of criminal convictions. The right to vote may not be unduly burdened by restrictions which do not substantially relate to an important government interest.

SECTION 19. The right to own and operate a business in the State, in accordance with reasonable and applicable laws, shall not be infringed; nor shall the right to exchange goods and services for monetary profit, in accordance with reasonable and applicable laws.

SECTION 20. The Indigenous peoples of the State have the right to freely determine their political status, consistent with this Constitution, and to freely pursue their economic, social and cultural development.

SECTION 21. No agent of the State may intercept correspondence between individuals without reasonable suspicion of a crime, nor may they otherwise intrude upon an individual's privacy for purposes of surveillance.

SECTION 22. 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.

SECTION 23. (a) Rights guaranteed by this Constitution are not dependent on those guaranteed by the United States Constitution.

(b) This declaration of rights may not be construed to impair or deny others retained by the people.

SECTION 24. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

ARTICLE II

REPUBLIC OF FREMONT

SECTION 1. The Republic of Fremont is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land.

SECTION 2. (a) The boundaries of Fremont shall encompass all lands and waters which on January 20, 2021 were part of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Oregon, Nevada, New Mexico, Utah and Washington State; provided that they may be further expanded pursuant to statute.

(b) The City of Fremont, located in the County of Alameda, is the capital of Fremont.

SECTION 3. 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; provided, that the executive may exercise such legislative powers as expressly delegated by the Legislature, and that the Legislature may establish units of local government and vest them with any such powers as it deems necessary and proper.

SECTION 4. (a) Salaries of elected state officers may not be reduced during their term of office.

(b) Any act which purports to increase the salaries of members of the Legislature shall take effect only in the next legislative session following that which passed the act.

SECTION 5. Suits may be brought against the State in such manner and in such courts as shall be directed by law. No foreign jurisdiction may bring suit against the State in a State court.

SECTION 6. The flag of Fremont shall be established by proclamation, but shall the point therefrom only be modified by statute.

SECTION 7. The great seal of Fremont shall be established by proclamation, but shall the point therefrom only be modified by statute. The Lieutenant Governor is the official responsible for the custody of the great seal.

SECTION 8. All legislation enacted by the State Legislature, or by the State of California prior to January 20, 2021 as amended by subsequent legislation, shall continue in effect upon the adoption of this Constitution unless it is manifestly incompatible with the provisions herein.

ARTICLE III

THE LEGISLATURE

SECTION 1. The legislative power of this State is vested in the unicameral State Legislature.

SECTION 2. (a) The State Legislature has a membership of seven members elected for a term prescribed by State law but not exceeding two years using the D'Hondt party-list proportional representation system.

(b) The term of a member of the State Legislature shall commence on the first Monday next following their election.

(c) When a vacancy occurs in the Legislature the vacancy shall be filled by the next candidate on the party list, or, the party list being exhausted, by a supplemental candidate to be amended to the said list in a manner prescribed by State law.

SECTION 3. (a) The Legislature shall convene in regular session on the Monday next following a legislative election and will adjourn sine die upon the expiration of the terms of its membership.

(b) On extraordinary occasions the Governor by proclamation may cause the Legislature to assemble in special session. When so assembled it has power to legislate only on subjects specified in the proclamation but may provide for expenses and other matters incidental to the session.

SECTION 4. To eliminate any appearance of a conflict with the proper discharge of his or her duties and responsibilities, no Member of the Legislature may knowingly receive any salary, wages, commissions, or other similar earned income from a lobbyist or lobbying firm, as defined by the Political Reform Act of 1974, or from a person who, during the previous 12 months, has been under a contract with the Legislature.

SECTION 5. The Legislature shall judge the qualifications and elections of its Members and, by rollcall vote entered in the journal, two-thirds of the membership

concurring, may expel or suspend a Member and provide for the forfeiture of their salary, benefits and privilege.

SECTION 6. The Legislature shall choose a Speaker to preside in the absence of the Lieutenant Governor and adopt rules for its proceedings. A majority of the membership constitutes a quorum, but a smaller number may recess from day to day and compel the attendance of absent members. Vacancies do not count towards determination of the total membership for the purposes of a quorum.

(b) The Legislature shall keep and publish a journal of its proceedings. The rollcall vote of the members on a question shall be taken and entered in the journal. The proceedings of the Legislature are open and public except when two-thirds of the membership agree to enter into closed session.

SECTION 7. The Legislature shall not recess for more than 10 days or adjourn to any other place than the capital without the consent of the Governor.

SECTION 8. (a) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed or ultimately become a statute unless the bill with any amendments has been printed, distributed to the members, and published on the Internet, in its final form, for at least 48 hours before the vote.

(b) No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of the Legislature concurs.

(c) Any statute which does not specify a date upon which it goes into effect shall go into effect ninety days from its date of enactment. Any statute which prescribes a date to enter into effect exceeding two years shall be interpreted to have no specified date, the specified date being void ab initio.

SECTION 9. (a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if it is signed by the Governor. The Governor may veto it by returning it with any objections to the Legislature, which shall enter the objections in the journal and proceed to reconsider it. If the Legislature then passes the bill by rollcall vote entered in the journal, two-thirds of the membership concurring, it becomes a statute. A bill expires with the end of the legislature which passed it and may no longer be enacted over the Governor's veto in the following sessions.

(b) Any bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, that is not returned within 14 days after that date becomes a statute.

(c) A bill which is vetoed and cannot be returned on account of the Legislature having adjourned sine die does not become a statute.

(d) The Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill. The Governor shall append to the bill a statement of the items reduced or eliminated with the reasons for the action. The Governor shall transmit to the Legislature a copy of the statement and reasons. Items reduced or eliminated shall be separately reconsidered and may be passed over the Governor's veto in the same manner as bills.

SECTION 10. (a) Within the first 45 days of each fiscal year, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements for recommended state expenditures and estimated state revenues. If recommended expenditures exceed estimated revenues, the Governor shall recommend the sources from which the additional revenues should be provided. The fiscal year begins on the date upon which this Constitution is ratified.

(b) The Governor and the Governor-elect may require a state agency, officer or employee to furnish whatever information is deemed necessary to prepare the budget.

(c) The budget shall be introduced immediately in the Legislature by the presiding officer and, within fourteen days of receipt, receive a final vote from the membership thereof. The Legislature may, in this period, alter the budget as it deems necessary and proper.

(d) No bill except the budget may contain more than one item of appropriation, and that for one certain, expressed purpose.

SECTION 11. Members of the Legislature shall in all cases except felony be privileged from arrest during their attendance at the sessions thereof, and in going to and from the same. Members, and staff thereof, shall not be questioned in any other place for any speech or debate in the Legislature or for such official duties or

connected activities performed in conjunction with the electoral or legislative process.

SECTION 12. (a) All executive and judicial officers of the State are subject to impeachment. Articles of impeachment may be introduced by four members of the Legislature and a trial shall be conducted with the Chief Justice presiding over the trial of an executive officer or the Lieutenant Governor presiding over the trial of a judicial officer.

(b) The accused officer shall have the right to retain counsel and present evidence in a fair manner as the Legislature may direct. At the conclusion of the trial, the Legislature shall by two-thirds of its total membership order that the officer be convicted of high crimes and misdemeanors.

(c) Judgment may extend only to removal from office and disqualification to hold any office under the State, but the person convicted or acquitted remains subject to criminal punishment according to law.

SECTION 13. The Governor shall, in each legislative term, convene the Legislature in special session to deliver an address providing information on the state of the State and recommend for their consideration such measures as they shall judge necessary and expedient.

ARTICLE IV

THE EXECUTIVE

SECTION 1. The supreme executive power of this State is vested in the Governor. The Governor shall see that the law is faithfully executed.

SECTION 2. The Governor shall be elected at the same time and places as members of the Assembly every other election and hold office from the Monday next following their election. The Governor shall be an elector who has been a citizen of the United States and a resident of this State for 5 years immediately preceding the Governor's election. The Governor may not hold other public office.

SECTION 3. The Governor may, by executive orders, require executive officers and agencies and their employees to furnish information relating to their duties; assign and reorganize functions among executive officers and agencies and their employees; and exercise such other powers as may be delegated or assigned to them by law or by this Constitution.

SECTION 4. The Governor is commander in chief of the organized and unorganized state militias. The Governor may call them forth to execute the law.

SECTION 5. The Governor, on conditions they deem proper, may grant a reprieve, pardon, and commutation, after sentence, except in case of impeachment, to any person or group of persons. The Governor may, within 30 days of such decision, modify or reverse the decision of the parole authority to deny, revoke or suspend the parole of a person on the basis of the same factors which the parole authority is required to consider.

SECTION 6. The Lieutenant Governor shall be elected at the same time and places as the Governor on a separate ballot. The Lieutenant Governor is presiding officer of the Legislature and has a casting vote when the votes are equally divided.

SECTION 7. The Lieutenant Governor shall, subject to the Governor's authority, have the ability to exercise the powers of the heads of all executive departments and to give directions to the same. Decisions of the Lieutenant Governor may be countermanded by the Governor, except when he or she is exercising the

constitutional or statutory authority of the Secretary of State, Controller, Insurance Commissioner, or Superintendent of Public Instruction.

SECTION 8. (a) The Lieutenant Governor shall become Governor when a vacancy occurs in the office of Governor. The Lieutenant Governor shall act as Governor during the absence from the State, incapacitation or other temporary disability of the Governor or of a Governor-elect who fails to take office.

(b) If the Lieutenant Governor is incapacitated, or if the office is vacant, the Speaker of the Legislature shall act as Governor when a vacancy occurs in the office.

SECTION 9. (a) The Governor may appoint an Attorney General to represent the State in all legal matters and to supervise State attorneys.

(b) The Governor shall have the power to name persons to fill any vacancies which may arise in the United States Senate in a manner consistent with State law.

SECTION 10. The Governor may, in a state of emergency, exercise any such powers necessary and proper as provided in State law.

ARTICLE V

THE JUDICIARY

SECTION 1. The judicial power of this State is vested in the Supreme Court and in inferior courts of record, including the Superior Courts and Courts of Appeal. The Legislature may establish other inferior courts by statute and regulate the original and appellate jurisdictions of the State courts.

SECTION 2. The Supreme Court consists of the Chief Justice and two associate justices. The Chief Justice may convene the court at any time. Concurrence of a majority of judges present is necessary for a judgment.

SECTION 3. The Supreme Court shall have plenary original jurisdiction on all matters pertaining to State and United States law, and shall have appellate jurisdiction over all other courts and tribunals of the State.

SECTION 4. The Judicial Council consists of all the courts of record of the State and may adopt all such rules for court administration, practice and procedure as it deems necessary and proper. The Chief Justice is the chief judicial administrator of the State and ex officio head of the Judicial Council.

SECTION 5. Upon a vacancy in any judicial position, the Governor shall name a replacement with the advice and consent of the Legislature. No person who has been disbarred by any jurisdiction in the United States or impeached by the Legislature or who holds any office of profit under the State is eligible to assume a judgeship.

SECTION 6. The Supreme Court may exercise discretionary review of putative matters by writ of certiorari. The Court may, upon application, issue any such extraordinary writs as it deems necessary to aid in its jurisdiction.

ARTICLE VI

AMENDMENTS

SECTION 1. The Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring, may propose an amendment or revision of the Constitution and in the same manner may amend or withdraw its proposal.

SECTION 2. Any constitutional amendment proposed by the Legislature in a legislative session must be approved by a simple majority of the membership in the immediately following term of the Legislature. If approval is not obtained by the adjournment of the said term, the amendment is rejected.

SECTION 3. Notwithstanding, a constitutional amendment shall be considered to be adopted immediately upon being proposed by the Legislature if the proposal carries the sponsorship of six members of the Legislature.

SECTION 4. Effective upon the enactment of this Constitution, the Constitution of California is repealed in its entirety.

ARTICLE VII

BALLOT INITIATIVES

SECTION 1. The people, constituted as a legislature assembly, may by majority vote approve the adoption of statutes by popular initiative. The Legislature shall prescribe reasonable regulations for the conduct of popular initiatives.

SECTION 2. Statutes adopted by popular initiative come into effect immediately and may not be abrogated by the State Legislature for a period of sixty days from the effective date. Notwithstanding, the State Legislature may with the concurrence of six members remove this disability.

SECTION 3. No statute adopted by popular initiative shall modify or abrogate this Constitution, disestablish the privileges and immunities of the Legislature, or make or modify any tax, duty or appropriation. Statutes adopted by popular initiative may not abrogate the constitutional rights of the people.