



April 5, 2018

Hon. Xavier Becerra
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Emily Gargiulo
Initiative Coordinator

Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed a statutory initiative (A.G. File No. 18-0001) proposing to ask voters whether California should become an independent country.

Background

California Inseparable Part of United States. In 1850, Congress and President Fillmore approved the act admitting California into the United States of America. Section 1 of Article III of the State Constitution provides that California “is an inseparable part of the United States of America.” This section of the State Constitution also states that the U.S. Constitution is “the supreme law of the land.” The U.S. Constitution has no mechanism for a state to secede. In 1869, following the Civil War, the U.S. Supreme Court ruled in *Texas v. White* that the initial act admitting a state to the Union “was final.” “There was no place for reconsideration, or revocation,” the court said, “except through revolution, or through consent of the states.”

Initiative Power. In 1911, California voters approved Proposition 7, which amended the State Constitution to create the statewide voter initiative process. A voter initiative may enact a law or amend the State Constitution. However, there are limits on the initiative power. Specifically, the California Supreme Court has prohibited certain advisory measures from appearing on the ballot.

Proposal

Calls Statewide Election on Independence in May 2021. This measure amends state statute to call for a statewide special election on May 4, 2021. At this election, voters would be asked: “Do you want California to be an independent country in the form of a republic?” If approved by the voters, the measure requires the Legislature to “issue the formal declaration of independence of California and its effects from the United States” within seven days after the vote is certified.

Fiscal Effects

Potential Election Costs. If the measure were to appear on the ballot, the one-time cost of holding a statewide special election would be tens of millions of dollars. Whether the measure appears on the ballot would depend on potential legal challenges. For instance, the courts could find the measure to be outside the scope of the statewide voter initiative process, which could prevent the initiative from going forward. Were the measure to appear on the ballot, however, there would be no direct fiscal effects beyond the election costs. This is because the measure—by itself—does not make California an independent country. At minimum, other changes to the State and U.S. Constitutions would need to be made for California to secede.

Summary of Fiscal Impact. This measure would have the following fiscal effect:

- Potential one-time state and local costs in the tens of millions of dollars to hold a statewide special election.

Sincerely,

Mac Taylor
Legislative Analyst

Michael Cohen
Director of Finance