

The National Initiative For Democracy

The Democracy Act

AN ACT establishing legislative procedures and an administrative agency to permit the citizens of the United States to exercise their legislative power; and adding to the Federal Code.

Be It Enacted By The People Of The United States:**Section 1. TITLE.**

This act shall be known and may be cited as the Democracy Act.

Section 2. PREAMBLE.

We, the People of the United States, inherently possess the sovereign authority and power to govern ourselves. We asserted this power in our Declaration of Independence and in the ratification of our Constitution. We, the People, choose now to participate as lawmakers in our local, state and national governments. We, the People, sanction the election conducted by the nonprofit corporation Philadelphia II enabling our empowerment as lawmakers. We, the People, shall exercise our legislative powers by initiative concurrently with the legislative powers we delegated to our elected representatives.

THEREFORE, We, the People, enact this Democracy Act, establishing a "Legislature of the People."

Section 3. PROCEDURES.

The United States Electoral Trust (hereinafter "Electoral Trust") shall qualify initiatives chronologically and shall conduct the entire initiative process chronologically. The Electoral Trust shall take advantage of contemporary technology in implementing these procedures. The essential elements of the initiative process include, but are not limited to, the following:

A. Sponsor.

Only citizens of the United States who are registered to vote may sponsor an initiative. The Sponsor shall be identified on the initiative, on any petition, and on any qualifying poll.

B. Form.

An initiative shall comprise a Title, a Summary, a Preamble that states the reasons for, and explains why, the initiative is proposed, and the complete text of the initiative.

C. Content.

An initiative shall pertain to a matter of public policy relevant to the government jurisdiction to which it is applicable. The Sponsor shall determine the wording of the initiative. The Title and Summary shall be subject to the approval of the Electoral Trust.

D. Subject.

An initiative shall address one subject only, but may include related or mutually dependent parts.

E. Word Limit.

An initiative shall contain no more than five thousand words, exclusive of the Title, Preamble, Summary, References, Definitions, and language that quotes existing law.

F. Qualification.

Following approval of the Title and Summary by the Electoral Trust, an initiative may qualify for election in the relevant government jurisdiction by any one of the following methods:

1) Citizen Petition.

An initiative shall qualify for election if it is the subject of a petition signed manually or electronically by a number of registered voters, to be specified by the Electoral Trust, within

the relevant government jurisdiction. The time period allotted to gather qualifying petition signatures shall be not more than two years, beginning on the date the first signature is collected.

2) Public Opinion Poll of Citizens.

An initiative shall qualify for election if the subject matter described in the title and summary is approved in a public opinion poll. To qualify by this method, the polling plan, including the number of respondents, the methodology and the entity that will conduct the poll, shall be approved by the Electoral Trust.

3) Legislative Resolution.

An initiative shall qualify for election if a resolution, the wording of which is identical to the initiative as submitted by its sponsor, is passed by simple majority in the legislative body of the relevant jurisdiction; except that, if the initiative proposes to create or alter a constitution or charter, such resolution must pass by a two-thirds majority.

G. Withdrawal.

The Sponsor of an initiative may withdraw an initiative from further consideration and processing at any time prior to a deadline established by the Electoral Trust.

H. Public Hearing.

After an initiative qualifies for election, the Electoral Trust shall appoint a Hearing Officer to conduct a public hearing on the initiative. Representatives of the Sponsor and representatives of the legislative body of the relevant jurisdiction shall participate in the hearing in accordance with policies and procedures established by the Electoral Trust. Testimony on the initiative by citizens, proponents, opponents, and experts shall be solicited and their testimony shall be published as the Hearing Record.

I. Deliberative Committee.

After the public hearing on each initiative, the Electoral Trust shall convene a Deliberative Committee to review that initiative. The Deliberative Committee shall consist of citizens selected at random from the voter registration rolls of the relevant jurisdiction maintained by the Electoral Trust. Members of the Deliberative Committee shall be fairly compensated for time spent and expenses incurred in performance of Committee duties. The Electoral Trust shall provide technical support and such additional resources as are necessary for the effective discharge of the Committee's duties. The Deliberative Committee shall review the Hearing Record, secure expert advice, deliberate the merits of the initiative, and prepare a written report of its deliberations and recommendations. By two-thirds vote, the Committee may alter the Title, Summary, Preamble or text of the initiative, provided that the changes are consistent with the stated purpose of the initiative.

J. Legislative Advisory Vote.

Each initiative, together with its Hearing Record and report of the Deliberative Committee, shall be transmitted to the legislative body of the relevant jurisdiction. The legislative body shall conduct a public vote of its members, recording the yeas and nays on the initiative, within 90 days after receipt thereof. The vote of the legislative body is non-binding, serving only as an advisory to the citizens.

K. Election.

Upon completion of the Legislative Advisory Vote, or 90 days after the initiative has been delivered to the legislative body of the relevant jurisdiction, whichever occurs first, the Electoral Trust shall publish a schedule for the election of the initiative and shall conduct an election in accordance with the published schedule.

L. Enactment.

An initiative that creates or modifies a constitution or charter assumes the force of law when it is

approved by more than half the registered voters in the relevant jurisdiction in each of two successive elections conducted by the Electoral Trust. If such initiative is approved in the first election, the second election shall occur no earlier than six months and no later than a year after, the first election. An initiative that enacts, modifies or repeals statute law assumes the force of law when approved by more than half the registered voters participating in an election conducted by the Electoral Trust in the relevant jurisdiction.

M. Effective Date.

The effective date of an initiative, if not otherwise specified in the initiative, shall be forty-five days after certification of its enactment by the Electoral Trust.

N. Judicial Review.

No court shall have the power to enjoin any initiative election except on grounds of fraud. After an initiative has been enacted into statute law, courts, when requested, may determine the constitutionality of the law. Courts have no power to adjudicate initiatives that amend the United States Constitution.

O. Promotional Communications.

Any communication, regardless of the medium through which conveyed, that promotes or opposes an initiative shall conspicuously identify the person(s) responsible for that communication, in a manner specified by the Electoral Trust.

P. Campaign Financing.

Only United States citizens may contribute funds, services or property in support of or in opposition to an initiative. Contributions from corporations including, but not limited to, such incorporated entities as industry groups, labor unions, political parties, political action committees, organized religions and associations, are specifically prohibited. Such entities are also prohibited from coercing or inducing employees, clients, customers, members, or any other associated persons to support or oppose an initiative. Violation of these prohibitions is a felony punishable by not more than one year in prison, or a fine not to exceed One Hundred Thousand Dollars, or both, per instance, applied to each person found guilty of the violation.

Q. Financial Disclosure.

The Electoral Trust shall establish financial reporting requirements applicable to initiative sponsors, proponents and opponents, with monetary thresholds appropriate to the affected government jurisdiction. The Electoral Trust shall make all financial reports available to the public immediately upon its receipt thereof. Failure of sponsors, proponents or opponents to comply with these reporting requirements shall be a felony punishable by not more than one year in prison or a fine not to exceed One Hundred Thousand Dollars, or both, per instance, applied to each person found guilty of the violation.

Section 4. UNITED STATES ELECTORAL TRUST.

The Electoral Trust shall administer the Democracy Amendment and the Democracy Act. The Electoral Trust shall be governed by a Board of Trustees and a Director. The Electoral Trust shall take advantage of contemporary technology in carrying out its mission. The activities of the Electoral Trust shall be transparent to the public.

A. Mission.

The Electoral Trust shall impartially administer the Democracy Amendment and the Democracy Act, including the legislative procedures herein, so as to facilitate the exercise of the citizens' legislative power. The Electoral Trust shall ensure that citizens may file, qualify and vote on initiatives relevant to any government jurisdiction at any time and from any location. The Electoral Trust shall neither influence the outcome of any initiative, nor alter the substance of any initiative, except as specified in Section 3.I, "Deliberative Committee".

B. Board of Trustees.

The Board of Trustees shall establish policy for and perform oversight of the Electoral Trust.

1) Membership.

The Board of Trustees shall include 53 members: one member elected by the citizens of each of the 50 states, the District of Columbia, Puerto Rico and the Territories of the United States.

2) Term of Office.

Members of the Board of Trustees shall serve a single four year term except as follows: Immediately after the first election, the members shall be divided as equally as possible into two classes. The seats of the members of the first class shall be vacated at the expiration of the second year; the seats of the members of the second class shall be vacated at the expiration of the fourth year.

3) Removal Of Trustees.

Any member of the Board of Trustees shall be removed from office upon a three-fourths vote of the full membership of the Board of Trustees, or by a majority of the voters participating in a recall election in the political jurisdiction from which the member was elected.

4) Vacancies.

A vacancy on the Board of Trustees shall be filled by majority vote of the full membership of the Board of Trustees on candidates who shall represent the political jurisdiction of the Trustee whose seat is vacant. A member appointed to fill a vacancy shall not subsequently be elected to the Board of Trustees.

5) Meetings.

The Board of Trustees shall meet at least annually and at such other times and in such places as it deems appropriate to conduct its business. All meetings of the Board shall be publicized in advance and open to the public, except as required by law. The Electoral Trust shall publish the minutes and video recordings of all meetings of the Board, except as required by law.

C. Interim Board.

The members of the Interim Board, hereby appointed, are the highest elected official (e.g., Lieutenant Governor, Secretary of State) responsible for the conduct of elections from each of the fifty states and Puerto Rico and the highest official responsible for the conduct of elections from the District of Columbia and the Territories of the United States. The responsibility and authority of this initial Board shall be confined to establishing policy and oversight for the registration of each citizen of the United States eligible to vote on an initiative, and establishing policy and oversight for the election of the members of the Board of Trustees.

D. Director.

The Director of the Electoral Trust is the Chief Executive Officer of the Electoral Trust and is responsible for its day-to-day management and operations, consistent with the policies established by the Board of Trustees. The Director shall conduct the first election of the Board of Trustees as soon as possible.

1) Term of Office.

The Director, except for the first Director, shall be appointed by majority vote of the Board of Trustees. The Director shall serve for a single term of six years. The Board of Directors of Philadelphia II shall appoint the first Director.

2) Removal Of Director.

The Director shall be removed from office upon a three-fourths vote of the full membership of the Board of Trustees, or by a majority of the voters participating in a national recall election.

3) Vacancy.

A vacancy in the position of Director shall be filled by majority vote of the full membership of the Board of Trustees .

E. Oath or Affirmation of Office.

Each Member of the Board of Trustees, the Interim Board, the Director and each employee of the Electoral Trust shall execute the following oath or affirmation of office as a condition of his or her service: "I, (name), (swear or affirm) that I will, to the best of my ability, defend and uphold the Constitution of the United States and the sovereign authority of the People to exercise their legislative power."

F. Organization and Responsibilities.

The Electoral Trust shall staff and organize itself to fulfill its mission and shall develop policies, procedures and regulations to register citizens upon their becoming eligible to vote, to assist sponsors in preparing initiatives for qualification, to process initiatives, to administer initiative elections and to administer elections and recall elections of the Board of Trustees and recall elections of the Director. The Electoral Trust may select and contract for facilities and services, and prescribe staff duties and compensation. The Electoral Trust may also apply for and receive funds, and incur debt when necessary, and shall act in a responsible manner as a fiduciary agency of the People.

1) Existing Law.

In fulfilling its responsibilities and performing its duties, the Electoral Trust shall comply with applicable laws and regulations of every government jurisdiction of the United States in which it operates that do not conflict with its mission defined in Section 4A, "Mission". Where laws are in conflict, this Democracy Act shall supersede.

2) Voter Registration.

The Electoral Trust shall develop requirements, facilities and procedures for universal lifetime voter registration of citizens of the United States which shall be binding in elections conducted under the authority of the Democracy Amendment and this Act in every government jurisdiction in which a voter is, or may become, a legal resident.

3) Research and Drafting Service.

The Electoral Trust shall establish and operate a legislative research and drafting service to assist citizens in preparing initiatives.

4) Communication.

The Electoral Trust shall establish the means, procedures and regulations to facilitate the communication of timely, comprehensive, balanced, and pertinent information on the subject matter of each initiative, which information shall be conveyed to the citizens of the relevant jurisdiction by various media, including radio, television, print, and the Internet and/or other electronic media. The Electoral Trust shall establish and maintain a web site for each qualified initiative that will contain, at a minimum, a summary of the Hearing Record, the report of the Deliberative Committee, the result of the Legislative Advisory Vote, statements prepared by the Sponsor, other proponents and opponents, and a balanced analysis prepared by the Electoral Trust of the pros and cons of the initiative, its societal, environmental, and economic implications, costs and benefits.

5) Hearings and Deliberative Committees.

The Electoral Trust shall organize a Hearing to receive testimony and shall convene a Deliberative Committee to deliberate on each qualified initiative. The Electoral Trust shall provide or arrange for professional Hearing Officers and Deliberation Facilitators, technical consultants and support staff and facilities as needed for the effective conduct of Hearings and Committee activities.

6) Elections

The Electoral Trust shall devise and administer policies and procedures to conduct elections of initiatives, of the Board of Trustees, and for the recall of any Trustee or the Director. In doing so, it shall take advantage of contemporary technology in developing procedures for voting and validating votes. All such policies and procedures shall be neutral with respect to the content of initiatives administered and the outcomes of elections conducted.

G. Budgets.

Budgets covering all elements of the Electoral Trust's operations and activities shall be prepared and published consistent with government practices and the public nature of the Electoral Trust's responsibilities.

Section 5. APPROPRIATIONS.

The People hereby authorize the appropriation of funds from the Treasury of the United States, pursuant to Article I, Section 9(7) of the United States Constitution, to enable the Electoral Trust to organize itself, repay debts herein described, and begin the performance of its duties. Debts to be repaid under this Section are those incurred by Philadelphia II, the proceeds of which were used to pay the costs of preparing for and conducting the election for the enactment of the National Initiative for Democracy, which costs shall include, but shall not be limited to, the production cost of ballots, printing, mail, print and electronic communications, including the Internet, and services in support of the election conducted by Philadelphia II, and related costs such as the cost of the legal defense of Philadelphia II's operations, all of which shall have been audited and certified as bona fide by the Electoral Trust prior to repayment. Hereafter, appropriations shall be made annually to the Electoral Trust as an independent agency of the United States Government.

Section 6. SEVERABILITY.

In the event that any one or more of the provisions of this Act shall for any reason be held to be invalid as a result of judicial action, the remaining provisions of this Act shall be unimpaired.

Section 7. ENACTMENT BY THE PEOPLE.**A. The Ballot.**

Philadelphia II shall present a ballot to the citizens of the United States for their legislative decision on the enactment of the National Initiative for Democracy by direct contact, mail, print, Internet and/or other media. Regardless of the media through which they are presented and transmitted, all ballots shall provide for entry of the following information:

- The voter's name.
- The voter's address, including street, city, postal code, county and state of residence.
- The voter's telephone number.
- The voter's e-mail address.
- A Yes or No vote on the National Initiative for Democracy.
- The date the ballot is executed.
- The voter's Identification Number (provided by Philadelphia II).
- The voter's Password (provided by Philadelphia II).
- The physical or electronic signature of the voter.

B. The Election.

Citizens registered to vote in any government jurisdiction within the United States may participate in the election for the National Initiative by executing a ballot such as described above and conveying it to Philadelphia II. The Amendment shall have been ratified and the Democracy Act enacted when Philadelphia II has received a number of affirmative votes greater than half the total number of government-validated votes cast in the presidential election occurring immediately prior to this election's certification by the President of Philadelphia II to the government of the United States, provided that the number of affirmative votes exceeds the number of negative votes received by

Philadelphia II at that time.

Section 8. DEFINITIONS

Administer

Plan, manage and execute the operations of an organization in accordance with governing policy, organizational regulations and pertinent constitutional and statute law.

Appropriation

A legislative act of the U.S. House of Representatives transferring public funds from the United States Treasury, in accordance with Article I, Section 9(7) of the Constitution.

Authorize (an appropriation)

A legislative act to empower or give necessary authority to make an appropriation of public funds from the United States Treasury.

Ballot

A document listing alternatives to be voted on or questions to be answered, along with other pertinent information. In this context, the ballot requests a simple "Yes" or "No" vote on the National Initiative for Democracy, plus information allowing verification of the voter's registration status together with data that can be used to contact the voter to confirm that his or her vote was accurately recorded.

Budget

An itemized summary of anticipated income and intended expenditures for a specified period of time.

Campaign

An operation or related set of operations pursued to accomplish a political purpose. In this context it refers to all of the activities conducted by any citizen or group of citizens together with all the resources applied by them to the goal of enacting or defeating an initiative.

Certify/certification

To confirm formally as to truth, accuracy, or genuineness; to guarantee as having met a standard. In this context:

- Citizens who vote to enact the National Initiative will certify their status as registered voters; and
- the Electoral Trust will certify the results of an election as being true and accurate, and having conformed to the law governing initiative elections; and
- Philadelphia II will certify to the United States government that, as a result of a national election, the Democracy Amendment and the Democracy Act are the law of the land.

Charter

A document that has been ratified by the people effected to establish and define the fundamental powers and privileges of a governing body for a municipality, county or other corporation..

Chief Executive Officer

The executive with responsibility and authority to plan, manage and conduct the operations of an organization; including the appointment of subordinate managers, hiring of employees, contracting for services, and undertaking or overseeing all other activities necessary to fulfill the mission of the organization subject to policies and guidelines established by the governing board of the organization or other superior authority.

Citizen

A person entitled by birth or naturalization to the protection of a state or nation; in particular, one entitled to vote and enjoy other privileges.

Coerce

To force to act in a certain way by use of pressure, threats, or intimidation.

Deliberation Facilitator

A professional in group processes and the effective conduct of meetings who is made available by the Electoral Trust to assist the citizen members of a Deliberative Committee in the conduct of their deliberations.

Election

In this context, the entire process, and the infrastructure supporting that process, by which votes are cast and tabulated to determine whether or not an initiative has been approved or rejected by the voters; or the process by which votes are cast and tabulated to determine the membership of the Board of Trustees of the Electoral Trust..

File (an initiative)

An initiative is filed when the Sponsor submits the initiative to the Electoral Trust for approval of its Title and Summary.

Government (local, state or national) A governing body that is defined by and draws its authority from a constitution or charter. **Government Jurisdiction**

A geographic area subject to governance by a legislative body. In this context, national, state, county or equivalent (e.g., parish), municipality (e.g., cities and towns), commonwealth (i.e., Puerto Rico) and Trust Territory (i.e., American Samoa, Guam and Virgin Islands), plus the District of Columbia -- are the specific jurisdictions referred to and included under the Democracy Act.

Induce

In this context, to lead or move, as to a course of action, by promise of reward or consideration.

Initiative

The legislative instrument chosen by the voting citizens of the United States to exercise their inherent power to enact or modify any governmental policy, law, charter, or constitution; as set forth in the Democracy Amendment to the U.S. Constitution.

Initiative Process

Infrastructure and procedures by which legislation may be introduced and enacted directly by the people.

Jurisdiction

See "Government Jurisdiction."

Lawmaker/Legislator

One who makes or enacts laws. In this context, either a member of an elected legislative body such as Congress, a state legislature, or a city council; or a citizen eligible to vote in the Legislature of the People.

Legislation

A legislative resolution or statute law produced by a legislature.

Legislative Advisory Vote.

A legally non-binding vote required by the Democracy Act to be taken by the legislative body of the government jurisdiction affected by an initiative, in which the members of the elected legislature

publicly vote yea or nay on the initiative. Serves as an advisory or cue to the citizens.

Legislative Body

An elected group of individuals having the power to create, amend and repeal laws together with the policies, procedures and infrastructure established by and under a governing constitution or charter.

Legislative Resolution

A formal expression of the opinion or "will" of a legislative body.

Legislature

An officially elected or otherwise selected body of people vested with the responsibility and power to make laws for a political unit, such as a state or nation.

Legislature of the People

The body of citizens who are eligible to vote in an election conducted by the Electoral Trust, which administers the policies, procedures and infrastructure established by and under the authority of the Democracy Amendment and the Democracy Act.

National Initiative

Short title for the National Initiative For Democracy.

National Initiative for Democracy

The Democracy Amendment to the Constitution of the United States and the Democracy Act, packaged together for concurrent presentation to the citizens of the United States in a national election to be conducted by Philadelphia II.

Opponent (of an initiative)

Any person who attempts, by any action, including but not limited to the contribution of funds, services, or other resources to be used for the creation or dissemination of information, to advocate that a qualified initiative be defeated at election.

Petition

In this context, a document in which registered voters indicate that they wish an initiative to be qualified for election. Petitions may be hard copy or electronic documents, and may be signed manually or electronically.

Philadelphia II

The nonprofit corporation conducting the election for the National Initiative.

Poll

In this context, a validated sampling of registered voters in which the respondents indicate whether or not they wish an initiative to be qualified for election.

Polling Plan

A document that describes the number and source of respondents; the method by which the respondents for a poll will be drawn; how the data will be collected, tabulated and presented; and how the question(s) on the poll will be worded. The Electoral Trust may require a polling plan to include such additional information as will permit it to carry out its responsibility to determine if the planned poll will accurately reflect the views of the citizens in the government jurisdiction affected by the initiative addressed by the proposed poll.

Proponent (of an initiative)

Any person who attempts, by any action, including but not limited to the contribution of funds, services, or other resources to be used for the creation or dissemination of information, to advocate

that a qualified initiative be enacted at election.

Qualify (an initiative)

To qualify for election an initiative must meet criteria established by the Democracy Act, thereby enabling the Electoral Trust to begin the processing of the initiative that leads to its enactment or defeat in an election by registered voters.

Ratify

An act of approval by a sovereign authority.

Registered Voter

In this context, any citizen of the United States who is at least 18 years old, who has registered once in his or her lifetime, is not imprisoned for a felony, and who has not been classified as "incompetent" by a court, provided that he or she has not renounced or otherwise given up United States citizenship.

Signature, Electronic

"Electronic signature" is a generic, technology-neutral term that refers to the result of any of the various methods by which one can "sign" an electronic document. Examples of electronic signatures include: a digitized image of a handwritten signature, a secret code or personal identification number (PIN) (such as are used with ATM cards and credit cards) or a unique biometrics-based identifier, such as a fingerprint or a retinal scan. The Electoral Trust will specify and/or implement electronic signature technology to be used by voters who choose to submit ballots signed electronically.

Signature, Manual

A person's name or equivalent mark written in the person's own handwriting.

Sovereign

When used as a noun: one who, singly or in company with others, possesses supreme authority in a nation or other governmental unit. When used as an adjective: self-governing; independent; possessing highest authority and jurisdiction.

Sponsor

A person, or a group of individually identified people, responsible for the submission of an initiative to the Electoral Trust for qualification and processing.

Statute Law

An enactment by a legislative body, e.g., laws, resolutions and ordinances.

The People of the United States

The introductory phrase of the Democracy Act begins with the phrase "Be It Enacted By The People Of The United States." In this context the term "People of the United States" is used for consistency with our Constitution and Declaration of Independence.

Transparency, Transparent

In general usage: free from guile; candid, open and easily understood. In this context, the term "transparent" refers to the fact that the workings and products of the Electoral Trust are to be continuously public; that is, open to inspection and review by the citizenry except as may be required by law.