

AN [ACT/LAW/ORDINANCE/STATUTE/RESOLUTION] IN THE [LEGISLATIVE BODY, E.G., COUNCIL OR ASSEMBLY] OF [NAME OF TOWN, CITY, STATE, COUNTY, OR OTHER JURISDICTION]

TO JOIN WITH OTHER JURISDICTIONS IN PROPOSING THE DEMOCRACY DECREE

BE IT ENACTED BY THE [NAME OF LEGISLATIVE BODY] OF [NAME OF JURISDICTION], THAT

SECTION 1. THIS [ACT] MAY BE CITED AS THE “DEMOCRACY DECREE PROPOSAL [ACT] OF 20[24]”.

SECTION 2. THE DEMOCRACY DECREE, IN FURTHERANCE OF SECTION 3 THEREIN, IS PROPOSED AS FOLLOWS:

**“PREAMBLE**

“We the people of the United States, in order to establish government by consent of the governed, and in exercise of our right to alter any form of government that is destructive of our unalienable right to life, liberty, and the pursuit of happiness, do hereby decree that the Constitution of the United States of America is revised as follows:

**“REPRESENTATIVE DEMOCRACY**

**“1. Popular Election of President and Vice President**

“The winners of the popular vote for president and vice president shall be elected president and vice president.

**“2. Proportional Representation in Congress**

“The relative voting power of parties in each house of Congress shall be proportional to the number of votes that each party or its candidates received in the election for the relevant term.

**“ADOPTION OF THE DECREE**

**“3. Proposal**

“Any combination of states, municipalities, or other jurisdictions that together represent a population of at least twenty percent of the population of the United States as of the most recent decennial Census may propose this Decree for ratification.

**“4. Ratification**

“(a) Upon proposal under Section 3, all states and the District of Columbia shall conduct a vote of their citizens within a hundred days as to whether this Decree should be ratified.

“(b) During the sixty days following the hundred-day period under subsection (a), any municipality or other jurisdiction within the United States whose citizens did not have an opportunity to vote on ratification under subsection (a) may conduct a vote of its residents as to whether this Decree should be ratified.

“(c) During the thirty days following the sixty-day period under subsection (b), individuals

whose state and local governments did not provide an opportunity to vote on whether this Decree should be ratified shall be permitted to vote in a jurisdiction that conducted a vote under subsection (a) or (b) and chooses to conduct a vote for such individuals. The method of voting under this subsection shall be determined by the jurisdiction conducting the vote and may limit the period for voting to facilitate timely counting of the vote.

“(d) If a majority of people voting on ratification under subsections (a), (b), and (c) vote in favor of ratification, then this Decree shall take effect and be implemented as provided under Sections 5 and 6 and shall be valid to all intents and purposes, as part of the Constitution of the United States of America, in exercise of the people's right to self-governance, as articulated in the Declaration of Independence.

## “INITIAL IMPLEMENTATION

### “5. Caretaker Replacement for President and Vice President Who Lost Popular Vote

“(a) If the ratification period begins during the term of a president who did not win the popular vote in the most recent presidential election, or if a presidential election is scheduled for within the ratification period, then each state or other jurisdiction conducting a vote of its citizens as to ratification shall employ a ballot that additionally prompts voters to choose a party to appoint a caretaker president and vice president. The major parties, and only the major parties, shall be included as choices on the ballot for this purpose.

“(b) If a party vote was included under subsection (a) and at the end of the ratification period a president is serving who did not win the popular vote in the most recent presidential election, then within seven days after the close of the ratification period, the party that received the most votes shall choose a caretaker president and a caretaker vice president by a vote of those members of the House of Representatives that caucus with that party. At noon on the tenth day following ratification, the terms of the president and vice president who did not win the popular vote shall end, and the caretaker president and vice president shall take office. The terms of the caretaker president and vice president shall end when the first president elected by the people under this Decree takes office under Section 6(b)(iii).

### “6. First Presidential Election Implementing This Decree

“(a) If at the end of the ratification period a president is serving who won the popular vote in the most recent presidential election, then the implementational presidential election shall be the next presidential election as otherwise provided for by law.

“(b) If at the end of the ratification period, a president is serving who did not win the popular vote in the most recent presidential election, then

“(i) the implementational presidential election shall be held

“(A) concurrently with congressional elections on the first ordinary election day following the date of ratification, if, and only if, those two days are separated by at least six months and no more than twelve months, or else

“(B) on the first Tuesday that is at least six months after the date of ratification;

“(ii) the caretaker president and vice president under Section 5 shall not be eligible as candidates in the implementational presidential election; and

“(iii) on the twentieth day of the second month after the implementational presidential election under this Section, the terms of the incumbent president and vice president shall end, and the candidates newly elected as president and vice president in the implementational presidential election shall take office and shall serve until the beginning of the next presidential term as otherwise provided by law.

## **“7. First Congressional Election Implementing This Decree**

“(a) The implementational congressional election

“(i) shall employ a national party vote that shall lead to the appointment of additional members to each house of Congress if the party membership among members holding geographically based seats is not in proportion to the result of the party vote, and

“(ii) shall not otherwise affect the date or manner of the election of geographically based seats.

“(b) The implementational congressional election shall be held

“(i) concurrently with elections for geographically based seats on the first ordinary election day following the date of ratification, if, and only if, those two days are separated by at least three months and the first ordinary election day is scheduled for a date prior to the date of the implementational presidential election, or else

“(ii) concurrently with the implementational presidential election under Section 6.

“(c) The ballot for the party vote shall include all political parties (A) whose membership includes at least one person who was elected to serve in the term of Congress in session at the time of the implementational congressional election and (B) that have published, not later than 30 days prior to the implementational congressional election, an ordered list of candidates for additional member seats for each house of Congress to which it may be eligible to appoint additional members under subsection (A). Other parties shall not appear on the ballot.

“(d) Any party vote ballot listing more than two parties shall prompt voters to rank their choice of parties. Party votes shall be tabulated separately as to each house. As to each house, the party vote for each ballot shall be counted towards the party ranked highest on the ballot among those parties at least one of whose members was elected to a geographically based seat in that house for the relevant term. The relevant term means

“(i) the term beginning after the implementational congressional election, if, and only if, the implementational congressional election is held on ordinary election day, or else

“(ii) the term in session at the time of the implementational congressional election.

“(e) Additional member seats for the relevant term shall be added to either house for any party that won a larger percentage of the party vote than it holds in geographically based seats, following the Jefferson highest averages method for determining proportionality, and excluding parties that do not qualify for additional member seats under subsection (d). In calculating the percentage of geographically based seats held by members of a party under this Section, each party's seats include the seats of all members who choose to caucus with that party at the time of appointing additional members, provided that no party may confer a committee appointment or other benefit of party association at any time during the term on any member who does not caucus with the party at the time of appointing additional

members.

“(f) Additional member seats shall be filled, in order, from the affected parties’ ordered lists, published under subsection (c)(B). If the implementational congressional election is not held on ordinary election day, then the additional members, if any, shall begin their service one week after the results of the party vote are certified and in no case later than 21 days after the implementational congressional election.

“(g) Additional members shall serve as ordinary, independent members until the end of the congressional term and may not be removed by the party leader. If an additional member becomes unable to serve during the term, the party leader may appoint a replacement to serve the remainder of the term.

## “SUBSEQUENT ELECTIONS

### “8. Subsequent Modification of Election System

“During any term of Congress beginning after the implementational elections under Sections 5 and 6, Congress may alter the election system for subsequent elections by ordinary legislation pursuant to Article I, Section 7 of the Constitution, as limited by other provisions of the Constitution, including but not limited to the First, Fifth, and Fourteenth Amendments, provided that

“(a) no such alteration shall conflict with Section 1 or reduce proportionality under Section 2, including by comparison with the methods of Section 7 and any subsequent statutory modifications to the election system, provided that a change in the minimum level of voter support required for a party that is not a major party to benefit from the method of achieving proportionality shall not be considered a change in the degree of proportionality, and

“(b) no such alteration shall take effect unless it has been enacted in two consecutive terms of Congress.

### “9. Election System as Implemented Until Modified

“In the absence of any alteration under Section 8, subsequent elections shall be governed by the procedures of the implementational presidential and congressional elections under this Decree, provided that, as to subsequent elections,

“(a) this Decree shall not govern dates of elections and terms of office for president and geographically based seats in Congress; and

“(b) for the purpose of computing additional member seats in the Senate following the second congressional election cycle after the adoption of this Decree, the party vote shall be the average of the party vote in the two congressional election cycles since adoption, and, beginning with the third congressional election cycle after adoption, the party vote shall be the average of the party vote in the most recent three congressional election cycles.

## “ADDITIONAL QUESTIONS

### “10. Voting Method for Implementational Presidential Election

“Each state or other jurisdiction conducting a vote of its citizens as to ratification of the Decree under Section 4 shall employ a ballot that additionally prompts voters to choose between the alternative vote method and approval voting as the voting method for the

implementational presidential election. The result shall determine the voting method in the election under Section 6.

### **“11. Terms of Certain Judges**

“(a) Each state or other jurisdiction conducting a vote of its citizens as to ratification of the Decree under Section 4 shall employ a ballot that additionally prompts voters to choose whether the terms of judges who were appointed during a presidential term to which the president was elected despite losing the popular vote should be ended.

“(b) If a majority of those voting under subsection (a) vote in favor, then the terms of such judges shall be determined as follows:

“(i) The terms of any such judge serving on the Supreme Court shall end when the president elected under Section 6 takes office.

“(ii) The terms of such judges serving on federal courts other than the Supreme Court shall end in the order in which they were appointed, in 96 groups of equal size, on the last day of each of the 96 consecutive months beginning in the first month of the term of the president elected under Section 6. The assignment of end-of-term dates shall be based on which judges are serving when the president elected under Section 6 takes office. If the number of judges to be assigned an end-of-term date is not evenly divisible by 96, then the numbers assigned shall be rounded up in earlier months and down in later months as necessary to assign a whole number to each month.

“(c) This Section shall not disqualify affected judges from appointment to life terms with the advice and consent of the Senate.

### **“APPLICATION**

### **“12. Limitation of Review**

“This Decree is a sovereign act of the people. It is not within the power of any court or other person or institution to limit or review its validity.

### **“13. Definitions**

“(a) “additional members” means members of Congress who serve in addition to members elected to geographically based seats, in order to bring the composition of Congress into compliance with Section 2.

“(b) “alternative vote method” means a voting method wherein (i) the ballot prompts each voter to rank tickets in the order of the voter’s preference; (ii) if any ticket is highest ranked on a majority of ballots cast, then that ticket is declared the winner; (iii) if no ticket has been declared the winner, then the ticket that is highest ranked on the fewest ballots is be treated as a defeated ticket and the ballots are retabulated, with each ballot counted in favor of the ticket that is highest ranked among the tickets that were not defeated; (iv) if any ticket is highest ranked on a majority of ballots cast, following the retabulation procedure of step (iii), then that ticket is declared the winner; and (v) steps (iii) and (iv) are repeated until a ticket is declared the winner.

“(c) “approval voting” means a voting method wherein the ballot prompts each voter to vote for as many tickets as the voter chooses, and the ticket that receives the most votes is

declared the winner.

“(d) the “Constitution” means the Constitution of the United States of America.

“(e) “date of ratification” means the day on which this Decree will have been ratified under Section 4.

“(f) the “Decree” or the “Democracy Decree” means this Decree.

“(g) “geographically based seat” means a seat in the Senate filled by a vote of the people of that state or a seat in the House of Representatives filled by a vote of the people of a congressional district within a state.

“(h) “implementational congressional election” and “implementational presidential election” mean, respectively, the first congressional and first presidential elections governed by this Decree. To the extent that rules for those elections are applied to subsequent elections, “implementational congressional election” and “implementational presidential election” shall be understood to refer to such subsequent elections.

“(i) “major parties” means the two parties with the most members serving as members of Congress or, if there are no such two parties, then the smallest number of parties greater than two that have the most members serving as members of Congress.

“(j) “ordinary election day” means the day set by law for the general election of federal officials every two years.

“(k) “party vote” means a national vote of the people for political party in Congress.

“(l) “presidential election” means an election for president and vice president, including one in which the ballot prompts voters to choose among tickets.

“(m) “ratification period” means the period during which the states and other jurisdictions hold a vote on ratification under Section 4.

“(n) “Section” means a Section of this Decree, unless otherwise specified.

“(o) “ticket” means a ballot option for a candidate for president and a candidate for vice president who are running as a pair.”