

# Plan to split California into three states barred by state Supreme Court

*But the plan to divide the Golden State isn't over yet*

By [Adam Brinklow](#) | Jul 19, 2018, 9:18am PDT



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On Wednesday, the California Supreme Court [issued an order](#) removing from the November ballot a [voter initiative](#) to divide California into three new states. The measure was the brainchild of Silicon Valley capitalist [Tim Draper](#).

The plan sought to divide California into three states: Northern California, Southern California, and California (coastal enclaves from Los Angeles County to Monterey County would fall within the boundaries of California; Orange County, San Diego, and southern inland counties would be in Southern California; and Santa Cruz County and northward would be Northern California).

The court made the decision in response to a lawsuit brought by the Sacramento-based environmental group [Planning and Conservation League](#).

Critically, the decision neither spells the end of the suit, nor the end of Draper's [Cal 3](#) campaign; however, it almost certainly means no one will be voting on it this year.

The court's order reads, in part:

Because significant questions have been raised regarding the proposition's validity, and because we conclude that the potential harm in permitting the measure to remain on the ballot outweighs the potential harm in delaying the proposition to a future election, respondent Alex Padilla, as Secretary of State of the State of California, is directed to refrain from placing Proposition 9 on the November 6, 2018, ballot.

Both respondent Padilla and real party in interest Timothy Draper are ordered to show cause before this court, when the above matter is called on calendar, why the relief sought by petitioner, Planning and Conservation League, should not be granted.

In short, since the case may not be resolved by November, since the consequences of letting the Cal 3 vote go ahead are potentially nothing short of sweeping—and since Draper has plenty of hypothetical opportunities to put the measure to voters again in the future—the justices are putting a stay on this one.



Rendering via Sacramento Bee

That's strike two for Draper's ongoing split plan; in 2014 the Bitcoin billionaire, noted for investing in companies like Tesla and Skype before his current cryptocurrency phase, made a stab at splitting California into six states. That plan didn't make the ballot then, either.

The Cal 3 drive was comparably less ambitious, but still not likely to succeed even if voters had a chance to consider it.

Under [Article 3, Section IV](#) of the U.S. Constitution, the state of California has no power to create new states on its own. The best Draper’s initiative could do would be to direct the state to ask the U.S. Congress for permission to split up.

Before the court’s decision, Cal 3 released a [statement](#) slamming the conservation league, saying that it’s “another example of how Sacramento politicians, powerful unions and their high-priced lobbyists are trying to hold onto power at the expense of California voters.”



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