Remove three Californias plan from the ballot, Supreme Court says

BY TARYN LUNA
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Venture capitalist Tim Draper’s new plan to break up California is on the November 2018 ballot. This time he wants to split the Golden State into three states. Here’s what that would look like. By SHARON OKADA

The California Supreme Court ruled Wednesday in favor of opponents of a plan to divide California into three, saying the measure should not appear on the November ballot.

The court instructed Secretary of State Alex Padilla to refrain from putting the measure before voters pending further review, “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...”

The environmental nonprofit Planning and Conservation League and political attorneys alleged that breaking up the state is a “revision” of the state constitution and requires support by two-thirds of the California Legislature before it can go to the 2018 ballot.

“The California’s Constitution rightfully ensures that voters have a voice in public policy through direct democracy, and just as rightfully requires a higher threshold for sweeping changes to the basic structure of our government,” Howard Penn, executive director of the Planning and Conservation League, said in a statement. “If those constitutional safeguards mean anything, they should prevent a billionaire from circumventing the constitutionally required process for making such sweeping changes to our government.”

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Congress were required to approve Virginia’s split back in 1863, the last time an American state was divided. The ballot initiative process did not exist in 1863.

The proponents of the three Californias initiative attempted to exempt legislative approval with language in the bill that says the people of California “provide the legislative consent for the formation of three new states to Congress as required by the United States Constitution.”

Tim Draper, a wealthy investor and main proponent of the bill, argued in state filings that the split would create a more representative form of government. The Supreme Court gave him 30 days to respond.

*Editor’s note: This post was updated on July 18 to reflect the Supreme Court’s ruling.*

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