

Constitution of the State of San Andreas: A Briefing Document

Executive Summary

The Constitution of the State of San Andreas, enacted in 2021 and amended through 2025, establishes a government founded on the principle that all political power is vested in the people. It outlines a tripartite system with a distinct separation of powers among the Executive, Legislative, and Judicial branches, reinforced by a robust system of checks and balances.

Key features of this constitution include an extensive Bill of Rights that protects traditional liberties alongside modern rights concerning privacy, same-sex marriage, abortion, and non-discrimination based on gender identity. The document places a strong emphasis on direct citizen participation, granting the populace the power to veto legislative acts, propose constitutional amendments via initiative, recall elected officials, and submit legislative proposals directly to the General Assembly.

The government is structured with a bicameral legislature—a Senate with equal representation for each district and a House with proportional representation based on population. The judiciary is a three-tiered, elected system comprising a Supreme Court, Superior Courts, and Trial Courts, with specific commissions for judicial discipline. The framework for governance extends to the local level, defining the structure and powers of counties, municipalities, and autonomous Charter Cities. Fiscal policy is governed by strict rules on taxation, balanced budgets, and citizen oversight of state finances. This constitution creates a detailed blueprint for a government that is both powerful in its scope and directly accountable to its citizenry.



**Provided by the San Andreas
General Assembly**

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I. Foundational Principles and Citizen Sovereignty

The constitution is anchored in the principle of popular sovereignty, explicitly stating that "All political power is vested in and derived from the people." This philosophy is woven throughout the document, manifesting in an expansive Bill of Rights and multiple mechanisms for direct citizen oversight and legislative action.

A. The Preamble and Bill of Rights (Article II)

The Preamble establishes the government's purpose: to "form a more independent and perfect government; establish justice; insure tranquility; provide for the common defense; promote the general welfare and secure the blessings of liberty." The Bill of Rights enumerates specific, inalienable rights afforded to all persons.

Key Protected Rights Include:

- **Fundamental Freedoms:** Freedom of speech, press, religion, and peaceable assembly.
- **Due Process and Criminal Justice:** Guarantees a speedy public and jury trial, the right to face witnesses, and protection against self-incrimination. It prohibits unreasonable searches and seizures (extending to electronic data), excessive bail, and cruel and unusual punishments.
- **Prohibition on Civil Asset Forfeiture:** Article II, Section 12 explicitly forbids the state from seizing property unless the owner is first convicted of a crime and the property is proven to have been used in that crime.
- **Privacy and Personal Autonomy:**
 - **General Privacy (Sec. 11):** Protects against governmental and corporate intrusion into private affairs, requiring explicit consent or a valid warrant for the collection or disclosure of personal information, including healthcare and educational documents.
 - **Abortion (Sec. 10):** Guarantees an individual's right to choose whether to continue a pregnancy without state interference. It also mandates state funding for abortion services in cases of rape or incest.
- **Equal Protection and Non-Discrimination:**
 - **Non-Discrimination (Sec. 8):** Prohibits discrimination on the basis of gender, race, religion, ethnicity, sex, gender identity, sexual orientation, disability status, or political affiliation.
 - **Same-Sex Marriage (Sec. 9):** Guarantees the right to marry shall not be denied on account of sex, gender, gender identity, or sexual orientation, and requires full faith and credit for marriages from other jurisdictions.
- **Right to Bear Arms and Militias (Sec. 13):** Protects the right to keep and bear arms for defense while stipulating that a well-regulated militia must remain under strict civil control.
- **Freedom of Information (Sec. 14):** Establishes a fundamental right of access to public records and meetings to ensure government transparency.

B. Mechanisms for Direct Citizen Governance

The constitution provides several powerful tools for citizens to directly influence and control the government, independent of elected representatives.

Mechanism	Article/Section	Description	Requirements
Citizen Veto of Legislative Acts	Art. II, Sec. 15	Allows citizens to challenge and repeal any act passed by the General Assembly via a referendum.	Petition with signatures from 25% of qualified electors statewide, filed within 90 days of the legislative session's adjournment. A majority "No" vote on the ballot repeals the act.
Recall from Office	Art. VII, Sec. 5	Enables citizens to remove any state, county, or city elected official from office.	Petition with signatures from 30% of qualified voters in the official's jurisdiction. A referendum must then pass with at least 53% in-favor votes.
Citizen-Propose d Constitutional Amendments	Art. XIV, Sec. 2	Grants citizens the power to propose constitutional amendments through an initiative petition process.	Petition with signatures from 10% of the total state electorate or 30% of a legislative district's electorate. The amendment must be approved by at least 55% of voters in a general election.
Citizen Legislative Proposals	Art. XIV, Sec. 4	Gives any qualified citizen the right to formally propose legislation to the General Assembly for consideration.	The citizen submits a written proposal, which is then referred to the appropriate legislative committee. The citizen does not gain the right

			to debate or vote on the proposal.
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II. Structure of the State Government

The constitution establishes a government with three distinct branches, each with defined powers and limitations designed to create a system of checks and balances.

A. Executive Branch (Article IV)

The supreme executive power is vested in a Governor, who is responsible for the faithful execution of state laws.

Office	Term Length	Term Limits	Key Qualifications	Key Powers and Duties
Governor	4 Years	2 consecutive terms	30+ years old, U.S. citizen, 5-year state resident.	Commander-in-Chief of state military; grants pardons and reprieves; vetoes legislation; convenes special legislative sessions; nominates Cabinet members and the State Court Administrator.
Lieutenant Governor	4 Years	(Same as Governor)	Same as Governor.	First in line of succession; serves as President of the General Assembly, casting tie-breaking votes.

The Governor's **Cabinet**, composed of the heads of state departments, serves as the principal advisory body. Cabinet members are nominated by the Governor and must be confirmed by a 55% vote of the Senate.

B. Legislative Branch (Article V)

Legislative power is vested in a bicameral legislature known as the General Assembly, consisting of a Senate and a House of Representatives.

Composition and Member Details:

Chamber	Basis of Representation	Member Qualifications	Term Length	Term Limits
House of Representatives	Proportional: 1 Representative per 5,000 inhabitants.	21+ years old, 5-year state resident.	2 Years	None
Senate	Equal: 2 Senators per Senatorial District, regardless of population.	45+ years old, 10-year state resident.	6 Years	3 consecutive terms

Key Legislative Powers and Processes:

- **General Powers:** Levy taxes, appropriate funds, establish public schools, define crimes, and establish courts inferior to the Supreme Court.
- **Impeachment:** The House has the sole power to initiate impeachment with a 55% vote. The Senate has the sole power to try impeachments, requiring a 65% vote for conviction. Grounds include wrongdoing, corruption, bribery, or a criminal conviction.
- **Veto Override:** The Legislature can override a gubernatorial veto with a two-thirds vote in each chamber.
- **Representation Adjustment:** The House is reapportioned every 10 years following the decennial census. The total membership of the General Assembly is capped at 255 members for a 10-year period from the 2024 amendment.

C. Judicial Branch (Article VI)

The judicial power is vested in a hierarchical court system responsible for interpreting the state constitution and laws.

Court Structure and Jurisdiction:

Court Level	Composition	Term Length	Term Limits	Jurisdiction
Supreme Court	15 Justices, elected statewide.	8 Years (single term)	1 term	Original jurisdiction in cases involving public officials or the state; appellate jurisdiction over all other cases; superintending control over lower courts.
Superior Courts	Elected judges.	6 Years	3 terms	First court of appeals; original jurisdiction over all felony cases.
County Trial Courts	Elected judges.	4 Years	6 terms	Original jurisdiction over nearly all civil and criminal cases, including felonies, equity, and domestic relations.

Judicial Administration and Oversight:

- **Commission on Judicial Discipline:** An independent body of 20 licensed attorneys, nominated by the Attorney General and confirmed by the legislature, responsible for investigating complaints of judicial misconduct. Members serve 4-year terms with a 16-year total limit.
- **State Court Administrator:** A licensed attorney, nominated by the Governor and confirmed by 60% of the legislature, responsible for the administration of the judicial branch and ensuring it remains fair and impartial.
- **Judicial Nominating Commission:** This body, intended to assist in selecting judges, is explicitly marked as **(REPEALED)** in the constitution.

III. Governance, Administration, and Finance

The constitution provides a detailed framework for elections, education, revenue, and the organization of local governments.

A. Elections and Voting (Article VII)

- **Suffrage:** The right to vote is granted to all resident citizens aged 18 and older.
- **Secret Ballot:** All elections must be by secret ballot to protect against coercion.
- **Referendums:** The Legislature can initiate referendums. A 55% majority is required to pass a constitutional amendment, while a simple majority (50%) is needed for a statutory amendment.

B. State and Local Officers

The constitution establishes several key elected offices at the state and county levels with specified duties.

Office	Level	Term	Term Limits	Key Responsibilities
Attorney General	State	4 years	2 consecutive	Chief legal officer; prosecutes/defends suits involving the state.
Secretary of State	State	4 years	2 consecutive	Chief elections officer; keeper of the Great Seal.
State Treasurer	State	4 years	2 consecutive	Chief financial officer; manages public funds.
District Attorney	County/District	4 years	2 consecutive	Chief prosecuting officer for their jurisdiction.

County Sheriff	County	4 years	2 consecutive	Chief law enforcement officer of the county.
Other County Officers	County	4 years	2 consecutive	Assessor, Clerk, Surveyor, and Treasurer with specific administrative duties.
Mayor / City Council	Municipal	4 years	2 terms	Chief executive and legislative bodies for municipalities.

C. Education (Article IX)

- **Compulsory Education:** Required for all children between ages 6 and 18.
- **Local Control:** The state is prohibited from compelling school districts to use specific textbooks or curricula. This authority is vested in locally elected school boards.
- **Separation of Church and State:** The public education system must remain separate from religious institutions, and no student can be compelled to receive religious instruction.
- **State Board of Education:** A five-member elected body that sets statewide policies and oversees the Department of Education. Members must be 50+ years old and serve 4-year terms with a two-term limit.

D. Revenue and Finance (Article X)

- **Taxation:** The Legislature has the authority to levy uniform taxes for public purposes.
- **Balanced Budget:** The Legislature is responsible for adopting a balanced budget each fiscal year.
- **Citizen Oversight:** The constitution mandates the establishment of an independent body to provide citizen oversight of all state and local financial matters, with the power to subpoena records.
- **Public Funds:** All state money must be paid into the State Treasury and can only be drawn via appropriations made by law.

IV. Local Government Structure

The constitution organizes local governance into counties, municipalities, and charter cities, granting varying degrees of autonomy.

A. Counties (Article XI)

Counties are the primary unit of local government. Each county elects a **Board of County Commissioners** as its legislative and executive body. The size of the board is determined by population:

- Less than 10,000 people: 3 members
- 10,000 or more: 5 members
- 18,000 or more: 7 members

B. Municipalities and Charter Cities (Articles XII & XIII)

- **Municipalities:** General law municipalities are granted powers by the state legislature to provide for the welfare of their inhabitants, including a Mayor and a City Council.
- **Charter Cities:** Municipalities can vote to adopt a charter, granting them "home rule." A Charter City has superior autonomy and can govern itself on local affairs (e.g., finance, elections) as long as its ordinances do not conflict with the state constitution or general state laws.

V. Amendments and Special Provisions (Article XIV)

- **Acts of War:** A declaration of war or commencement of hostilities requires the approval of a two-thirds majority in both legislative chambers. The Governor may take immediate defensive action without prior approval but must report it to the Assembly forthwith.
- **Vacancies in Office:** Vacancies are filled at the next regularly scheduled November election. If a vacancy occurs after the ballot deadline, a special election is held by January 6.
- **Repealed Provisions:** The constitution notes two repealed sections:
 - **Art. VI, Sec. 5:** The Judicial Nominating Commission.
 - **Art. XIV, Sec. 1:** A provision that prohibited any elected official from receiving compensation for holding public office.