



## **California and the Laws that Divide**

### **Part 6 – Over-reach and Boomerangs - the Legislative MO**

The United States Constitution establishes only THREE qualifications to serve as President:

1. Natural born citizen of the United States of America
2. Age 35 or older
3. U.S. resident for 14 years

**There is NO other Constitutional requirement.**

**Moreover, there is no provision in the Constitution for any State to impose further requirements.**

**And yet, in 2019, the California Legislature passed Senate Bill 27**, requiring every candidate for President to provide the state with “every income tax return filed” with the IRS “in the five most recent taxable years.” Those returns would be made public.

A candidate who fails to do so will not be placed on the California ballot.

**Not only does this law appear to violate the Constitution,**

- This law violates the privacy of a U.S. citizen simply for having the audacity to seek the presidency.
- This law will lead to much misinformation and misinterpretation, since most people are not educated in how to read and understand complicated tax documents.
- This law is discriminatory in the extreme.
- This law authorizes the state to intrude into the rights of political parties to nominate their chosen candidate for the presidency, and could disenfranchise all Californians from their vote in a presidential election.

**Now, a new proposal suggests adding insult to injury.**

As briefly mentioned in Part 3 of this article series, California’s legislature is currently considering a new proposed law, [Senate Bill 929](#).

**In part, the bill states:**

“Before placing the name of a candidate for President or Vice President on the ballot for the general election, the Secretary of State shall determine whether the candidate satisfies the qualifications for the office described in Clause 5 of Section 1 of Article II of, and Section 3 of the Fourteenth Amendment and the Twenty-Second Amendment to, the United States Constitution.

The Secretary of State shall not place on the ballot any candidate that the Secretary of State determines is not eligible in accordance with these provisions.”

Those following recent news stories will remember that **the referenced Fourteenth Amendment clause is known as the Insurrection Clause.**

- It will also be remembered that on March 4, 2024, the U.S. Supreme Court unanimously ruled, "**The Constitution makes Congress, rather than the states, responsible for enforcing section 3** against all federal officeholders and candidates."
- The Supreme Court ruling emphasized that **states retain the power to bar people running for state office** from appearing on the ballot under Section 3.
- It also emphasized that **if state officials had the freedom to determine who could appear on the ballot for president** (which they do not), a patchwork of decisions around the country could send elections into chaos.

Even Governor Newsom issued a statement that “in California, we defeat candidates at the polls. Everything else is a political distraction.”

**SB 929’s sheer over-reach will likely cause it to die in Committee.** We can only hope so.

**But its very introduction should be concerning to every Californian of every political stripe.**

That even one Legislator would seek to supersede the Constitution and vest such unilateral power in a single individual, such as the state Secretary of State, should be alarming to all.

Under this proposal, **one single Californian**, by virtue of having an elected title, would have the power to declare “unworthy for the office of President” an individual who has:

- been duly nominated through a nationwide Primary process and a national Party convention.
- not been charged by the legal system, let alone tried and convicted of the crime(s) listed in the Insurrection Clause.
- not been examined and diagnosed as mentally incompetent by a medical professional.

SB 929 would confer upon the Secretary of State the title of DA, judge, jury, executioner and medical specialist, with the power to deny the population of the

largest state in the union the right to vote for the same candidate all other voters in the nation will see on their ballots.

**Sadly, proposed bills with this level of over-reach are not unusual in recent years in California.** While most are eventually killed or withdrawn due to public response, they never completely go away.

**They are trial balloons, boomerangs that return over and over, constantly testing the People's watchfulness.** Often, they are successful in wearing down the People's resistance or simply steamrolling an unpopular idea because it advances an agenda.

One boomerang example is the effort to ally California to the Electronic Registration Information Center (ERIC).

- EIPCa published several articles regarding this proposal, which began as AB 1206 in 2023.
- EIPCa advocated aggressively against the bill, and eventually it was “killed” in the Assembly Appropriations Committee.

### **The public's sigh of relief was short-lived.**

- The same bill was resurrected this year, and deceptively given a new number, [AB 2050](#), which allowed it to evade detection a bit longer.

**This time it appears poised to pass the Assembly** and begin the vetting process in the Senate. **EIPCa is ready.**

- You may see EIPCa's most recent letter of opposition, our third overall, [HERE](#)
- Please add your voice to ours for this and other bills of concern. See our “how to” instructions [HERE](#)

It is frustrating and exhausting to always have to be on guard against attempts to violate or circumvent the State or federal Constitution, to assault citizens' rights or to abuse the People's hard-earned money.

### **But it is necessary if we are to Restore and Keep our Republic.**

It is equally necessary to undo the damage of years of legislation through efforts such as EIPCa's [federal lawsuit](#) challenging the constitutionality of over 20 such laws.

It would be refreshing to see legislation proposed to **protect our rights** or to **spend less of our money** on boondoggles and unworthy schemes.

We will never give up hope for such a miracle, but until then, fellow Californians, sleep with one eye open and join us in fighting these California laws that

**divide us from the Constitution,  
divide us from our rights,**

**divide us from common sense,  
divide us from our money,  
and divide us from each other.**

**Please continue to support EIPCa as the lawsuit progresses.**

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