

# The Clark

Official Legislative Journal of Talossa – 1st December 2004/XXV

Part one: Results of the November, 2004 Clark

**Cosâ Votes: (p) = pass, (f) = fail, (b) = blocked (failed in one house), (2) = failed 2/3 vote**

MC	Party	Seats	RZ13 (b)	VOC
Erni	MN	30	contrâ	yes
Toumayan	MN	16	për	yes
Cantaloûr	MN	30	për	yes
Hottelet	MN	16	(no vote)	
Cone	Ind.	30	për	yes
Moisan	ZPT	8	contrâ	yes
Asmoûr	Ind.	10	contrâ	yes
Chelêir	Ind.	10	(no vote)	
			76-48-0	124-0

(late) = votes received after deadline; blank = no votes received

**Senâts Votes: (p) = pass, (f) = fail, (b) = blocked (failed in one house), (2) = failed 2/3 vote**

Province	Senator	RZ13 (b)
Atatürk	Cantaloûr	për
Cézembre	Felici	për
Florenciâ	Glâfke	austanêu
Maricopa	Hottelet	(no vote)
Mar-Mar	Lorentz	austanêu
Mussolini	Erni	contrâ
Vuode	Durnford	contrâ
		2-2-2

**Part two: New legislation for December, 2004**

**RZ14 “The Secretary of State is No Longer above the Law (Amendment) Act”**

WHEREAS, in the judgement of the Uppermost Cort, the Organic Law (Article VI, Section 4) gives the Secretary of State of Talossa virtually unlimited legal authority to conduct general elections as he sees fit, and

WHEREAS, during the era of the one-party state, this provision was used in order to sack official personnel, conduct elections in secret in order to deny Talossans their right to vote, impose intentional legal difficulties upon voters in order to suppress turnout, engender legally invalid discrimination between ‘good’ and ‘bad’ voters, and empower the Secretary of State to directly harass and intimidate voters through a variety of media; and

WHEREAS, our emerging democracy demands greater accountability on the part of public officials,

THEREFORE, the Ziu hereby resolves, and places this resolution up for a public vote at the earliest possible opportunity, to amend Article VI, Section 4, to read as follows (the added text is in bold face):

“Art. VI:Sec. 4. During the election period as defined in Sec. 3, the Secretary of State shall **in every particular** conduct the election **according to the election laws** in such a manner as a) affords to every citizen the opportunity to cast a vote for the party of his choice, and b) does not discriminate against any party or individual in the collection or tallying of votes. **In the absence of a current election law, the Secretary of State shall conduct the election according to the rules under which the most recent general election were conducted.**”

Uréu q'estadra sâ: King Robert I

### **RZ 15 “The Election Law Act”**

The Ziu hereby establishes guidelines for the conduct of General Elections, and instructs the office of the Secretary of State to implement them at once.

1. The Secretary of State shall make available, through a website dedicated to this purpose, the text of the election ballot. The ballot shall, for the next federal election, contain a space for a yes-or-no vote on Organic Law amendments passed during this Cosâ, as well as contain spaces for provincial and senatorial voting. (The legality of votes cast for provincial and senatorial elections on the ballot shall be dependent on voters’ approval of said laws in a public referendum, on the same ballot.) The ballot shall be in a .pdf or other graphical format. The ballot shall have space on it for the voter to indicate his name and relevant contact information.

2. Any citizen of Talossa may download, make copies of, and distribute said ballot. Any citizen of Talossa may vote on the ballot and send it in, by mail, to the Office of the Secretary of State. In addition, the Office of the Secretary of State shall make available telephone and e-mail contact information so voters can cast their votes through those media. Votes by public declaration on Wittenberg or in other online forums shall not be counted, as the Secretary of State is under no obligation legally to search a particular forum for votes that may or may not be there. It is the responsibility of voters to directly contact the Secretary of State with their votes.

3. All votes cast are be presumed to be valid. The validity of any vote may be challenged by any Talossan citizen after it is counted, by presenting the challenge as a case to the Uppermost Cort, with all available evidence. Should the Cort choose to hear the case, and subsequently find that a ballot has been cast or counted illegally, the final vote tally shall be adjusted to disregard the invalid vote. Special attention shall be paid to non-citizens who might attempt to forge ballots in order to interfere with or embarrass Talossa’s democratic electoral process.

4. This Act shall take effect upon public ratification of RZ14.11.04, in a public referendum; failing such ratification, this Act shall be null and void.

Uréu q'estadra sâ: King Robert I

### **RZ 16 “The Use of Talossan Names Act”**

Whereas, Talossan citizens in the past have changed from the use of their non-Talossan to their Talossan name; and

Whereas, this change in names can create confusion for other citizens and difficulties with official and historical documents;

Therefore be it resolved that the Ziu hereby declares that the Office of National Names shall be revived with an appropriate structure as determined from time to time by the Ziu. Members of the Office of National Names shall be sufficiently versed in the Talossan language so as to be able to develop names for all citizens.

Be it further resolved that:

(a) Talossan citizens, upon naturalization and with consultation with the citizen, shall be issued a Talossan name by the Office of National Names. Talossan citizens shall be free to make use of either their Talossan or non-Talossan name.

(b) Within one month of becoming a citizen, Talossans shall publicly decide which name they would prefer to be known by. This decision shall be respected and this name shall be used in all official correspondence and documents.

(c) Talossan citizens are entitled to change their name whenever they so choose; however, names will not be changed in official and historical documents. The name used in these documents will be the name selected at the point of naturalization.

Be it finally resolved that in special circumstances, a Talossan citizen may make an appeal to the Office of National Names to have their name changed in official and historical documents. If the ONN rejects the request of the citizen, the citizen may plead their cause before the Uppermost Cort. The Cort's ruling on the matter shall be final.

Uréu q'estadra sâ: Senator R. Márcüs Cantaloûr (MN, Atatürk)

### **RZ 17 “The Marc Moisan Nomination Act”**

To my fellow citizens:

A vacancy currently exists in the Uppermost Cort founded in 1987. In my capacity as lawful head of state, I hereby recommend to the Ziu that Marc Moisan of Ataturk Province be speedily approved as a Justice of the Uppermost Cort to fill this vacancy and to join Senior Justice Ken Velmeir and Justice Dan Lorentz on Talossa's highest court. Mr Moisan has an extraordinary legal mind and a tremendous attention to detail which is vital to the Cort's ability to fairly judge cases within the context of existing law. His reticence in taking the nomination offered to him is evidence, were any more needed past his excellent conduct as a citizen, a patriot, and as Acting

Secretary of State, of the integrity he brings to the bench. As a Canadian-Talossan, Mr Moisan, if confirmed, will be the first Justice of the Uppermost Cort to have been born outside the Talossan-US cultural continuum and shall provide a vital global perspective for the Cort.

Ureu q'estadra sa: King Robert I

### **RZ 18 “The Offences Against Public Order Act”**

Whereas, Talossa is first and foremost “a community of persons having fun,” and,

Whereas, for nine months in 2003 and 2004, Talossa was anything but fun, due to escalating threats from persons now no longer a part of Talossa, and

Whereas, these threats included threats of physical violence, which threats had never before been heard or seen in a Talossan context, and which appeared at a time when no statutory instruments existed to deal with such threats, and

Whereas, the Uppermost Cort at that time refused to deal with these issues in the absence of statutory authority (although the Organic Law empowers the Cort to act in the absence of statutory authority – Article XVIII, 8<sup>th</sup> Covenant); and

Whereas, the standpoint of Talossan law must preserve, above all other values, “peace, order, and good government,” and peace, order, and good government are impossible in a setting ruled by violence and threats of violence,

THEREFORE, the Ziu hereby incorporates generally accepted principles of statutory law abroad (Article XVIII, 8<sup>th</sup> Covenant) through the present Act, and confirms that they are binding upon all Talossans in the present form:

1. It shall be a most serious offence in Talossa to threaten to do bodily harm to a Talossan citizen, or to threaten a citizen's property, or to make good on such threats. Such activity shall constitute an “un-Talossan activity” for purposes of Article XVIII, Section 16, and the Cort is empowered to punish offenders by a unanimous vote to revoke their citizenship.
2. A person threatens to do bodily harm or harm to property, when such person utters or writes words which are intended to convey his wish, hope, desire, or intent to inflict, secure, encourage, seek, advocate, or acquiesce in physical or other harm on any Talossan person or on property, and communicates these words to anyone.
3. A person commits the offence of harassment if he insults, taunts, or challenges another person or group in a manner likely to provoke a violent response. Accused must engage in purposeful conduct, which conduct is designed to harass the victim and which conduct is either alarming or repeatedly committed, and purposely produces alarm or serious annoyance on the part of the victim. A single act or threat, rather than multiple acts or threats, is sufficient to support a conviction for harassment. Furthermore, it is not required that the harm feared by the victim be immediate.
4. Public officials are entitled, under generally accepted principles of law, to additional protection against harassment and threats.

5. It is an offence to knowingly and willfully threaten to inflict bodily harm or harm to property upon any public official. In order to be convicted, the accused must intelligently make a statement, whether written or oral, in a context and under such circumstances that a reasonable person would foresee that the statement would be interpreted by persons hearing or reading it as a serious expression of a wish, hope, desire, or intent to inflict, secure, encourage, seek, advocate, or acquiesce in bodily harm or harm to property aimed at a public official. The prosecution is not required to prove that the accused actually intended to carry out the threat, and the fact that the accused may have been incapable of carrying out the threat shall be no bar to conviction.

6. It is sufficient that intent to threaten existed. The subsequent abandonment of the bad intent with which the threat was made, is immaterial. The accused may present evidence that his statements were made in jest, as idle talk, or as political argument or hyperbole. The Cort may consider such evidence, but if the Cort finds that the threat was made, notwithstanding this evidence, in an effort to affect the victim in any way, the Cort must treat the threat as real. If the accused has himself stated that the threat was real and not made in jest, etc., then evidence to the contrary shall have no weight and such a statement shall be treated prima facie as an admission of guilt. The prior criminal conduct of the accused, or lack thereof, shall be taken into account.

7. It is a specific offence to call for the life of a public official. Talossa has a valid, even overwhelming interest in protecting the safety of its public officials, and in allowing them to perform their duties without interference from threats of physical violence. This statute is intended in part to prevent the detrimental effects upon public activity that may simply result from threats. Any threat designed to affect the victim in any way tends to excite a breach of the peace and is punishable criminally.

8. Because of the inherent nature of Talossa as a community of persons having fun, any statement or act approaching or approximating threats of violence shall be treated as absolutely unacceptable and criminal, as it is completely alien to everything Talossa ought to be. Through its actions, the Uppermost Cort has the fundamental power to determine the kind of Talossa we live in.

9. For purposes of law, to carry out any threat enumerated in this Act is an offence.

10. The present Act shall not limit, in any way, the powers of the Uppermost Cort to apply additional generally accepted principles of law to discourage and punish threats of violence.

Urú q'estadra sã: King Robert I

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**REMINDER TO COSÂ MEMBERS:** Do not forget to vote on the Vote of Confidence:

Do you wish the current government to continue in office? \_\_\_ YES; \_\_\_ NO

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Deadline for voting: 21 December 2004. All Cosâ and Senäts votes should be sent to either:

Secretary of State Tomás Gariçeir: [thomas@mermaid-productions.com](mailto:thomas@mermaid-productions.com)

Deputy Secretary of State R. Ben Madison: [talossa@execpc.com](mailto:talossa@execpc.com)

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**REMINDER TO ALL SENATORS AND COSÂ MEMBERS:** The term of office for the current government shall expire on 21 December 2004/XXV and a Writ of Election shall be issued by the King, the general election to be held from 15 January to 14 February 2005/XXVI. Pending approval of appropriate legislation, elections will be held in two provinces for Senator and in all provinces for election of provincial assemblies. All political parties are kindly requested to prepare their 50-word statements as quickly as possible and to have them ready for the Secretary of State by the end of December, along with other formal statements of registration, so that ballots can be printed for the upcoming elections.