

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

The State of Arizona shall register no birth certificate or record issued to any child born to parents who are subject to a foreign Power, who do not owe direct and immediate allegiance to the United States. Should the mother be subject to a foreign Power and the father prove to be a U.S. citizen, a birth certificate may be registered, provided the father submits proof of citizenship, sworn acknowledgement of paternity and written agreement to provide financial support for the child until the child has reached an age of at least 18 years.

RECEIVED
SECRETARY OF STATE
2007 NOV 30 PM 1:21

Della A. Montgomery
Signature of Applicant
Della A. Montgomery
Printed Name of Applicant
3609 East Glenrosa Avenue #1
Address
Phoenix Arizona 85018
City State Zip
602-290-0877
Telephone Number

Birthright Citizenship Political Committee
Name of Organization (if any)
P. O. Box 97608
Address
Phoenix Arizona 85060
City State Zip
602-290-0877
Telephone Number
Della A. Montgomery, Chairperson
Name of Officer and Title

3609 East Glenrosa Avenue #1
Address
Phoenix Arizona 85018
City State Zip
602-290-0877
Telephone Number
Stephanie Chretien
Name of Officer and Title
1235 East Cambridge Avenue
Address
Phoenix Arizona 85006
City State Zip
602-299-3517
Telephone Number

Date of Application November 30, 2007
Signatures Required 153,365
Deadline for Filing July 3, 2008
Serial Number Issued I-13-2008
FOR OFFICE USE ONLY

CF ID# 200802916

2007 NOV 30 PM 1:21

AN INITIATIVE MEASURE

AMENDING TITLE 8, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 12; AMENDING SECTION 36-333, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-333.04; RELATING TO CHILDREN.

Be it enacted by the People of the State of Arizona:

Section 1. Title 8, Arizona Revised Statutes, is amended by adding chapter 12, to read:

CHAPTER 12

NONCITIZEN CHILDREN

ARTICLE 1. GENERAL PROVISIONS

8-1101. Determination of citizenship

A NONCITIZEN CHILD WHO IS LIVING IN THE UNITED STATES, INCLUDING A CHILD WHO IS BORN IN THE UNITED STATES WHO DOES NOT MEET ALL FEDERAL REQUIREMENTS FOR UNITED STATES CITIZENSHIP BECAUSE THE CHILD IS BORN TO PARENTS WHO ARE SUBJECT TO A FOREIGN POWER AND WHO DO NOT OWE DIRECT AND IMMEDIATE ALLEGIANCE TO THE UNITED STATES AND WHO, THEREFORE, DOES NOT MEET ALL FEDERAL REQUIREMENTS FOR UNITED STATES CITIZENSHIP, SHALL BE KNOWN WITHIN THE JURISPRUDENCE OF THE STATE OF ARIZONA AS A CITIZEN OF THE FOREIGN POWER TO WHICH THE CHILD'S PARENTS ARE SUBJECT AND THE LEGAL STATUS OF THE CHILD'S PARENTS SHALL BE CONFERRED ON THE CHILD.

8-1102. Reporting the birth of a noncitizen child

A HOSPITAL ADMINISTRATOR OR THAT PERSON'S DESIGNEE, A PHYSICIAN, A NURSE, A MIDWIFE OR ANY OTHER PERSON WHO RECORDS THE BIRTH INFORMATION OF A CHILD WHO DOES NOT MEET ALL FEDERAL REQUIREMENTS OF UNITED STATES CITIZENSHIP BECAUSE THE CHILD IS BORN IN THE UNITED STATES TO PARENTS WHO ARE SUBJECT TO A FOREIGN POWER AND WHO DO NOT OWE DIRECT AND IMMEDIATE ALLEGIANCE TO THE UNITED STATES MUST REPORT THE BIRTH FOR INFORMATION PURPOSES WITHIN SEVEN DAYS TO THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES AND MUST SUBMIT THE CHILD'S BIRTH INFORMATION TO A CONSULATE OF THE FOREIGN POWER TO WHICH ONE OR BOTH PARENTS IS SUBJECT OR TO ANOTHER AGENT OR AGENCY DESIGNATED BY THAT FOREIGN POWER.

Sec.2. Section 36-333, Arizona Revised Statutes, is amended to read:

36-333. Birth certificate registration

A. Within seven days after ~~a child's~~ THE birth in this state OF A CHILD WHO MEETS ALL FEDERAL REQUIREMENTS FOR LEGAL UNITED STATES CITIZENSHIP, a person shall submit to a local registrar, a deputy local registrar or the state registrar, a birth certificate for registration according to rules adopted pursuant to this chapter. The birth certificate shall be submitted physically or electronically through the state designated electronic registration system. THE BIRTH CERTIFICATE MUST BE ACCOMPANIED BY CERTIFIED DOCUMENTATION OF THE PARENTS' UNITED STATES LEGAL STATUS. A local registrar, a deputy local registrar or the state registrar may accept a certificate AND ACCOMPANYING DOCUMENTATION submitted electronically without the signatures required by rule.

2007 NOV 30 PM 1:21

B. If a birth occurs at a hospital, the chief administrative officer of the hospital or that person's designee shall:

1. Obtain the information for a birth certificate, including signatures and social security numbers AND OTHER DOCUMENTATION required by rule.

2. Fill out the birth certificate.

3. Submit the birth certificate AND CERTIFIED DOCUMENTATION OF THE PARENTS' UNITED STATES LEGAL STATUS for registration to a local registrar, a deputy local registrar or the state registrar.

4. Maintain a copy of the evidentiary documents used to fill out the birth certificate for ten years after the date of submission.

C. If a birth does not occur at a hospital one of the following persons shall obtain the information, evidentiary documents, social security numbers and signatures required by rule for a birth certificate, fill out the birth certificate and submit the birth certificate AND CERTIFIED DOCUMENTATION OF THE PARENTS' UNITED STATES LEGAL STATUS for registration to a local registrar, a deputy local registrar or the state registrar:

1. A physician, nurse or midwife who is present at the birth and who is willing and able to do so during or immediately after the birth.

2. If a physician, nurse or midwife is not present at the birth or is not willing or able to do so, the child's mother or father or a family member of legal age who is present, willing and able to do so during or immediately after the birth.

3. If the child's father or other family member of legal age is not present or is not willing or able and the child's mother is not willing or able to supply the required information, any other person who is present during or immediately after the child's birth and who can supply the required information.

D. If a birth occurs in a moving conveyance, the birth is considered to have occurred in the place where the child is initially removed from the conveyance. If the child is initially removed from the conveyance at a hospital, the person named in subsection B shall submit the birth certificate AND CERTIFIED DOCUMENTATION OF THE PARENTS' UNITED STATES LEGAL STATUS to the state registrar or the local registrar or deputy local registrar of the registration district where the child is first removed. If the child is initially removed from the conveyance at any location other than at a hospital, the person identified in subsection C shall submit the birth certificate AND CERTIFIED DOCUMENTATION OF THE PARENTS' UNITED STATES LEGAL STATUS to the state registrar or to the local registrar or deputy local registrar of the registration district where the child is first removed.

E. A local registrar, a deputy local registrar or the state registrar shall register a birth certificate if the birth certificate is accurate and complete and submitted according to this chapter and rules adopted pursuant to this chapter.

2007 NOV 30 PM 1:21

Sec. 3. Title 36, chapter 3, article 3, Arizona Revised Statutes, is amended by adding section 36-333.04, to read:

36-333.04. Eligibility for birth certificate registration

A. NOTWITHSTANDING ANY LAW TO THE CONTRARY, A BIRTH CERTIFICATE SHALL BE REGISTERED BY THIS STATE ONLY FOR A CHILD WHO IS BORN IN THIS STATE AND WHO MEETS ALL FEDERAL REQUIREMENTS OF LEGAL UNITED STATES BIRTHRIGHT CITIZENSHIP BECAUSE THE CHILD'S PARENTS ARE NOT SUBJECT TO ANY FOREIGN POWER AND OWE DIRECT AND IMMEDIATE ALLEGIANCE TO THE UNITED STATES.

B. A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR, THE STATE REGISTRAR AND ANY OTHER PERSON WHO IS ACTING ON BEHALF OF THIS STATE SHALL NOT REGISTER A BIRTH CERTIFICATE OR ANY OTHER BIRTH RECORD, INCLUDING ANY BIRTH CERTIFICATE OR ANY OTHER BIRTH RECORD THAT MAY BE SUBSEQUENTLY SUBMITTED AS PROOF OF LEGAL UNITED STATES CITIZENSHIP, TO ANY CHILD WHO IS BORN IN THE UNITED STATES TO PARENTS WHO ARE SUBJECT TO A FOREIGN POWER AND WHO DO NOT OWE DIRECT AND IMMEDIATE ALLEGIANCE TO THE UNITED STATES.

C. IF A CHILD'S MOTHER IS THE SUBJECT OF A FOREIGN POWER AND THE CHILD'S FATHER IS A LEGAL CITIZEN OF THE UNITED STATES AND THIS STATE, THE CHILD'S BIRTH CERTIFICATE MAY BE REGISTERED BY THIS STATE IF THE BIRTH DOCUMENTATION AND THE FATHER'S CERTIFIED DOCUMENTATION OF UNITED STATES CITIZENSHIP IS ACCOMPANIED BY THE FATHER'S SWORN OATH ACKNOWLEDGING PARENTAGE AND THE FATHER'S WRITTEN AGREEMENT TO PROVIDE FINANCIAL SUPPORT FOR THE CHILD UNTIL THE CHILD REACHES AT LEAST EIGHTEEN YEARS OF AGE.

Sec. 4. Declaration of purpose

A. It is the purpose of this act to bring this state into compliance with federal birthright citizenship law.

B. The government of the United States and the government of the state of Arizona have come to recognize a birth certificate registered by a state government as legal documentation of proof of United States citizenship. Registrars or other officials and employees of the state of Arizona, by registering the birth certificates of all persons born in the state, are conferring presumed United States citizenship on many persons who do not meet all federal requirements for citizenship. They are awarding the full privileges of United States citizenship to all persons born in the state without regard for the clear and equal requirements of federal law that a person born in the United States, shall citizenship be bestowed, shall not be subject to any foreign power and owe direct and immediate allegiance to the United States.

C. The 1866 civil rights act (14 Stat. 27-30, April 9, 1866) states that "all persons born in the United States and not subject to any foreign Power" are declared to be citizens of the United States. The fourteenth amendment to the United States constitution (amendment XIV, section 1), ratified after the Civil War to ensure the civil rights of freed slaves, states that "All persons born or naturalized in the United States and subject to the jurisdiction thereof," are citizens of the United States and of the state wherein they reside. The supreme court in Elk v. Wilkins, 112 U.S. 94 (1884), ruled that the words

2007 NOV 30 PM 1:21

"subject to the jurisdiction thereof" means "owing direct and immediate allegiance" to the United States. Indeed, due to their being subject to the jurisdiction of and owing direct and immediate allegiance to their respective tribes, Native American Indians born on United States territory, were not, until a law passed by Congress specifically to do so, the Indian citizenship act (43 U.S. Stats, 1924), granted United States citizenship.

D. The words "not subject to any foreign Power" and "owing direct and immediate allegiance" to the United States cannot be logically accepted as mere redundancy. They are clearly an added perquisite for anyone born in the United States on whom birthright citizenship is to be bestowed.

Sec. 5. Short title

A. This act shall be known as and may be cited as the "Birthright Citizenship Alignment Act."

1. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article IV, part 1, section 1, Constitution of Arizona.