

GOVERNING THE RED PLANET

A Concept for Mars Governance by Quinn Morley
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The Senate

Able to reject executive decrees to referendum; overrule executive decrees by passing a Bill with supermajority.

Risks intervention from the Court when rejecting to referendum or overruling the Council by supermajority.

3φ (4.854...) year terms, ranked choice voting by direct election
6 members

The Executive Council

Able to challenge any Senate bill by rejecting it to Referendum; risks interference by the Court when doing so

Governs by decree unless overruled by Senate, Referendum, or the Court.

e (2.7183...) year terms, ranked choice voting by direct election
3 members

The Court

Examines Referendum issues using "The Test"

Able to reject both executive decrees and bills to Referendum; can declare an issue not fit for Referendum

Appointed by the Council; 2π year terms
3 members

THE REFERENDUM AND DIVISION OF DUTIES

The goal of the referendum process is for the government to act as a direct democracy when the issue being discussed is in the realm of expertise of the population.

The Senate should handle the work of the professional politicians, including: economics, government finance, trade, etc. Any issue that comes before the Senate that is in the realm of expertise of the people should be voluntarily sent to Referendum.

The Council exists to run the government on a day-to-day basis, and has the power to govern by decree for this reason. However, if the Council feels any decree is in the realm of the expertise of the people, it can send it to Referendum but is not required to do so.

The Court has the ultimate say on Referendum. Using a litmus test simply called "The Test," the Court will analyze the issue critically and determine if Referendum is required or prohibited.

THE TEST FOR REFERENDUM

1. Is expertise in the field relating to the topic being discussed pervasive in the populace?
 - Send to Referendum if the answer is yes.
2. Is the populace generally competent and well trained in the field of the topic being discussed?
 - Is the competency sufficient for the combined populace to form an expert opinion?
 - Send to Referendum if the answer is yes.
 - Can a reasonable amount of training raise the bar to reach the aforementioned level of competency?
 - Send to Referendum if the answer is yes; and advise the Council to contract training development via the appropriate delivery method, from an independent group on or off planet, which must be critically peer reviewed prior to dissemination.
3. Is the issue of great importance to the populace, and fundamental to preserving society?
 - If yes, send to Referendum; however, the Court must take notice: populist swings in opinion are undesirable as referendum topics and should be prohibited.

If none of these conditions are met, a Referendum shall be determined to be prohibited by the Court.

NUTS AND BOLTS

- A Mars-specific Bill of Rights should be developed.
 - For example, the right to communicate with Earth could be much, much more important than the right to free speech. With that consideration, simply guaranteeing the right to free speech isn't enough.
 - The right to bear arms seems pointless. There aren't even any Bears on Mars.
 - The right to air, water, food, and medical care shall be obligatory.
- Initial governance: the first missions should probably be run like a military operation with chain of command and one person in charge until enough people are present to justify the establishment of the government. This will leave time to peer review, debate, and improve the legal framework.
- Term limits: You only get one term. Exceptions: If appointed to complete the remainder of a term, that term doesn't count.
- Campaign finance isn't even a thing.
 - It should just be illegal. Problem solved. Freedom of speech is enough.
- Earth should stay out of Mars governance.
 - Trade policy can be handled through the Senate, with administration carried out by the Council.
 - Business with Earth falls under those domains. Earth is a trade partner.
- Electronic voting seems desirable, even though we understand the limitations of electronic voting systems on Earth. Perhaps a Blockchain system for Mars can be developed, with anonymized but public ledgers; or perhaps voting must not be anonymous in order to guarantee an unhackable voting system.
- Supermajority in the Senate shall be $2/3$ of the vote.
- The Senate and the Executive Council can both initiate impeachment proceedings.
- Impeachments will be tried by the Court, and not by a lower court.
- Impeachment of a Court member will be tried in the Senate; however the impeachment must be initialed by the Council.
- Ratification of the Constitution, and Amendments (to be proposed by the Senate), require a $3/4$ Referendum majority.

GOVERNMENT 2.0

WHEN MORE THAN 5 SETTLEMENTS EXIST

The House of Representatives

One Representative is appointed by each settlement, no term limit, but can be replaced at the will of the settlement.

Tries all impeachments once established, except for its own members

Veto power by a vote of 3/4 of its members.

Introducing The House of Representatives

In order to deal with a more complex political situation when several settlements exist, a House of Representatives shall be established once more than five settlements exist. This is inspired by the German *Bundesrat*.

Each settlement appoints one Representative, and can replace them whenever they wish. There are no term limits, but the House of Representatives is the branch of government with the least power. It does serve to further quell populist trends, and to further ensure integrity in the entire system, but has more of an advisory role. The veto is introduced and impeachment trials are moved to the House, except for trials its own members.

Membership in the Senate and the Court is now increased.

The Senate

Able to reject executive decrees to referendum; overrule executive decrees by passing a Bill with supermajority

Risks intervention from the Court when rejecting to referendum or overruling the Council by supermajority

3φ (4.854...) year terms, ranked choice voting by direct election
9 members

The House of Representatives

One Representative is appointed by each settlement, no term limit, but can be replaced at the will of the settlement.

Tries all impeachments once established, except for impeachments of its own members

Veto power by a vote of 3/4 of its members.

The Executive Council

Able to challenge any Senate bill by rejecting it to Referendum; risks intervention by the Court when doing so

Governs by decree unless overruled by Senate, Referendum, or the Court

e (2.7183...) year terms, ranked choice voting by direct election
3 members

The Court

Examines Referendum issues using "The Test"

Able to reject both executive decrees and bills to Referendum; can declare an issue not fit for Referendum

Appointed by the Council; 2π year terms
5 members

NUTS AND BOLTS – GOVERNMENT 2.0

- When the number of settlements increases above five, add a House of Representatives.
 - The Representatives shall be appointed by the individual settlements instead of elected by direct election.
 - The House shall have the power to veto Senate bills passed by less than $\frac{3}{4}$ votes, by a $\frac{3}{4}$ vote of its members.
 - Supermajority in the Senate now must reach the $\frac{3}{4}$ level, as opposed to $\frac{2}{3}$ in the first iteration of government.
 - The House shall have the power to veto any executive decree by a $\frac{3}{4}$ vote of its members.
 - Any Bill or decree vetoed by the House shall be cautiously considered for Referendum by the Court.
 - The House can force bills to be considered in the Senate by a $(\frac{1}{2})+1$ vote of its members.
- The Senate and Executive Council should be able to create smaller bodies such as committees, administrative departments, etc. as the government and population grow. Note: nothing prevents this in the initial iteration of government.
- The Court should be able create lower criminal, civil, and administrative courts.
- In the case of a tie in the Senate, the House of Representatives will now cast the tiebreaking vote.
- The Senate and the Executive Council can both initiate impeachment proceedings.
- Impeachments will now be tried by the House of Representatives, unless a House member is being impeached; in which case the Court will try the impeachment, and not a lower court. Recalling any official does not preclude impeachment.
- If every citizen has already served a term in each branch of government, citizens will be selected at random to fill the vacancies, even if they have served previously. Concurrent terms shall be avoided whenever possible.
 - Appointments to vacancies are exempted from term limits, including appointments via this random selection process.
 - In no case are citizens that were impeached allowed to serve again. A vacancy is allowed to satisfy this requirement.
- When a member of government leaves the Martian system they cede their seat and a replacement must be appointed by the Executive Council, and must be confirmed by The House of Representatives, to finish the term.
- Amendments to the Constitution (proposed by the Senate) require a $\frac{3}{4}$ majority of the House and $\frac{3}{5}$ majority of the Court.

REFERENCES

Shermer, Michael, Ph.D.

Science Salon Podcast. Various dates. Michael also sparked the discussion by tweeting at Elon Musk, asking how he would set up a government. Elon's reply is shown below.

Kleinfeld, Rachel, Ph.D.

Science Salon Podcast. 2019, Jan. 15. Interviewed by Michael Shermer. This is where the idea for the referendum and litmus test came from. Kudos to Dr. Kleinfeld for her insight.

Carter, Elizabeth, Ph.D.

Personal correspondence, 2019, Aug. 10 & 11. Dr. Carter proposed looking at the German style of government, and this inspired the House of Representatives, which seems to fit very well.

Musk, Elon

Twitter.com, 2019. In reply to Michael Shermer.

