

Proposed Constitutional Amendment

*OFFICIAL BALLOT TITLE

HOUSE JOINT RESOLUTION NO. 9

GOVERNMENTAL CONTINUITY DURING EMERGENCY PERIODS

Shall Article II of the State Constitution be amended by adding a section empowering and directing the legislature to provide a method of temporary succession to elected and appointive offices when because of an emergency resulting from enemy attack the incumbents are unavailable to act and further empowering the legislature to depart from certain constitutional provisions if, in discharging this duty, the emergency renders compliance impracticable?

* Ballot Title issued by John J. O'Connell, Attorney General.

Vote cast by 1961 Legislature on final passage of House Joint Resolution No. 9: HOUSE OF REPRESENTATIVES: 99 Members—78 Yeas; 0 Nays; 21 Absent or not voting. STATE SENATE: 49 Members—46 Yeas; 3 Nays; 0 Absent or not voting.

OFFICIAL ARGUMENT **FOR** HOUSE JOINT RESOLUTION NO. 9

THE PASSAGE OF THIS AMENDMENT WILL ASSURE:

THE CONTINUITY OF OUR STATE AND LOCAL GOVERNMENTS AND CONTRIBUTION TO THE SURVIVAL OF OUR NATION IN THE EVENT OF ENEMY ATTACK

It will help to preserve our American way of life by assuring control by **CIVIL GOVERNMENT** during a war-caused emergency . . . and . . .

- ★ Continue leadership and authority in executive, legislative and judicial positions at the State, county and community levels of government.
- ★ Prevent unlawful assumption of authority and minimize the possibility of takeover by groups who advocate the forceful overthrow of our constitutional form of government.

- ★ Improve government's ability to serve you and protect your constitutional rights and privileges.
- ★ Reestablish normal government functions and services as soon as possible following an enemy attack.
- ★ Avoid the need for militarized martial law and its consequences by empowering the State Legislature to provide for civil government continuity and the power and capability to act in emergency.

The survival of our country after an enemy attack would be impossible without the vital services and controls that only a functioning CIVIL GOVERNMENT could provide.

FOR THE RECORD

The following 22 States have ratified continuity of government amendments:

Alabama — California — Delaware — Idaho — Kansas — Maine — Maryland — Michigan — Minnesota — Missouri — Nebraska — New Hampshire — New Jersey — New Mexico — *North Dakota — Ohio — Oklahoma — Oregon — South Carolina — South Dakota — West Virginia — Wisconsin. *(North Dakota voters ratified on June 26, 1962.)

In no case has such an amendment, when presented to the voters, failed of ratification.

On November 6 of this year, in five other states—Arizona, Rhode Island, Texas, Virginia, and Wyoming—the voters will be asked to approve similar constitutional amendments.

Vote "YES" on H.J.R. No. 9

COMMITTEE APPOINTED TO COMPOSE ARGUMENT **FOR** HOUSE JOINT RESOLUTION NO. 9

FRED H. DORE
State Senator
3721 E. Marion, Seattle

JACK METCALF
State Representative
Box 192, Mukilteo

E. M. LLEWELLYN
Director, State Dept. Civil Defense
3526 Olympic Blvd., Tacoma

ADVISORY COMMITTEE

PERRY B. WOODALL
State Senator
P.O. Box 507, Toppenish

A. L. (Slim) RASMUSSEN
State Senator
4031 Pacific Ave., Tacoma

HENRY BACKSTROM
State Representative
508 Olympic Ave., Arlington

ART AVEY
State Representative, Kettle Falls

PATRICK C. (Pat) COMFORT
State Representative, 3519 N. Adams, Tacoma

EXPLANATORY COMMENT ISSUED BY THE ATTORNEY GENERAL AS REQUIRED BY LAW

The Law As It Now Exists:

This state has no laws specifically designed to fill temporary vacancies in the various public offices or to otherwise provide for the continued operation of state and local government during a period of emergency resulting from enemy attack. The power of the legislature to enact such laws is limited by the provisions of the State Constitution which cannot be superseded by an act of the legislature.

Effect of House Joint Resolution No. 9 If Approved Into Law:

The proposed constitutional amendment empowers and directs the legislature to immediately provide for the continued operation of state and local government during periods of emergency resulting from enemy attack by prescribing a method of temporary succession to elective and appointive public offices of whatever nature should the incumbents and their legal successors become unavailable.

In addition, the legislature is empowered and directed to enact such other measures as may be necessary and proper to further insure the continued operation of government during such emergencies.

During a period of emergency caused by enemy attack, the legislature is authorized to deviate from certain specified constitutional provisions if, in its judgment at the time of such emergency, conformance to such constitutional provisions would be impracticable or cause undue delay in providing for the continuance of governmental operations.

NOTE: Complete text of House Joint Resolution No. 9 starts on Page 44.

OFFICIAL ARGUMENT AGAINST HOUSE JOINT RESOLUTION NO. 9

H.J.R. No. 9 was presented to the 1961 Legislature as the means for covering emergency periods arising from nuclear warfare. It is my opinion that in such a situation, military government would prevail for a lengthy period of time.

For this reason, H.J.R. No. 9 is both academic and redundant. It seems purposeless to submit such a question to the voters at considerable expense when nothing is achieved thereby.

VOTE "NO" ON H. J. R. No. 9

COMMITTEE APPOINTED TO COMPOSE ARGUMENT **AGAINST** HOUSE JOINT RESOLUTION NO. 9

WILBUR G. HALLAUER
State Senator
P.O. Box 70
Oroville, Washington

NOTE: The new state law changing the format of the Voters' Pamphlet provides that in the instance of a proposed constitutional amendment, the committee appointed to write an argument, either for or against the proposal, should consist of at least one state senator and one state representative. Since no state representative voted against House Resolution No. 9 on final passage, State Senator Wilbur G. Hallauer, in a spirit of public service, presented the above statement explaining his opposition to this constitutional amendment.

Article 7, section 2, subsection (). By any city or town, for the purposes and in the manner in this subsection provided. The tax levy or levies at a specified maximum rate for each year may be authorized at any single election for a specified number of years not in excess of four years for a levy for capital outlay when the proposition therefor has been approved by a majority of at least three-fifths of the electors voting thereon at which election the number of persons voting on the proposition shall constitute not less than forty percentum of the total number of votes cast at the last preceding general election in such city or town. If any tax levy is authorized pursuant to the provisions of this subsection, the governing body of the city or town shall determine annually thereafter the amount of funds required from the authorized levy or levies of the city or town for capital purposes, and within the limits of each tax levy so authorized a levy shall be made at the rate required to produce the amount of funds determined as aforesaid.

The proposition or propositions to authorize additional tax levies for capital outlays may be submitted to the electors of a city or town at any election, whether called specially for this purpose, or called for any other purpose, but may be submitted not more than twice in any one year.

No city or town shall submit to the electorate upon authority of this subsection a proposition to authorize additional levies for capital outlays for any year for which such electors have previously approved a levy under the authority of this subsection for the same purpose. A city or town may however at any time submit to the electorate a proposition to substitute for any prior authorization, a new authorization for the same purpose: PROVIDED, That (1) the levy authorized by the substituted authorization will be adequate to fulfill all contractual obligations of the city or town incurred by reason of the prior authorization, and (2) the substitute proposition shall by its terms supersede the prior authorization and by its terms shall not become effective until the first tax levy year following the date of the election at which it was authorized and then be in lieu of any tax levy authorized by the superseded authorization.

The procedures specified in this subsection shall be deemed cumulative to the other procedures specified in this section.

AND BE IT RESOLVED, That the secretary of state shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly newspaper in every county in the state in which such a newspaper is published.

Passed the House Mar. 30, 1961.

JOHN L. O'BRIEN,
Speaker of the House.

Passed the Senate Mar. 29, 1961.

JOHN A. CHERBERG,
President of the Senate.

EXPLANATORY COMMENT SUB. H.J.R. NO. 1:

All words underscored do not appear in the Constitution as it is now written but will be put in if this amendment is adopted.

VICTOR A. MEYERS, Secretary of State

COMPLETE TEXT OF

House Joint Resolution No. 6

BE IT RESOLVED, *By the Senate and House of Representatives of the State of Washington in Legislative Session Assembled:*

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1962, there shall be submitted to the qualified voters of this state, for their approval and ratification, or rejection, an amendment to Article IV of the Constitution of the State of Washington, by adding thereto a **new section** to be numbered section 2(a) of Article IV, which shall read as follows:

Section 2(a). When necessary for the prompt and orderly administration of justice a majority of the Supreme Court is empowered to authorize judges or retired judges of courts of record of this state, to perform, temporarily, judicial duties in the Supreme Court, and to authorize any superior court judge to perform judicial duties in any superior court of this state.

BE IT FURTHER RESOLVED, That the secretary of state shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election, in some weekly newspaper, in every county where a newspaper is published throughout the state.

Passed the House Mar. 9, 1961.

JOHN L. O'BRIEN,
Speaker of the House.

Passed the Senate Mar. 9, 1961.

JOHN A. CHERBERG,
President of the Senate.

EXPLANATORY COMMENT H.J.R. NO. 6:

All words underscored do not appear in the Constitution as it is now written but will be put in if this amendment is adopted.

VICTOR A. MEYERS, Secretary of State

COMPLETE TEXT OF

House Joint Resolution No. 9

BE IT RESOLVED, *By the Senate and House of Representatives of the State of Washington in Legislative Session Assembled:*

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1962, there shall be submitted to the qualified electors of the state, for their approval and ratification, or rejection, an amendment to the State Constitution by the addition thereto of a **new section** to read as follows:

NEW SECTION. Article II, section 42. The legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices of whatever nature and whether filled by election or appointment, the incumbents and legal successors of which may become unavailable for carrying on the powers and duties

of such offices; the legislature shall likewise enact such other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergencies. Legislation enacted under the powers conferred by this amendment shall in all respects conform to the remainder of the Constitution: PROVIDED, That if, in the judgment of the legislature at the time of disaster, conformance to the provisions of the Constitution would be impracticable or would admit of undue delay, such legislation may depart during the period of emergency caused by enemy attack only, from the following sections of the Constitution:

Article 14, Sections 1 and 2, Seat of Government;

Article 2, Sections 8, 15 (Amendments 13 and 32), and 22, Membership, Quorum of Legislature and Passage of Bills;

Article 3, Section 10 (Amendment 6), Succession to Governorship: PROVIDED, That the legislature shall not depart from Section 10, Article III, as amended by Amendment 6, of the State Constitution relating to the Governor's office so long as any successor therein named is available and capable of assuming the powers and duties of such office as therein prescribed;

Article 3, Section 13, Vacancies in State Offices;

Article 11, Section 6, Vacancies in County Office;

Article 11, Section 2, Seat of County Government;

Article 3, Section 24, State Records.

AND BE IT FURTHER RESOLVED, That the secretary of state shall cause the foregoing proposed constitutional amendment to be published for at least three months next preceding said election, in a weekly newspaper in every county where a newspaper is published throughout the state.

Passed the House Mar. 8, 1961.
JOHN L. O'BRIEN,
Speaker of the House.

Passed the Senate Mar. 7, 1961.
JOHN A. CHERBERG,
President of the Senate.

EXPLANATORY COMMENT H.J.R. NO. 9:

All words underscored do not appear in the Constitution as it is now written but will be put in if this amendment is adopted.

VICTOR A. MEYERS, Secretary of State

COMPLETE TEXT OF

House Joint Resolution No. 19

BE IT RESOLVED, *By the Senate and House of Representatives of the State of Washington in Legislative Session Assembled:*

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in No-

vember, 1962, there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, amendments to Article VI of the Constitution of the State of Washington by amending section 1 thereof and by adding a new section thereto to be known as section 1A, so that said sections will read as follows:

Article VI, section 1. All persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state (~~(one year)~~) six months, and in the county, (~~(ninety days, and in the)~~) city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: (~~(PROVIDED, That Indians not taxed shall never be allowed the elective franchise: AND FURTHER)~~) PROVIDED, That this amendment shall not affect the rights of franchise of any person who is now a qualified elector of this state. The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provision of this section. There shall be no denial of the elective franchise at any election on account of sex.

Article VI, section 1A. In consideration of those citizens of the United States who become residents of the State of Washington during the year of a presidential election with the intention of making this state their permanent residence, this section is for the purpose of authorizing such persons, who can meet all qualifications for voting as set forth in section 1 of this Article except for residence, to vote for presidential electors, or on the office of President and Vice-President of the United States, as the case may be, but no other, provided, that such persons have resided in the state at least sixty days immediately preceding the presidential election concerned.

The legislature shall establish the time, manner and place for such persons to cast such presidential ballots.

AND BE IT FURTHER RESOLVED, That the secretary of state shall cause the foregoing constitutional amendments to be published for at least three months next preceding the election in a weekly newspaper in every county in the state in which such a newspaper is published.

Passed the House Feb. 10, 1961.
JOHN L. O'BRIEN,
Speaker of the House.

Passed the Senate Feb. 22, 1961.
JOHN A. CHERBERG,
President of the Senate.

EXPLANATORY COMMENT H.J.R. NO. 19:

All words enclosed in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the State Constitution as it is now written but will be put in if this amendment is adopted.

VICTOR A. MEYERS, Secretary of State