



# SJR 143

Senate Joint Resolution  
Proposed Constitutional Amendment

## Ballot Title:

Shall a thirty-day durational residency requirement be established for voting by otherwise eligible citizens eighteen years of age or over?

Vote cast by members of the 1974 Legislature on final passage:  
HOUSE: [98 members] Yeas, 90; Nays, 6; Absent or not voting, 2.  
SENATE: [49 members] Yeas, 43; Nays, 0; Absent or not voting, 6.

NOTE: The ballot title and explanatory comment were written by the Attorney General as required by state law. The complete text of Senate Joint Resolution 143 begins on Page 13.

## Statement for

### SJR 143 Is A "Positive" Measure

As a rather noncontroversial measure passed by the Legislature, SJR 143 did not attract as much public attention as other more partisan issues. It passed the Legislature heartily supported by Democrats and Republicans alike.

### Repeals Obsolete Constitutional Provisions

SJR 143 amends the State Constitution to update certain voter qualifications in order to comply with U.S. Supreme Court rulings. The proposed amendment simply states that a prospective voter must have established a 30-day residency in the state, county or precinct and be at least 18 years old. It repeals current provisions which "prohibit" 18 to 20 year olds from voting, Indians which are not taxed, those individuals who are not able to read or speak the English language, and the one year residency requirement. All of these restrictions have been declared unconstitutional by the Supreme Court and are no longer enforced, therefore making this portion of the Constitution obsolete.

### Removes Unnecessary Confusion

SJR 143 was drafted to remove any confusion that may develop from reading the Constitutional requirements for voting. Occasionally, prospective voters are discouraged from registering because of obscure and archaic restrictions which have not been corrected to reflect federal court rulings and constitutional challenges. SJR 143 clarifies the State Constitutional provisions for voting so that each citizen knows exactly what is required in order to be registered to vote.

### Please Support This Worthwhile Amendment!

Although SJR 143 can be described as a "housekeeping" measure, we also feel it will make voting a little easier for those citizens currently in doubt because of the present Constitutional provisions.

## Rebuttal of Statement against

Whether you agree or disagree with the courts on residency requirements, the Supreme Court, under the U. S. Constitution has jurisdiction over state statutes and any conflict with the state constitution is superceded by the decision of the Supreme Court.

The failure of SJR 143 would not affect present laws. It would be useless to retain antiquated constitutional language.

The thirty-day residency requirements were in effect during the last two general elections with no problems.

### Committee For Senate Joint Resolution 143:

GARY GRANT, State Senator, Democrat, RICHARD KING, State Representative, Democrat, and ARTHUR C. BROWN, State Representative, Republican.

Advisory Committee: MAXINE KRULL, President, League of Women Voters of Washington; ROSS DAVIS, Chairman, Washington State Republican Committee; NEALE CHANEY, Chairman, Washington State Democratic Committee; JOE DAVIS, President, Washington State Labor Council; ROGER LEED, Member of the Steering Committee, Coalition for Open Government.

## The Law as it now exists:

The 26th Amendment to the United States Constitution extended the right to vote to citizens eighteen years of age or older. In addition, recent decisions of the United States Supreme Court have also affected the qualifications which a state may impose for voting in its elections. Because of these decisions, a state may no longer enforce a residency requirement of more than thirty days in duration, nor may it restrict the right to vote to persons who can read and speak the English language or prohibit voting by Indians not paying taxes.

Accordingly, certain provisions of the Washington State Constitution with respect to voting qualifications have been rendered ineffective. Those provisions include a minimum age requirement for voting of twenty-one years; a one-year state and ninety-day county durational residence requirement; a prohibition against voting by nontaxed Indians; and a requirement that voters be able to read and speak the English language.

## Effect of Senate Joint Resolution No. 143, if approved into Law:

This proposed constitutional amendment would remove the foregoing presently ineffective provisions and simply require that in order to vote in an election in this state, a person must be a United States citizen who is eighteen years of age or older, and who has been a resident of the state, county and precinct in which he resides for at least thirty days prior to the election at which he seeks to vote.

In addition, however, this constitutional amendment would retain an existing disqualification for voting by insane persons and persons convicted of felonies, unless restored to their civil rights.

## Statement against

Must we accept as ABSOLUTE and IRREVOCABLE every court decision? Did you ever want to legally and safely say, "Judge — YOU ARE WRONG".

The court decisions which virtually wipe out residency requirements for voting are WRONG and IRRESPONSIBLE.

### PASSAGE OF SJR 143 WILL:

- 1) Allow politicians to move from one district to another to seek office after only 30 days residency.
- 2) Allow "temporary residents" such as college students in small college towns to dominate elections—then leave town.
- 3) Allow newcomers who have voted elsewhere to move to Washington and, with 30 days residency, vote again — with little knowledge of the issues or candidates.
- 4) Allow newcomers to enroll as residents in our colleges.

Mr. Chief Justice Burger, in his dissenting opinion stated:

"It is no more a denial of equal protection for a State to require newcomers to be exposed to state and local problems for a reasonable period such as one year before voting, than it is to require children to wait 18 years before voting."

Justice Hale, in his dissenting opinion wrote:

"I think it repugnant to our political institutions that one can enter this state, stay here a comparatively few weeks, claim state suffrage on the basis of this short stay, and then proceed, as soon as registered, to vote, run for office, instigate recall, referendum and initiative petitions, sit as a juror, enter our state supported colleges and universities on the same financial basis as those who have with their taxes built and maintained them. . . ."

VOTE NO ON SJR 143

## Rebuttal of Statement for

This "housekeeping" measure could flood the polls with uninformed voters. Justice Blackman wrote "Clearly . . . the State does have a profound interest in the purity of the ballot box and in an informed electorate and is entitled to take appropriate steps (residency requirements) to assure these ends." Justice Hale wrote ". . . the judiciary has no authority whatever to substitute its judgment for that of the peoples' representatives as to the means and methods for holding honest unrigged elections . . ."

VOTE NO SJR 143

**Committee Against Senate Joint Resolution 143:**

JAMES P. KUEHNLE, State Representative, Republican.

legislature consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives; ~~(all of whose terms shall end December 31, 1974; appointments shall be made within thirty days of July 16, 1973)~~ such appointments shall be for a term of two years or for the period in which the appointee serves as a legislator, whichever expires first; members may be reappointed; vacancies shall be filled in the same manner as original appointments are made. Such ex officio members who shall collect data deemed essential to future legislative proposals and exchange information with the board shall be deemed engaged in legislative business while in attendance upon the business of the board and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the "gambling revolving fund" as being expenses relative to commission business.

NEW SECTION. Sec. 28. This 1974 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the legislature, which election shall be held in conjunction with the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1974, all in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

COMPLETE TEXT OF

## Senate Joint Resolution 140

### Proposed Constitutional Amendment

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

THAT, At the next general election to be held in this state, there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, a proposal to amend Article III of the Constitution of the state of Washington by amending section 12 as follows:

Article III, section 12. Every act which shall have passed the legislature shall be, before it becomes a law, presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within five days, Sundays excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the governor, within ~~(ten)~~ twenty days next after the adjournment, Sundays excepted, shall file such bill with his objections thereto, in the office of secretary of state, who shall lay the same before the legislature at its next

session in like manner as if it had been returned by the governor; PROVIDED, That within forty-five days next after the adjournment, Sundays excepted, the legislature may, upon petition by a two-thirds majority or more of the membership of each house, reconvene in extraordinary session, not to exceed five days duration, solely to reconsider any bills vetoed. If any bill presented to the governor contains several sections or appropriation items, he may object to one or more sections or appropriation items while approving other portions of the bill; PROVIDED, That he may not object to less than an entire section, except that if the section contains one or more appropriation items he may object to any such appropriation item or items. In ~~(such)~~ case of objection he shall append to the bill, at the time of signing it, a statement of the section ~~(or)~~ or sections ~~(or)~~ appropriation item or items to which he objects and the reasons therefor ~~(or)~~; and the section or sections, appropriation item or items so objected to ~~(or)~~ shall not take effect unless passed over the governor's objection, as hereinbefore provided. The provisions of Article II, section 12 insofar as they are inconsistent herewith are hereby repealed.

AND BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

COMPLETE TEXT OF

## Senate Joint Resolution 143

### Proposed Constitutional Amendment

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

THAT, At the 1974 general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VI of the Constitution of the State of Washington by amending section 1 (Amendment 5) thereof as follows:

Article VI, section 1. QUALIFICATIONS OF ELECTORS. All persons of the age of ~~(twenty one)~~ eighteen years or over ~~((possessing the following qualifications,))~~ who are citizens of the United States and who have lived in the state, county, and precinct thirty days immediately preceding the election at which they offer to vote, except those disqualified by Article VI, section 3 of this Constitution, 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, 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.)

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing Constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.