

Senate Joint Resolution

8205

Proposed to the People by the Legislature
Amendment to the State Constitution:

The legislature has proposed a constitutional amendment on repealing article VI, section 1A, of the Washington Constitution.

This amendment would remove an inoperative provision from the state constitution regarding the length of time a voter must reside in Washington to vote for president and vice-president.

Should this constitutional amendment be:

Approved

Rejected

Votes cast by the 2011 Legislature on final passage:
Senate: Yeas, 46; Nays, 0; Absent, 0; Excused, 3
House: Yeas, 92; Nays, 0; Absent, 0; Excused, 5



You are voting to Approve or Reject the bill passed by the Legislature

Approve - you *favor* the bill passed by the Legislature.

Reject - you *don't favor* the bill passed by the Legislature.

The Official Ballot Title and the Explanatory Statement were written by the Attorney General as required by law. The Secretary of State is not responsible for the content of arguments or statements (WAC 434-381-180). The complete text of Senate Joint Resolution 8205 is located at the end of this pamphlet.

Explanatory Statement

Written by the Office of the Attorney General

The Constitutional Provision as it Presently Exists

The Washington Constitution currently contains two provisions relating to the length of time that a person must be a resident of Washington in order to vote. One of those provisions, article VI, section 1A, is inoperative because of court decisions and a more recent amendment to the other provision, article VI, section 1.

Article VI, section 1, provides that all citizens who are at least eighteen years old are entitled to vote if they have lived in the state, county, and precinct for at least 30 days before the election. The second provision, article VI, section 1A, states that all citizens of the United States who become residents of Washington during a presidential election year may vote for the offices of president and vice president if they resided in Washington for at least 60 days before the election.

The voters added article VI, section 1A, to the state constitution in 1966 as Amendment 46. At that time, article VI, section 1, of the state constitution required voters to reside in the state for a full year prior to voting and, in addition, required that they live in the county for 90 days and the city, town, ward, or precinct for 30 days before the election. Therefore, when section 1A was added to the constitution in 1966, it provided a more lenient residency requirement so that new residents of the state could vote for president and vice president after a shorter, 60-day period of residency.

After the voters approved adding section 1A to the state constitution, the United States Supreme Court ruled that any requirement that voters live in a particular place longer than 30 days in order to vote is unconstitutional. Based upon that holding, the Washington Supreme Court held that the 90-day county and one-year state residency requirements stated in article VI, section 1, were unconstitutional. Washington voters then approved amending article VI, section 1, to read as it does today in order to conform to the court

decisions, but this amendment did not repeal or change article VI, section 1A. Washington law therefore currently entitles all otherwise-qualified citizens to vote if they have resided within the state, county, and precinct for at least 30 days.

Article VI, section 1A, remains part of the state constitution, but has no operative effect.

The Effect of the Proposed Amendment, if Approved

This measure proposes to amend the state constitution to remove article VI, section 1A, from the state constitution. The state constitution would continue to entitle all otherwise-eligible citizens of the United States to vote if they have resided in Washington, and in their county and precinct, for at least 30 days before the election.

Fiscal Impact Statement

Not required by law



Address Confidentiality Program

If you are a victim of domestic violence, sexual assault, trafficking, and/or stalking, or if you are a criminal justice participant who is a target of felony harassment because of the work you do, and have chosen not to register to vote because you are afraid your perpetrator will locate you through voter registration records, the Office of the Secretary of State has a program that might be able to help you.

The Address Confidentiality Program (ACP) works together with community domestic violence and sexual assault programs in an effort to keep crime victims safer.

The ACP provides participants with a substitute address that can be used when conducting business with state or local government agencies. ACP participants are eligible to register as Protected Records Voters, meaning the registration information is not public record. All ACP participants must be referred to the program by a local domestic violence or sexual assault advocate who can help develop a comprehensive safety plan.

Need more information? Call the ACP toll-free at (800) 822-1065 or visit www.sos.wa.gov/acp.

Argument For Senate Joint Resolution 8205

SJR 8205 fixes conflicting voter residency requirements in the Washington Constitution. Article VI, Section 1 of the Washington State Constitution allows a U.S. citizen to vote in all elections after they have resided in the state for *30 days*. Article VI, Section 1A of the Washington State Constitution requires that a U.S. citizen reside in the State for *60 days* before they can vote for President. While the courts have held that the shorter 30 day residency requirement applies to presidential primaries, there is a need to clean up our constitution and make its provisions consistent. SJR 8205 fixes this conflict by removing Section 1A and the conflicting 60 day residency requirement. This clarifies that the shorter 30 day voter residency requirement is the constitutional standard for all elections in the state, including the presidential election. Please vote to “approve” SJR 8205 to ensure that our state constitution is consistent.

Rebuttal of Argument Against

No information submitted

Argument Prepared by

Mike Carrell, State Senator, 28th Legislative District; **Sam Hunt**, State Representative, 22nd Legislative District
Contact: (253) 581-2859; mikecarrell@hotmail.com

Argument Against Senate Joint Resolution 8205

No one consented to write an argument against this ballot measure.

Rebuttal of Argument For

No information submitted

Argument Prepared by

No information submitted

Contact: No information submitted

Complete Text

Senate Joint Resolution 8205

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 the secretary of state shall submit 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 repealing section 1A thereof in its entirety.

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

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Complete Text

Senate Joint Resolution 8206

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 the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII, section 12 of the Constitution of the state of Washington to read as follows:

Article VII, section 12. (a) A budget stabilization account shall be established and maintained in the state treasury.

(b)(1) By June 30th of each fiscal year, an amount equal to one percent of the general state revenues for that fiscal year shall be transferred to the budget stabilization account. Nothing in this subsection (b) shall prevent the appropriation of additional amounts to the budget stabilization account.

(2) By June 30th of the second year of each fiscal biennium, three-quarters of any extraordinary revenue growth shall be transferred to the budget stabilization account. However, no transfer of extraordinary revenue growth under this subsection (b)(2) shall occur in a fiscal biennium following a fiscal biennium in which annual average state employment growth averaged less than one percent per fiscal year. "Extraordinary revenue growth" means the amount by which the growth in general state revenues for that fiscal biennium exceeds by one-third the average biennial percentage growth in general state revenues over the prior five fiscal biennia. In making this determination, the comparability of data shall be maintained by adjusting historical general state revenues to reflect statutory changes to the dedication of state revenues. The transfer under this subsection shall be made only to the extent that it exceeds the total transfers under (1) of this subsection for that fiscal biennium.

(c) Each fiscal quarter, the state economic and revenue forecast council appointed and authorized as provided by statute, or successor entity, shall estimate state employment growth for the current and next two fiscal years.

(d) Moneys may be withdrawn and appropriated from the budget stabilization account as follows:

(i) If the governor declares a state of emergency resulting from a catastrophic event that necessitates government action to protect life or public safety, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account, via separate legislation setting forth the nature of the emergency and containing an appropriation limited to the above-authorized purposes as contained in the declaration, by a favorable vote of a majority of the members elected to each house of the legislature.

(ii) If the employment growth forecast for any fiscal year is estimated to be less than one percent, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account by the favorable vote of a majority of the members elected to each house of the legislature.

(iii) Any amount may be withdrawn and appropriated from the budget stabilization account at any time by the