

HOUSE BILL REPORT

SJR 8205

As Passed House:
April 7, 2011

Brief Description: Repealing a conflicting residency requirement for voting in a presidential election.

Sponsors: Senator Carrell.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 3/9/11, 3/17/11 [DP].

Floor Activity:

Passed House: 4/7/11, 92-0.

Brief Summary of Bill

- Proposes that an amendment for the repeal of Article VI, section 1A of the Washington Constitution be submitted to the voters at the next general election.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 11 members: Representatives Hunt, Chair; Appleton, Vice Chair; Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander, Condotta, Darneille, Dunshee, Hurst, McCoy and Miloscia.

Staff: Thamas Osborn (786-7129).

Background:

1910 Amendment to Article VI, Section 1.

Enacted in 1910, Amendment 5 to the Washington Constitution (Constitution) revised the voter qualification provisions of Article VI, section 1. After the 1910 amendment, Article VI, section 1 included voter residency provisions, *applicable to all elections*, requiring that during the period immediately preceding an election a voter must be:

- a resident of the state for at least one year;
- a resident of the county for at least 90 days; and

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- a resident of the city, town, ward, or precinct for at least 30 days.

1966 Amendment to Section VI (Creating a New Section, Section 1A).

In 1966 the voters approved Amendment 46, creating a new section, section 1A, under Article VI, which greatly liberalized residency requirements, but only with respect to presidential elections. Under section 1A, a citizen of the United States who becomes a resident of Washington during the year of a presidential election, and with the intention of making this state his or her permanent residence, may vote for presidential electors or for the office of President and Vice President of the United States, provided he or she has resided in the state for at least 60 days immediately preceding the election. In short, section 1A creates a single 60-day state residency requirement with respect to presidential elections only and thus establishes an exception to residency requirements created under the 1910 amendment. The provisions of section 1A remain in effect today.

1974 Amendment to Article VI, Section 1 (Amending the 1910 Amendment).

In 1974 the voters approved Amendment 63, which effectively repealed the 1910 amendment and created simplified, uniform residency requirements which are applicable to voting in all elections. Specifically, following the passage of Amendment 63, Article VI, section 1 of the Constitution entitles all persons who are 18 years or older, citizens of the United States, and have lived in the state, county, and precinct 30 days immediately preceding the election to vote in all elections. Article VI, section 1, as amended in 1974, remains in effect today.

Inconsistency Between Sections 1 and 1A of Article VI of the State Constitution.

The residency requirements of sections 1 and 1A of Article VI of the Constitution conflict with each other. Section 1 establishes a 30 day residency for all elections, whereas section 1A requires 60 days of state residency for presidential elections.

Summary of Bill:

At the next general election, an amendment proposing the repeal of section 1A of Article VI of the Constitution will be submitted to the voters. By repealing section 1A, which contains the 60-day residency requirement, the proposed amendment would eliminate the conflict between the residency requirements of sections 1 and 1A.

The Secretary of State is required to publish notice of the proposed amendment at least four times during the four weeks preceding the election in every legal newspaper in the state.

Appropriation: None.

Fiscal Note: Not requested.

Staff Summary of Public Testimony:

(In support) The 60-day residency requirement for voting in presidential elections was added to the Constitution 44 years ago. At that time, the 60-day requirement was intended to allow recent state residents to vote in presidential elections. However, in practice the 60-day requirement was never applied in this state. Furthermore, another more recent constitutional provision requires only 30 days of residency to vote in any election, hence we now have two

constitutional requirements regarding voter residency that are in conflict. This amendment is necessary in order to remove the conflicting 60-day requirement so that the state has a single residency requirement applicable to all elections.

(Opposed) None.

Persons Testifying: Senator Carrell, prime sponsor; and Katie Blinn, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.