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HOUSE JOINT MEMORIAL 4029

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State of Washington                      57th Legislature                      2002 Regular Session

By Representatives Romero, Schmidt and Ruderman

Read first time . Referred to Committee on .

1            TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,  
2            AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3            REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4            UNITED STATES, IN CONGRESS ASSEMBLED:

5            We, your Memorialists, the Senate and House of Representatives of  
6            the State of Washington, in legislative session assembled, respectfully  
7            represent and petition as follows:

8            WHEREAS, The Constitution of the United States has established a  
9            sacred American right to participate in the democratic process by  
10           voting in elections for state and federal representatives; and

11           WHEREAS, Within Amendment XV, the Constitution claims the original  
12           authority of protecting the right of all qualified citizens to vote in  
13           both state and federal elections; and

14           WHEREAS, The United States Supreme Court has held that the  
15           Constitution preserves the power of the States to establish and  
16           maintain their own separate and independent election requirements, as  
17           long as they are consistent with the Constitution; and

18           WHEREAS, In the case of *Oregon v. Mitchell*, arising from the  
19           enactment of the Voting Rights Act of 1965, the United States Supreme  
20           Court established a precedent for the division between state and

1 federal jurisdiction over elections, deciding that States' usage of  
2 absentee ballots is legally binding; and

3 WHEREAS, Since 1993, the citizens of Washington State have relished  
4 and embraced the flexibility absentee and mail-in voting has provided  
5 them in their pursuit of consistently participating in our electoral  
6 process; and

7 WHEREAS, In the State of Washington more than 54 percent of voters  
8 in last November's election exercised their constitutional right to  
9 vote by using a mail-in or absentee ballot; and

10 WHEREAS, The majority of voters within our state find the  
11 convenience of absentee or mail-in ballots to be the most conducive to  
12 active participation in our democracy; and

13 WHEREAS, Senate Bill 565, pending in Congress, essentially outlaws  
14 the use of absentee and mail-in ballots and would harm the interests of  
15 many Washingtonians who rely on voting by mail; and

16 WHEREAS, Within our great democracy, it is vital that every  
17 American citizen be afforded the right to have their vote count,  
18 without having unnecessary restrictions being placed upon voting  
19 methods that are working, and working well, inside Washington State;  
20 and

21 WHEREAS, When our citizens' opportunity and accessibility to vote  
22 is traded for a solution to reform the accuracy of our system, another,  
23 more detrimental problem arises; and

24 WHEREAS, It is essential to foster participation within our  
25 celebrated democratic system and imperative that the legislation  
26 proposed to reform our electoral process does not constrain a citizen's  
27 right to vote;

28 NOW, THEREFORE, Your Memorialists respectfully pray that Congress  
29 continue its worthy endeavor of improving the accuracy of our electoral  
30 process without restricting our citizens' constitutional right to vote.

31 BE IT RESOLVED, That copies of this Memorial be immediately  
32 transmitted to the Honorable George W. Bush, President of the United  
33 States, the President of the United States Senate, the Speaker of the  
34 House of Representatives, and each member of Congress from the State of  
35 Washington.

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