
HOUSE JOINT MEMORIAL 4000

State of Washington

57th Legislature

2001 Regular Session

By Representatives Mastin and D. Schmidt

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Committee on State Government.

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

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

8 WHEREAS, It has become painfully obvious that the manner and
9 method by which elections for federal offices are conducted in the
10 fifty sovereign states of this federal union could stand
11 improvement; and

12 WHEREAS, In a federal union it is perfectly proper and
13 appropriate that each sovereign state be allowed to conduct its
14 elections, including elections for federal office, in such manner
15 and method as they may choose, so long as the manner and method
16 does not violate federal law or electors constitutional rights of
17 equal protection or due process; and

18 WHEREAS, In order to ensure public confidence in the
19 institutions of government it is necessary that the manner and
20 method by which elections are held must not only be fair and

1 impartial but that they must appear to be fair and impartial; and
2 WHEREAS, Any effort to increase confidence in the fairness and
3 accuracy in the election of any federal officers must address
4 hundreds of issues, a partial listing of questions that need to be
5 addressed is set forth below:

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7 How can we make certain that the person who is casting a vote is
8 the person who they claim to be?;

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10 How can we make certain that the person casting a vote is lawfully
11 able to vote under the laws of the United States and the state
12 they are voting in?;

13
14 How can we be certain that the person casting a vote has not
15 already voted in some other place or manner for the same federal
16 office?;

17
18 How can we be certain that any request for an absentee ballot for
19 a person was made by, or authorized by, that person?;

20
21 How can we be certain that requests for an absentee ballot are
22 sent directly to the appropriate government office and not to some
23 third party who may or may not forward the request?;

24
25 How can we be certain that absentee ballots are received by the
26 person who requested the ballot?;

27
28 How can we be certain that the votes cast on the ballot are in
29 fact votes made by, or authorized by, the person entitled to
30 receive the ballot?;

31
32 How can we be certain that votes are cast only at such times and
33 in such places as are allowed by state and federal law?;

34
35 How can we be certain that once a vote has been made on a ballot
36 that only duly authorized government officials handle the ballot
37 envelope or ballot, so that no third party is in a position to
38 cause the ballot not to be received by government?;

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2 How can we know in advance what actions a voter must take to
3 create what will be considered a lawful vote in the state where
4 they are voting, with recognition that the types of ballots and
5 machines used may vary within a state?;

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7 What is the consequence of a voter's failure to follow voter
8 instructions and are such instructions merely advisory directions
9 or is strict compliance required to accomplish a lawful vote?;

10

11 What is the consequence of a voter failing to make a vote that
12 complies with instructions because of voting machine malfunction?;

13

14 What is the maximum allowed logic and accuracy test error rate for
15 devices allowed to count votes?;

16

17 What is the method by which recounts can be demanded, and what are
18 the standards for those recounts?;

19

20 What are the assurances that canvassing boards will not only be
21 fair but have rules regarding membership and method of operation
22 that make them appear fair?;

23

24 What are the requirements with regards to the location and
25 operation of polling places; the number, pay, and training of poll
26 workers; the types of ballots and voting machines used; the time
27 allowed to each voter to vote; and the number of revotes each
28 voter may have?;

29

30 What steps must be taken to ensure that voters who may already be
31 disadvantaged by circumstances in their life are not further
32 disadvantaged by government actions that provide them with less
33 actual opportunity to cast a valid vote by reason of any of the
34 above choices that government may make?; and

35

36 WHEREAS, There is a real and significant federal interest in
37 making sure that each of the several states has adopted process
38 and procedures that will result in a fair and constitutional

1 counting of lawful ballots; and

2 WHEREAS, Your Memorialists do not seek the establishment of any
3 comprehensive federal uniform voting rights act. Such an act, if it
4 attempted to specifically direct the exact method and manner by
5 which elections were held in each of the fifty sovereign states of
6 this Republic, would violate both Article IV, Section 4 of the
7 United States Constitution which guarantees to every state in this
8 union a Republican form of government, and the Tenth Amendment to
9 the United States Constitution which reserves to the states or to
10 the people those powers not delegated to the United States by the
11 Constitution or prohibited to the states;

12 NOW, THEREFORE, Your Memorialists respectfully pray that the
13 United States Congress, without restricting the method or manner
14 that the several states may hold elections, set minimum federal
15 standards concerning the process and procedures that the several
16 states may use in holding federal elections within their borders.

17 BE IT RESOLVED, That the federal government provide such
18 funding to the states as may be necessary to allow the several
19 states to meet the minimum requirements of federal law to hold
20 federal elections.

21 BE IT FURTHER RESOLVED, That copies of this Memorial be
22 immediately transmitted to the Honorable George W. Bush, President
23 of the United States, the President of the United States Senate,
24 the Speaker of the House of Representatives, and each member of
25 Congress from the State of Washington.

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