

SENATE BILL REPORT

SJR 8223

As Reported By Senate Committee On:
Government Operations & Elections, January 24, 2008

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

Sponsors: Senators Carrell, Oemig, Swecker, Roach and McDermott; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations & Elections: 1/21/08, 1/24/08 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, Kline, McDermott, Pridemore and Swecker.

Staff: Khalia Gibson (786-7460)

Background: Article VI, Section 1 of the Washington State 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 1a of the Washington State Constitution provides that citizens of the United States who become residents of Washington during the year of a presidential election with the intention of making it their permanent residence may vote for presidential electors or for the office of President and Vice-President of the United States if they resided in the state at least 60 days immediately preceding the election.

At the time Section 1a was added to the Washington State Constitution in 1966, Section 1 required voters to live in the state for one year; in the county for 90 days; and in the city, town, ward, or precinct for 30 days immediately preceding the election. The original purpose behind Section 1a was to allow citizens who met all of the qualifications for voting, except the residency requirement, to vote for the office of President. (Section 1 was later amended in 1974 to read as it does today.)

Summary of Bill: The Secretary of State is required to submit a constitutional amendment to the voters to repeal Article VI, Section 1a of the Washington State Constitution.

Appropriation: None.

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.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill will simply clean up the Washington State Constitution so that there is one set of consistent rules regarding voter requirements. The Legislature never implemented laws to enforce Article VI, Section 1A of the constitution, so Washington has violated the law repeatedly since the amendment became effective in 1966. Everyone understands the 30 day rule, so there is no need for a 60 day rule as well. In 1972 the Washington and United States Supreme Courts held that long residency requirements for voting must only be used for administrative purposes. Washington has been using the 30 day rule since 1972, and keeping this rule would clear up any ambiguities for those citizens believing they cannot vote.

Persons Testifying: PRO: Senator Mike Carrell, prime sponsor; Sam Reed, Secretary of State; Megan Moreno, Office of the Secretary of State.