

FORMATTING NOTE:

In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (~~{- text here -}~~) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

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INITIATIVE 209

AN ACT Relating to national initiative, referendum and electronic voting; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

{+ NEW SECTION. +} Sec. 1. Be it adopted and enacted by the legislature of the state of Washington that it hereby applies to the Congress of the United States, under the authority of Article V of the United States Constitution, that Congress hereby call a constitutional convention, to be independent of, and not subject to rule by, Congress, for the purpose of considering section 3 of this act as an amendment to the United States Constitution together with consideration of any and all other proposals for amendments to the United States Constitution by the several states together with any other business the convention may deem necessary and proper for its consideration.

{+ NEW SECTION. +} Sec. 2. Recognizing that no state is empowered by the Constitution to write a specific proposed amendment, that this power is specifically limited to either Congress or a constitutional convention, the legislature hereby requests the constitutional convention to consider proposing an amendment as outlined in Section 3 of this application and submitting it to the several states for their ratification.

{+ NEW SECTION. +} Sec. 3. The proposed amendment shall include the following provisions:

(1) All acts of Congress, regardless of their nature, shall be subject to review and approval by means of electronic initiative, referendum or general vote as shall properly apply. Electronic vote shall replace all other forms of voting and shall include the right of election and selection, both methods of voting must be employed in balloting as they shall properly apply.

(2) All United States Supreme Court decisions, or any decision of any inferior court, whether of the United States or of the several states, after suffering all possible court appeal, in which the ruling determines an act of the legislature, either state or national, or any

regulation, executive action, or court ruling in which it is determined by the court that same decision, act, regulation, action is unconstitutional and contrary to the United States Constitution, must, before becoming a final and effective ruling, be submitted to review and approval by the people in electronic ballot. If the people shall reject the court ruling, then the court's ruling shall be determined to have been overruled. There shall be no appeal to this vote except by a like vote.

(3) The Supreme Court, or any inferior court, either of the United States or of the several states, are forbidden from finding any election by the people, either in federal elections or in the several states on any issue, to be void or unconstitutional and only any election by the people shall have the power to overturn an election. Elections by the people shall be considered supreme to any other act of the government. However, should the question be poised to the court regarding fraud in the election or other irregularities, the court upon so determining, may act to void the election and provide for a new election.

(4) All Presidential actions, unless they shall be specifically and expressly designated in the Constitution as powers of the President to act, must, upon the submission of a referendum questioning the same, be approved by a vote of the people through electronic ballot.

(5) All regulation, act, rule or decision by any agency, bureau or department of the United States government, or of the several states, shall be subject to electronic initiative and referendum before such regulation, act, rule or decision may take effect and, may be changed or voided by a vote of the people at any time after such regulation, act, rule or decision is approved.

(6) Any increase tax increase proposed by the Congress, must, before it shall take effect, be approved by the people through electronic vote with at least sixty percent of those voting granting approval for the same.

(7) It shall be a mandatory death penalty for any citizen of the United States to in any way tamper, interfere, effect, or otherwise distort any electronic vote of the people. The sentence, once determined in court, shall suffer no appeal of any type to any higher court or executive.

(8) Any tampering, interference, effectuation or distortion of any electronic vote of the people by any foreign source, either sovereign or individual, shall be considered an act of war by the United States.

(9) The Congress, by law, shall establish full access for all citizens for the purposes of electronic voting and shall appropriate such funds as are required to accomplish the same. The government shall provide full disclosure of all records it possess necessary or required for the purpose of electronic voting regarding any issue that may be raised either in initiative or referendum. A court procedure shall be established for releasing said records and the burden of proof not to release said record shall fall entirely upon the government. Information to be withheld in this manner shall be as minimal and specific as possible and no generalized defense to obstruct or otherwise delay such release of records shall be allowed.

(10) This amendment shall be construed to provide the people the broadest possible control of the United States government and no action of the government shall therefore be exempt from the provisions of this amendment nor shall this amendment be construed in any way restricting the right of the people to regulate their government though lawful electronic vote.

(11) All electioneering for office either federal or among the several states, together with any electioneering regarding any issue placed for electronic vote, either in general or special election, together with initiative and referendum, shall be limited to that means and method of vote.

(12) All electioneering done under electronic voting must be sourced as to the identity of the sender, and all electioneering information must be linked. All servers shall be secure.

(13) The government, except as is required to establish and maintain the specifications of electronic voting, is forbidden from otherwise regulating the medium known as the Internet or any equivalent system, unless such regulation shall first be approved by at least two-thirds of those voting in a special election. No regulation or act, in the United States or the several states, may be proposed which shall reduce or remove the right of electronic vote and its authority to regulate the government.

(14) In addition to the two methods of amendment specified in Article V of this Constitution, amendments to the United States Constitution may be proposed by electronic initiative. Such an initiative shall be first presented for vote and amendment by the people who shall approve by a majority vote such changes and alterations as they deem proper. The measure shall then be re-submitted to the people with such approved changes and alterations. No further change or alteration of the proposed amendment shall be permitted. The proposed amendment must suffer a two-thirds vote of approval of those voting before being ratified. Upon ratification, under any of the methods of amending the Constitution, a designated officer specified under law, who shall have no discretion in the matter, shall pronounce the amendment ratified and such amendment shall be considered valid and in full effect to all intents and purposes as part of the United States Constitution.

(15) The power to approve treaties shall be removed from the Senate of the United States. All treaties shall be submitted for approval to a vote of the people and shall not be approved unless two-thirds of those voting shall approve.

(16) The Congress, with approval of the voters as prescribed above, shall have the power to prescribe legislation for this amendment in order to carry out its provisions.

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