

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 223

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. The legislature of the state of Washington applies to the Congress of the United States, under the authority of Article V of the United States Constitution, that Congress 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 and 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 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 must include the following provisions:

(1) All acts of Congress, regardless of their nature, are subject to review and approval by means of electronic initiative, referendum, or general vote, as applicable. Electronic vote replaces all other forms of voting and includes the right of election and selection. Both methods of voting must be employed in balloting, as applicable.

(2) All United States Supreme Court decisions, or any decision of an inferior court, whether of the United States or of the several states, after exhausting all other 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 the decision, act, regulation, or 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 reject the court ruling, then the court's ruling is determined to have been overruled. There is no appeal to this vote except by a like vote.

(3) The Supreme Court, and inferior courts, either of the United States or of the several states, are forbidden from finding an election by the people, either in federal elections or in the several states on any issue, to be void or unconstitutional, and only an election by the people may overturn an election. Elections by the people are supreme to any other act of the government. However, if a question is posed 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 are specifically and expressly designated in the Constitution as powers of the president to act, must, upon the submission of a referendum questioning the action, be approved by a vote of the people through electronic ballot.

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

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

(7) The death penalty is mandatory for a citizen of the United States who in any way tampers, interferes, affects, or otherwise distorts an electronic vote of the people. The sentence, once determined in court, has no appeal of any type to a higher court or executive.

(8) Tampering, interference, influence, or distortion of an electronic vote of the people by a foreign source, either sovereign or individual, is considered an act of war upon the United States.

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

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

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

(12) All electioneering done under electronic voting must identify the sender, and all electioneering information must be linked to that

source. All servers must 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 the regulation is first 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 that reduces or removes 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. The initiative must be first presented for vote and amendment by the people, who must approve by a majority vote such changes as they deem proper. The measure must then be resubmitted to the people with the approved changes. No further change of the proposed amendment is permitted. The proposed amendment must obtain the approval of two-thirds of those voting to be ratified. Upon ratification, under any of the methods of amending the Constitution, a designated officer specified under law, who has no discretion in the matter, shall pronounce the amendment ratified, and the amendment is then considered valid and in full effect for all intents and purposes as part of the United States Constitution.

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

(16) The president and vice-president may be recalled at any time by an electronic vote of the voters. The recall must be started by the recording of electronic votes of at least one-third of the registered voters of the nation. Upon the receipt of the proper number of votes, which must have a specific time limit established by law and may, upon establishment, not be altered except by approval of the people by electronic vote, a special recall election that places the matter before the people must be called. No electioneering is permitted. A two-thirds vote of the people voting in the election is required to recall the president or vice-president. The recall takes effect immediately, and a recall does not hold the president or vice-president harmless or immune from other civil or criminal prosecutions.

(17) Any senator or representative of the United States Congress may be recalled by the voters of his or her respective state or district. The recall procedure is the same as prescribed for the president or vice-president, except that the election is limited to only those voters who are eligible to vote in the state, in the case of a senator, or the district, in the case of a representative.

(18) The Congress, with approval of the voters as prescribed in this article, may enact legislation to implement this amendment.

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