

**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 235**

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 United States 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 act and submitting it to the several states for their ratification.

{+ NEW SECTION. +} Sec. 3. The proposed amendment shall be presented to a constitutional convention and to Congress and shall include the following provisions:

(1) All acts of Congress 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 both federal and state 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 rulings, or any ruling 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 other government 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. No electioneering shall be permitted in this vote, and only those materials available to the final court of appeal in the matter shall be presented to the people for their consideration in their vote.

(3) The Supreme Court, or any inferior court, either of the United States or of the several states, is 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 an 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 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 shall be specifically and expressly designated in the Constitution as powers of the President, must, upon the submission of a referendum questioning the same, be approved by a vote of the people through electronic ballot.

(5) Any 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 or 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 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. No sales tax or other tax of any description shall be levied by either the several states or Congress on any transaction carried out on the Internet, nor shall the Internet suffer any tax of any description. No vote for a tax decrease by Congress shall be required.

(7) As this amendment shall not be construed to replace elections held by the several states and their political subdivisions, it shall be mandatory upon the several states to establish regulations and other required standards of electronic voting for the various states in state and their political subdivision elections. It shall be mandatory upon Congress to establish regulations and other required standards of election voting regarding any federal electronic election. As with all other laws, these laws shall be subject to review by vote of the people. Any dispute between any state and federal regulation shall be settled in an appropriate federal court whose decision in the matter shall be considered final. It shall be mandatory upon the several states to establish criminal punishment for any person or citizen of the United States tampering, interfering, or otherwise distorting any electronic vote of the people. It shall be mandatory upon Congress to establish a consecutive federal criminal punishment for any person or citizen of the United States who shall tamper, interfere, or otherwise distort any electronic vote of the people. The sentences, once determined in court, either federal or state, shall have no appeal of any type to a 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 possesses 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 records shall fall entirely upon the government. Information to be withheld in this manner shall be as minimal and specific as possible in nature, 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 through 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 the United States Constitution, amendments to the United States Constitution may be proposed by electronic initiative. The proposed amendment must suffer a two-thirds vote of approval of those voting in two separate and distinct elections before being considered ratified. Upon ratification, 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 President and Vice President may be recalled at any time by an electronic vote of the voters. Such recall shall be accomplished by the filing of electronic votes of at least one-third of the registered voters of the nation which may be gathered by a method specified by law. Upon the receipt of the proper number of votes, which shall have a specific time limit of effect established by law and may not be altered except by approval of the people, a special election shall be called to place the matter before the people. There shall be no electioneering permitted. It shall require a two-thirds vote of the people voting in the election to recall the President or Vice

President. Such recall shall take effect immediately, and such recall shall 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 their respective state or district. The recall procedure shall be the same as prescribed for the President or Vice President except that the election shall be 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 above, shall have the power to prescribe legislation for this amendment in order to carry out its provisions.

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