

HOUSE BILL

State of Washington 6____ Legislature 20____ Regular Session
By Representatives

Read first time _____. Referred to Committee _____

1 WHEREAS, Article VI of the United States Constitution provides
2 in relevant part as follows: "This Constitution, and the Laws of
3 the United States which shall be made in Pursuance thereof; and
4 all Treaties made, or which shall be made, under the Authority
5 of the United States, shall be the supreme Law of the Land; and
6 the Judges in every State shall be bound thereby, any Thing in
7 the Constitution or Laws of any State to the Contrary
8 notwithstanding. The Senators and Representatives before
9 mentioned, and the Members of the several State Legislatures,
10 and all executive and judicial Officers, both of the United
11 States and of the several States, shall be bound by Oath or
12 Affirmation, to support this Constitution; but no religious Test
13 shall ever be required as a Qualification to any Office or
14 public Trust under the United States.

15 WHEREAS, the Washington State Constitution, Article I, Section 2
16 provides as follows: "The Constitution of the United States is
17 the supreme law of the land."

18 WHEREAS RCW 29A.04.230 declares that the Secretary of State is
19 the chief election officer for all federal, state, county, city,
20 town and district elections, and is required to coordinate those
21 state election activities with federal law.

22 WHEREAS Article II, Section I, Clause 5 of the United States
23 Constitution provides that "No person except a *natural born*
24 *Citizen*, or a Citizen of the United States, at the time of the
25 Adoption of this Constitution, shall be eligible to the Office
26 of President; neither shall any Person be eligible to that
27 Office who shall not have attained to the Age of thirty-five
28 Years, and been fourteen Years a Resident within the United
29 States."

30 WHEREAS the Secretary of State has a duty to designate the
31 presidential candidates ninety days prior to the primary
32 election, pursuant to WAC 434-219-060.

33 WHEREAS the Secretary of State has a duty to certify the final
34 list of candidates who will appear on the presidential primary
35 ballot, pursuant to WAC 434-219-120.

36 WHEREAS the Secretary of State has a duty to certify the result
37 of the presidential primary fifteen days following the primary,
38 pursuant to WAC 434-219-290.

39 WHEREAS the Secretary of State has a duty to supervise election
40 review staff employed by the Secretary of State for the purpose
41 of conducting election reviews, including election policies and

42 procedures and includes the review of any documentation of those
43 procedures pursuant to WAC 434-260-020.

44 WHEREAS the Secretary of State has a duty to develop an
45 "election review checklist" which is the basis for any election
46 review or special review, pursuant to WAC 434-260-110.

47 WHEREAS Article III, Section 4 of the Washington State
48 Constitution provides that the Secretary of State is the officer
49 of the state delegated with the duty of presenting the election
50 results to the state legislature.

51 NOW THEREFORE, be it resolved to amend RCW 29A.04.230 as
52 follows:

53 This act shall be called "Secretary of State: Designation and
54 duties as chief elections officer." The statute shall read as
55 follows: "The secretary of state through the election division
56 shall be the chief election officer for all federal, state,
57 county, city, town, and district elections that are subject to
58 this title. (1) The secretary of state shall keep records of
59 elections held for which he or she is required by law to canvass
60 the results, make such records available to the public upon
61 request, and coordinate those state election activities required
62 by federal law; (2) The secretary of state shall establish by
63 clear and convincing evidence that every candidate for the
64 office of President of the United States and Vice President of
65 the United States: (a) is a "natural born Citizen of the United

66 States" and a Citizen of the United States; (b) has attained to
67 the Age of thirty-five Years, and (c) has been fourteen Years a
68 Resident within the United States." (3) For purposes of this
69 provision, a "natural born citizen" is a person (a) who is born
70 of parents, both of whom were American citizens at the time of
71 birth, (b) born of parents, both of whom were resident in the
72 United States or its possessions at the time of the candidate's
73 birth, (c) who has not established citizenship of any other
74 nation after the age of 18 years, and (d) has not obtained
75 citizenship in the United States by means or process of
76 naturalization.

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