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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 21 2000

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DEPUTY
SPOKANE, WASHINGTON

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

MUHAMMAD S.
FARRAKHAN, (aka ERNEST S.
WALKER), et al.,

Plaintiffs,

v.

GARY LOCKE, et al.,

Defendants.

NO. CS-96-076-RHW

DEFENDANTS' SECOND
SUPPLEMENTAL SJ
EXHIBIT LIST

Defendants, by and through their attorneys, CHRISTINE O. GREGOIRE,
Attorney General, and DANIEL J. JUDGE and JEFFREY T. EVEN, Assistant

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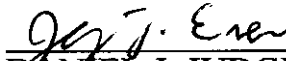
1 Attorneys General, submit the following second list of supplemental exhibits in
2 support of Defendants' Counterstatement of Material Facts.

3 **Exhibit 68:** Laws of Washington, 1889-90, p.524.

4 **Exhibit 69:** 1974 Washington State Voters Pamphlet.

5 RESPECTFULLY SUBMITTED this 18th day of August, 2000.

6 CHRISTINE O. GREGOIRE
7 Attorney General

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9 DANIEL J. JUDGE, WSBA #17392
10 Assistant Attorney General
11 JEFFREY T. EVEN, WSBA #20367
12 Assistant Attorney General
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the person in charge of such engine to come to a full and remain standing until the team has passed.

SEC. 2. Any person violating the provisions of this shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than dollars.

Approved February 14, 1890.

CIVIL AND LEGAL RIGHTS.

AN ACT to protect all citizens in their civil and legal rights. Be it enacted by the Legislature of the State of Washington:

SECTION 1. That all persons within the jurisdiction of the State of Washington shall be entitled to the full and enjoyment of the public accommodations, advantages, facilities and privileges of inns, public conveyances on or water, theatres and other places of public amusement, restaurants, subject only to the conditions and limitations established by law and applicable alike to all citizens whatever race, color or nationality.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons of law applicable to citizens of whatever race, color or nationality, the full enjoyment of any of the public accommodations, advantages, facilities or privileges in said section enumerated, or by aiding or inciting such denial, shall every such offense be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum less than fifty dollars nor more than three hundred dollars or shall be imprisoned not less than thirty days nor more than six months.

Approved March 27, 1890.

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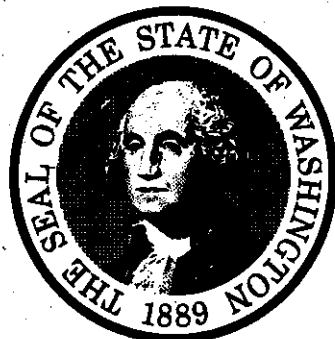
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*Return to Central Office
c/o Phil Banker*

General Election Tuesday, November 5, 1974

*Property of
ATTORNEY GENERAL
State of Washington*

#24



OFFICIAL VOTERS PAMPHLET

PUBLISHED BY OFFICE OF THE SECRETARY OF STATE
CANDIDATES PAMPHLET ENCLOSED .NW-3

EXHIBIT 69



SJR 143

Senate Joint Resolution
Proposed Constitutional Amendment

Ballot Title:

Shall a thirty-day durational residency requirement be established for voting by otherwise eligible citizens eighteen years of age or over?

Vote cast by members of the 1974 Legislature on final passage:
HOUSE: [98 members] Yeas, 90; Nays, 6; Absent or not voting, 2.
SENATE: [49 members] Yeas, 43; Nays, 0; Absent or not voting, 6.

NOTE: The ballot title and explanatory comment were written by the Attorney General as required by state law. The complete text of Senate Joint Resolution 143 begins on Page 13.

Statement for

SJR 143 Is A "Positive" Measure

As a rather noncontroversial measure passed by the Legislature, SJR 143 did not attract as much public attention as other more partisan issues. It passed the Legislature heartily supported by Democrats and Republicans alike.

Repeals Obsolete Constitutional Provisions

SJR 143 amends the State Constitution to update certain voter qualifications in order to comply with U.S. Supreme Court rulings. The proposed amendment simply states that a prospective voter must have established a 30-day residency in the state, county or precinct and be at least 18 years old. It repeals current provisions which "prohibit" 18 to 20 year olds from voting, Indians which are not taxed, those individuals who are not able to read or speak the English language, and the one year residency requirement. All of these restrictions have been declared unconstitutional by the Supreme Court and are no longer enforced, therefore making this portion of the Constitution obsolete.

Removes Unnecessary Confusion

SJR 143 was drafted to remove any confusion that may develop from reading the Constitutional requirements for voting. Occasionally, prospective voters are discouraged from registering because of obscure and archaic restrictions which have not been corrected to reflect federal court rulings and constitutional challenges. SJR 143 clarifies the State Constitutional provisions for voting so that each citizen knows exactly what is required in order to be registered to vote.

Please Support This Worthwhile Amendment!

Although SJR 143 can be described as a "housekeeping" measure, we also feel it will make voting a little easier for those citizens currently in doubt because of the present Constitutional provisions.

Rebuttal of Statement against

Whether you agree or disagree with the courts on residency requirements, the Supreme Court, under the U. S. Constitution has jurisdiction over state statutes and any conflict with the state constitution is superceded by the decision of the Supreme Court.

The failure of SJR 143 would not affect present laws. It would be useless to retain antiquated constitutional language.

The thirty-day residency requirements were in effect during the last two general elections with no problems.

Committee For Senate Joint Resolution 143:

GARY GRANT, State Senator, Democrat, RICHARD KING, State Representative, Democrat, and ARTHUR C. BROWN, State Representative, Republican.

Advisory Committee: MAXINE KRULL, President, League of Women Voters of Washington; ROSS DAVIS, Chairman, Washington State Republican Committee; NEALE CHANEY, Chairman, Washington State Democratic Committee; JOE DAVIS, President, Washington State Labor Council; ROGER LEED, Member of the Steering Committee, Coalition for Open Government.

The Law as it now exists:

The 26th Amendment to the United States Constitution extended the right to vote to citizens eighteen years of age or older. In addition, recent decisions of the United States Supreme Court have also affected the qualifications which a state may impose for voting in its elections. Because of these decisions, a state may no longer enforce a residency requirement of more than thirty days in duration, nor may it restrict the right to vote to persons who can read and speak the English language or prohibit voting by Indians not paying taxes.

Accordingly, certain provisions of the Washington State Constitution with respect to voting qualifications have been rendered ineffective. Those provisions include a minimum age requirement for voting of twenty-one years; a one-year state and ninety-day county durational residence requirement; a prohibition against voting by nontaxed Indians; and a requirement that voters be able to read and speak the English language.

Effect of Senate Joint Resolution No. 143, if approved into Law:

This proposed constitutional amendment would remove the foregoing presently ineffective provisions and simply require that in order to vote in an election in this state, a person must be a United States citizen who is eighteen years of age or older, and who has been a resident of the state, county and precinct in which he resides for at least thirty days prior to the election at which he seeks to vote.

In addition, however, this constitutional amendment would retain an existing disqualification for voting by insane persons and persons convicted of felonies, unless restored to their civil rights.

Statement against

Must we accept as ABSOLUTE and IRREVOCABLE every court decision? Did you ever want to legally and safely say, "Judge — YOU ARE WRONG"?

The court decisions which virtually wipe out residency requirements for voting are WRONG and IRRESPONSIBLE.

PASSAGE OF SJR 143 WILL:

- 1) Allow politicians to move from one district to another to seek office after only 30 days residency.
- 2) Allow "temporary residents" such as college students in small college towns to dominate elections—then leave town.
- 3) Allow newcomers who have voted elsewhere to move to Washington and, with 30 days residency, vote again — with little knowledge of the issues or candidates.
- 4) Allow newcomers to enroll as residents in our colleges.

Mr. Chief Justice Burger, in his dissenting opinion stated:

"It is no more a denial of equal protection for a State to require newcomers to be exposed to state and local problems for a reasonable period such as one year before voting, than it is to require children to wait 18 years before voting."

Justice Hale, in his dissenting opinion wrote:

"I think it repugnant to our political institutions that one can enter this state, stay here a comparatively few weeks, claim state suffrage on the basis of this short stay, and then proceed, as soon as registered, to vote, run for office, instigate recall, referendum and initiative petitions, sit as a juror, enter our state supported colleges and universities on the same financial basis as those who have with their taxes built and maintained them. . . ."

VOTE NO ON SJR 143

Rebuttal of Statement for

This "housekeeping" measure could flood the polls with uninformed voters. Justice Blackman wrote "Clearly . . . the State does have a profound interest in the purity of the ballot box and in an informed electorate and is entitled to take appropriate steps (residency requirements) to assure these ends." Justice Hale wrote ". . . the judiciary has no authority whatever to substitute its judgment for that of the peoples' representatives as to the means and methods for holding honest unrigged elections . . ."

VOTE NO SJR 143

Committee Against Senate Joint Resolution 143:

JAMES P. KUEHNLE, State Representative, Republican.