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SUPREME COURT
STATE OF WASHINGTON
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No. 79971-7

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SUPREME COURT OF THE STATE OF WASHINGTON

MELANIE MORIN,

Appellant,

v.

CLARENCE HARRELL and HAZEL HARRELL, husband and wife,
and their marital community,

Respondents.

RESPONDENTS' STATEMENT OF ADDITIONAL AUTHORITIES

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**I. RESPONDENTS' STATEMENT OF ADDITIONAL
AUTHORITIES SUBMITTED PURSUANT TO RAP 10.8**

Respondents submit the following case from Division Two of the Court of Appeals on the issue of whether the legislature's act of amending and recodifying an initiative would bar an article II, section 19 challenge to the initiative itself: *State v. Stannard*, 134 Wn. App. 828, 142 P.3d 641 (2006). The Court of Appeals stated:

The State argues that we need not reach the constitutional question presented here because the legislature cured any constitutional defect when it adopted RCW 77.15.245. ...

Voters passed I-655 in 1996, and the legislature first codified the initiative under RCW 77.16.360 in 1997. Laws of 1997, ch. 1, § 1. In 2000, the legislature amended the statute and recodified it under RCW 77.15.245. Laws of 2000, ch. 248; Laws of 2000, ch. 107, §§ 260, 275. The defendants committed their violations in July or August 2003. Thus, if the State's argument is correct, the legislature's act of recodifying and amending the initiative in 2000 would bar any constitutional challenge to the initiative by the defendants or anyone else who was first touched by the initiative after 2000. We are unwilling, without supporting Washington authority, to so severely restrict a citizen's right to challenge an initiative on constitutional grounds.

Id. at 833-34.

DATED this 23rd day of May, 2007.

Respectfully submitted,

CONE GILREATH LAW OFFICES

By:



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FILED AS ATTACHMENT
TO E-MAIL