Received
Washington State Supreme Court

APR 18 2014

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NO. ~~89266-1~~ 90113-9

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

BF FOODS, LLC, FILO FOODS, LLC, ALASKA AIRLINES, INC., and WASHINGTON RESTAURANT ASSOCIATION,
Petitioners/Plaintiffs,

v.

CITY OF SEATAC,
Respondent/Defendant,

v.

SEATAC COMMITTEE FOR GOOD JOBS,
Respondent/Intervenor.

SEATAC COMMITTEE FOR GOOD JOBS' ANSWER TO PETITION FOR REVIEW/CROSS-PETITION FOR REVIEW

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INTRODUCTION

The Petition for Review filed by Petitioners/Plaintiffs Alaska Airlines, Inc., Filo Foods, LLC, BF Foods, LLC and the Washington Restaurant Association ("Petitioners") seeking review of the Court of Appeals decision filed on February 10, 2014, should be denied for the following reasons:

1) The case is moot. SeaTac Proposition 1 ("the Good Jobs Initiative" or "the Initiative"), now Chapter 7.45 of the SeaTac Municipal Code ("SMC") ("the Ordinance"), appeared on the November 5, 2013, general election ballot. The relief Petitioners seek in this proceeding is writs and an injunction prohibiting a vote on the Initiative. Since the election has already occurred, such relief can no longer be obtained. Thus, this matter presents purely academic issues and it is not possible for the court to provide effective relief.

2) There is no issue of continuing and substantial public interest that justifies discretionary review. The Court of Appeals invalidated former RCW 35A.01.040(7), holding it violates the First Amendment of the United States Constitution. The statute has since been amended to eliminate the constitutional deficiency. Thus, the question whether the statute or its application is constitutional will not recur, no continuing public interest remains warranting judicial guidance, and any

opinion from this Court on the constitutional question posed, including the level of scrutiny to be applied to municipal code provisions for determining the validity of certain signatures counted in support of an initiative petition, would be merely advisory.

3) A ruling by this Court regarding the constitutionality of former RCW 35A.01.040(7) will have no effect on the validity of the Ordinance. The Ordinance appeared on the November 5, 2013, ballot, it was approved by a majority of SeaTac voters, and it is therefore not subject to a post-election challenge based on a claim that it was not supported by a sufficient number of petition signatures.

4) The requirements of RAP 13.4(b)(1)-(4) are not met in this case.

STATEMENT OF THE CASE

The SeaTac Committee for Good Jobs ("the Committee") collected 2,506 signatures supporting Proposition 1 and filed them with the City of SeaTac, which submitted the signatures to the King County Department of Elections. Appendix to Motion for Accelerated Review ("Mot. App.") at 2. On June 20, 2013, the King County Elections Supervisor validated enough signatures to qualify Proposition 1 for the ballot, and on June 28, 2013, the City Clerk issued a certificate of sufficiency. *Id.*

On July 8, 2013, Petitioners filed an application for various writs and a complaint for declaratory and injunctive relief in King County Superior Court. SeaTac Committee For Good Jobs Appendix to Answer to Petition for Review ("Comm. App.") at 1-32 ("Application and Complaint"). The Application and Complaint did not contain any request for injunctive relief to prevent the Initiative from going into effect once enacted into law. *See id.*

On August 26, 2013, King County Superior Judge Andrea Darvas granted Petitioners' request for writs of review, mandate, and prohibition, removing Proposition 1 from the November 5, 2013, ballot on the basis that there were an insufficient number of valid signatures to satisfy RCW 35A.01.040(7). Mot. App. at 3.

On September 6, 2013, the Washington State Court of Appeals granted discretionary review, reversed Judge Darvas' rulings, vacated Judge Darvas' August 26, 2013, order, and quashed all writs issued pursuant to that order. Appendix to Petition for Review ("Pet. App.") at 19-22.

On September 9, 2013, Petitioners sought discretionary review by this Court of the Washington State Court of Appeals' ruling, which request was denied on September 10, 2013. The Good Jobs Initiative thus appeared on the November 5, 2013 general election ballot and was enacted

into law by the voters of SeaTac. The Ordinance became effective by its terms on January 1, 2014. *See http://www.ci.seatac.wa.us/Modules/ShowDocument.aspx?documentid=8233.*

ARGUMENT

I. Review Should Be Denied Because Whether Petitioners Were Entitled to Various Writs On The Basis Of Former RCW 35A.01.040(7), Which is the Ultimate Question at Issue in This Case, Is Now Moot.

The issue addressed by the Court of Appeals in its decision below, whether writs should issue prohibiting the Initiative from appearing on the November 5, 2013, general election ballot, is moot. The election has already taken place and the relief sought below (writs and an injunction to prevent the election) is no longer available.

A claim is considered moot "where it presents purely academic issues and where it is not possible for the court to provide effective relief." *Klickitat Cnty. Citizens Against Imported Waste v. Klickitat Cnty.*, 122 Wn.2d 619, 631, 860 P.2d 390 (1993), *as amended on denial of recons.* 866 P.2d 1256 (1994); *see also SEIU Healthcare 775NW v. Gregoire*, 168 Wn.2d 593, 602, 229 P.3d 774 (2010) (citing cases). Here, the arguments made in the Petition for Review are purely academic, because the vote Petitioners sought to prevent has already taken place, and the relief requested by the Petitioners below could no longer be effectively granted.

While the occurrence of an election does not render *every* pre-election challenge moot, this Court has held that claims that request relief designed to prevent an election from going forward become moot once the election has occurred. *See, e.g., City of Sequim v. Malkasian*, 157 Wn.2d 251, 259-61, 138 P.3d 943 (2006) (distinguishing claims "instituted solely for the purpose of preventing an election" which become moot after an election, from subject matter challenges where relief may be granted after an election); *West v. Reed*, 170 Wn.2d 680, 682, 246 P.3d 548 (2010) ("Since the election sought to be enjoined has been held, and the referendum was approved, no effective relief can be granted in reviewing the superior court's decision and reversing it."), *cert. denied* 132 S.Ct. 423 (2011); *State ex. rel. Jones v. Byers*, 24 Wn.2d 730, 733, 167 P.2d 464 (1946) (appeal from denial of injunction to prevent election became moot after election held as "court cannot now prevent the doing of a thing which has already been done").

In light of this authority and the occurrence of the November 5, 2013, election, it is clear that an order from this Court granting the relief requested by Petitioners would have no operative effect. Review should therefore be denied on the basis that this dispute is moot.

II. Review Should Also Be Denied Because There Is No Issue of Continuing and Substantial Public Interest Since Former RCW 35A.01.040(7) Has Been Amended To Correct the Constitutional Deficiency Found By The Court of Appeals.

Although in some instances this Court has exercised discretion to grant review in cases notwithstanding the lack of a live case or controversy because the case involved an issue of continuing and substantial public interest, the Court should not exercise its discretion here to consider the constitutionality of former RCW 35A.01.040(7).[1] This is because the statute has since been amended to correct the alleged constitutional deficiency. On March 31, 2014, the Washington State Legislature amended the relevant state statute to strike the statutory language at issue and to replace it with a requirement that "[i]f a person signs a petition more than once, all but the first valid signature must be rejected." Laws of 2014, Ch. 121, § 3(7) (amending RCW 35A.01.040(7)).[2] Comm. App. 56-64.

Thus, the question of the statute's constitutionality will not recur, no continuing public interest remains warranting judicial guidance, and

[1] When determining whether an issue of continuing and substantial public interest warrants review, the Court considers: (1) whether the issue is of a public or private nature, (2) whether an authoritative determination is desirable to provide future guidance to public officers, and (3) whether the issue is likely to recur. *Sorensen v. City of Bellingham*, 80 Wn.2d 547, 558, 496 P.2d 512 (1972). The Committee does not dispute that the issues raised by the Petitioners are more likely public than private.

[2] The SeaTac Municipal Code corollary, SMC § 1.10.140(C), now directly and irreconcilably conflicts with state law and is therefore preempted by RCW 35A.01.040(7), as amended. *See, e.g., Lawson v. City of Pasco*, 168 Wn.2d 675, 682, 230 P.3d 1038 (2010).

any opinion from this Court on the constitutional question posed, including the level of scrutiny to be applied to municipal code provisions for determining the validity of certain signatures counted in support of an initiative petition, would be merely advisory. Advisory opinions are greatly disfavored. *Hart v. Dep't of Soc. & Health Servs.*, 111 Wn.2d 445, 450, 759 P.2d 1206 (1988) ("Actual application of the *Sorenson* criteria... is necessary to ensure that an actual benefit to the public interest in reviewing a moot case outweighs the harm from an essentially advisory opinion."); *see generally Walker v. Munro*, 124 Wn.2d 402, 414, 879 P.2d 920 (1994).

III. Review Should Also Be Denied Because Even Reversal By This Court Of The Court Of Appeals' February 10, 2014 Opinion Would Not Be Grounds For Invalidating The Ordinance.

Petitioners have not articulated as a basis for seeking discretionary review the collateral effect that a decision by this Court in the instant case would have on its adjudication of Case No. 89723-9, in which Petitioners seek to invalidate the Ordinance. Should Petitioners argue this for the first time in their Reply Brief, however, the argument must be rejected. Even if this Court were to reverse the Court of Appeals' February 10, 2014 opinion and hold former RCW 35A.01.040(7) constitutional, neither that statute nor its municipal law equivalent, SMC § 1.10.140(C), can be

wielded to invalidate an initiative, approved by a majority of voters, after the election has already taken place.

This principle has been adopted by every state court that has considered the question, including Washington's. *See, e.g., Vickers v. Schultz*, 195 Wash. 651, 654-55, 81 P.2d 808 (1938). In *Vickers,* the county auditor failed to post notices which alerted voters to the fact that a special election was to be held on the formation of a public utility district and election of district commissioners. *Id* at 651. While this indisputably failed to comply with the requirements of the public utility district statute, the Court found that the vote nonetheless represented "an intelligent and well-formed expression of the popular will." *Id.* at 657. The Court announced that an election will not be void for failure to strictly observe statutory requirements "unless the statute itself declares that the election shall be void if the statutory requirements are not strictly observed." *Id.*

As this Court stated in *Groom v. Port of Bellingham*, 189 Wash. 445, 447, 65 P.2d 1060 (1937), another case involving insufficient notice of a special election:

> An election will not be declared invalid for any irregularities when it appears that the result of the election was an intelligent expression of the popular will, and the want of statutory notice did not result in depriving sufficient of the electors of the opportunity to exercise their franchise to change the result of the election.

See also State ex rel. Sampson v. Superior Court for King Cnty., 71 Wash. 484, 487, 128 P. 1054 (1913) (Whether vote represents "intelligent expression of the popular will ... is the real test moving all courts in holding that, unless the contrary appears, mere irregularities should not be held to defeat and set aside the popular will.").

Other state courts have articulated the rationale for this rule. In *Renck v. Superior Court,* 66 Ariz. 320, 327, 187 P.2d 656, 661 (1947), the Supreme Court of Arizona explained that even where a legal challenge to the sufficiency of initiative petition signatures is initiated *before* the general election,

> once the measure has been placed upon the ballot, voted upon and adopted by a majority of the electors, the matter becomes political and is not subject to further judicial inquiry as to the legal sufficiency of the petition originating it.

Similarly, in *Montanans for Equal Application of Initiative Laws v. State ex rel. Johnson,* 336 Mont. 450, 457, 154 P.3d 1202, 1207 (2007), the Supreme Court of Montana observed that:

> [A]fter a majority of the Montana electorate have voted to support an initiative, it is absurd for the State and the courts to be tied up with the question of whether five percent of Montana voters had wanted it on the ballot.[3]

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[3] *Accord Hernandez v. Frohmiller*, 68 Ariz. 242, 259, 204 P.2d 854, 865 (1949) ("after a statute has been passed by a vote of the people and promulgated as the law, this court's sphere of inquiry is and should be whether the law itself in its final form is constitutional as to its provisions, and not whether there was a constitutional defect in the proceedings

Nothing in RCW 35A.01.040 yields a contrary result. Moreover, although there is case law supporting the notion that strict compliance with electoral procedures may be enforced, *see, e.g., State ex rel. Uhlman v. Melton,* 66 Wn.2d 157, 161, 401 P.2d 631 (1965), there is no Washington case law supporting the notion that pre-election procedural irregularities may be used to invalidate a measure once the measure has been enacted into law through a vote of the general electorate.

In sum, this Court's reversal of the Court of Appeals February 10, 2014, decision could not result in a ruling that the Ordinance, the validity of which is currently subject to a separate appeal, is void. Because that is, self-evidently, the true reason why Petitioners are seeking review herein, review should be denied.

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leading to its final passage"); *State ex rel. Graham v. Bd. of Examiners*, 125 Mont. 419, 428-29, 239 P.2d 283, 289-90 (1952) (after a statute is passed by a vote of the people, a court's inquiry is limited to whether the statute's provisions are constitutional and not defects in proceedings leading to final passage); *Wadsworth v. Neher*, 138 Okl. 4, 4, 280 P. 263, 263 (1929) ("In the absence of fraud, an election will not be held invalid on the ground that mandatory provisions of the state election laws have been disobeyed, unless it is expressly declared in the statute that the particular act is essential to the validity of an election or that its omission shall render it void"); *City of Albuquerque v. Water Supply Co.*, 24 N.M. 368, 368, 174 P. 217, 217 (1918) ("Where an election is held under authority of an order of the proper authorities, and in the main conforms to the requirements of the statute, though wanting in some particular not essential to the power to hold such an election, and is acquiesced in by the people and approved by their agent, such irregularities do not render the bonds thus issued void"); *Mayer v. Adams*, 182 Ga. 524, 186 S.E. 420, 424-25 (1936) ("substance is more important than form, and ... the will of the people expressed at the proper time and in the proper manner at the ballot box... ought not to be lightly disregarded and set at naught" despite technical irregularities that do not substantially affect result).

IV. None Of The Considerations Warranting Review Are Present In This Case.

A. The Court Of Appeals Correctly Applied Well Established Principles Of Constitutional Law When It Allowed Voters In SeaTac To Vote On the Good Jobs Initiative. Therefore, The Constitutional Concerns of RAP 13.4(b)(3) Are Not Present.

Petitioners argue review is warranted pursuant to RAP 13.4(b)(3), which permits acceptance of review when a significant question of constitutional law is at issue. However, here the Court of Appeals applied well-established constitutional precedent when it refused to uphold the superior court's writs prohibiting the City of SeaTac from placing the Initiative on the ballot.

The Court of Appeals reversed on the grounds that former RCW 35A.01.040(7) violated the First Amendment to the United States Constitution because the statute "impermissibly burdens" the speech rights of those who signed the initiative more than once. Pet. App. at 1. The Court of Appeals correctly determined the statute's directive to strike voters' signatures must be reviewed under the "exacting scrutiny" standard based on U.S. Supreme Court decisions finding the same, citing, *e.g.*, *Meyer v. Grant,* 486 U.S. 414, 420, 108 S. Ct. 1886, 100 L.Ed 2d 425 (1988) (applying the exacting scrutiny standard to restrictions on paid initiative petition circulators in Colorado because the restrictions limited political expression) and *Doe No. 1 v. Reed,* 130 S. Ct. 2811, 2817, 177

L.Ed.2d 493 (2010) (holding petition signing is expressive speech protected by the First Amendment and applying the exacting scrutiny standard to Washington Public Records Act requirement that ballot petitions be publicly disclosed).

The Court of Appeals recognized the signature elimination requirement of former RCW 35A.01.040(7) was sufficiently akin to the burdens of limited hours for initiative petition circulators in *Meyer, supra,* or mandatory public disclosure of petitions in *Reed, supra,* to warrant the exacting scrutiny standard. Considering the burdens in *Meyer* and *Reed* fall far short of the burden imposed by former RCW 35A.01.040(7), which could result in the total elimination of a voter's recorded expression of support to place a measure on the ballot for a public vote, the Court of Appeals correctly applied the exacting scrutiny standard.

The Court of Appeals relied on a nearly identical earlier decided case, *Sudduth v. Chapman,* 88 Wn2d. 247, 252, 558 P.2d 806 (1977). In *Sudduth,* as here, the Court decided whether a provision in state law which directed an elections official, in that case the Washington Secretary of State, to reject all duplicate signatures on ballot initiatives, including the original signature, violated the constitutional rights of voters. *Id.* at 249. This Court held that the statute infringed on the constitutional rights reserved to the people and, there being no articulated state interest in the

signature elimination requirement, the statute was therefore void. *Id.* at 251-52. The Court of Appeals correctly recognized that *Sudduth* controls.

Petitioners argued below, as they do again here, that the principles set forth in *Sudduth* involve only the statewide initiative process, and not municipal initiatives such as Proposition 1. They therefore assert that municipalities are "free to adopt more restrictive signature verification requirements." Petition at 16. Neither of the cases cited by the Petitioners support that proposition, however, and such a conclusion cannot reasonably be drawn from any relevant constitutional law.[4]

RAP 13.4 does not obligate this Court to accept review of any case with a constitutional issue, only to give consideration to doing so if there is "significant question of law under the Constitution of the State of Washington." RAP 13.4(b)(3). It has been established since 1977 that the First Amendment does not permit Washington elections officials to strike all of the signatures of voters who "inadvertently sign two or more for the same ballot measure." *Sudduth,* 88 Wn.2d at 252. As *Sudduth* controls, no significant question of constitutional law is presented to this Court.

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[4] *City of Port Angeles v. Our Water-Our Choice!*, 170 Wn.2d 1, 8, 239 P.3d 589, 592 (2010) involved the question of whether an initiative was administrative or legislative in nature and does not imply that a municipality is free to conduct its initiative process in violation of the First Amendment. The other case cited by Petitioners, *Save Our State Park v. Board of Clallam County Com'rs*, 74 Wn. App. 637, 644, 875 P.2d 673, 677 (1994) likewise involved the question whether a municipal initiative was legislative or administrative in nature. Neither case supports Petitioners' contention.

Because Petitioners have not satisfied RAP 13.4(b)(3), they are not entitled to review.

B. The Court Of Appeals Correctly Applied Prior Case Law, And Its Decision Does Not Conflict With Any Law Identified By The Petitioners. Therefore, The Concerns Of RAP 13.4(b)(1) And (2) Are Not Present.

Petitioners argue that the Court of Appeals erred in applying the "exacting scrutiny" standard to the statute because it erroneously assumed that "***any*** burden on the right to vote" is subject to the higher standard. Petition at 11 (emphasis in petition's brief). Petitioners misstate the Court of Appeals decision, which considered only the burden of the duplicate signature rule. Moreover, the U.S. Supreme Court decision Petitioners cite in support of their contention, *Burdick v. Takushi,* 504 U.S. 428, 434, 112 S.Ct. 2059, 119 L.Ed.2d 245 (1992), does not hold, nor even suggest, that the "exacting scrutiny" standard was not the appropriate test here. Rather, the Court in *Burdick* held that the severity of the burden the election law imposes on the voter's rights dictates the level of scrutiny applied by the court. *Id.* (noting that when First and Fourteenth Amendment rights "are subjected to 'severe' restrictions, the regulation must be 'narrowly drawn to advance a state interest of compelling importance'") (quoting *Norman v. Reed,* 502 U.S. 279, 289, 112 S.Ct. 698, 116 L.Ed.2d 711 (1992).

Petitioners argue that the Court of Appeals neglected to expressly recognize the degree of severity of the burden caused by the striking of duplicate signatures and that absent such an express recognition the Court of Appeals should not have applied the exacting scrutiny standard. Yet, Petitioners do not argue, and cannot argue, that the application of former RCW 35A.01.040(7), which could result in the complete elimination of a voter's expression of support of a ballot initiative, is not a severe burden.

In any case, even had the Court of Appeals applied the lower scrutiny standard the Petitioners advocate, and considered the "reasonableness" of the statute, the statute is nevertheless unconstitutional. This is because this Court has already considered the reasonableness of an election rule that results in duplicate signatures being eliminated from consideration, engaged in the requisite balancing of concerns, and found the elimination of the signatures to be an unlawful regulation by the Washington legislature. *Sudduth,* 88 Wn.2d at 250. Petitioners' citations to inapposite federal election cases (including cases involving requirements for single subject rules, identification requirements, and the issue of "stale" signatures) do not suggest this Court was mistaken in *Sudduth* and should revisit that holding.

Finally, the Court of Appeals was not in conflict with any prior case law when it rejected the Petitioners' theory that separate

constitutional concerns exist for statewide initiatives as compared to municipal initiatives. Petitioners have not cited any cases that direct the Court of Appeals to disregard *Sudduth, supra,* when considering municipal ballot initiatives, nor any cases that support its theory that former RCW 35A.01.040(7) is immune to constitutional concerns because it involves municipal elections. Rather, it has cited two cases where the courts have found that compliance with municipal election requirements is mandatory. These cases do not suggest that the same constitutional concerns present in *Sudduth* do not apply to municipal elections.

C. The Petition Does Not Involve A Substantial Public Interest That Should Be Determined By This Court Because This Court Has Already Ruled On The Underlying Constitutional Question, The Court Of Appeals Correctly Applied That Precedent, And The Public Interest Is Not Served By Accepting Review Of Matters Already Decided.

The mere fact that the initiative process is of substantial public interest does not mean that there is any public interest in this case that should be determined by the Supreme Court. RAP 13.4(b)(4). The constitutional question presented by Petitioners was answered nearly 40 years ago in *Sudduth.* There is no public interest served by a re-examination of this holding.

Additionally, less than a month after the Court of Appeals' decision, the Governor signed HB 2296 into law. The law now reads, in

pertinent part, that "The legislature intends to require local officers certifying city and town petitions to count one valid signature of a duplicate signer." Laws of 2014, Ch. 121, § 1.[5]

In light of this legislative act, any public significance that could otherwise attach to this case has clearly evaporated. The law having been changed, the circumstances that led to this litigation will not recur. In light of that, review cannot be justified under RAP 13.4(b)(4).

CROSS-PETITION

The issues that were presented to the Court of Appeals below were not limited to the one issue regarding which Petitioners have based their request for discretionary review, i.e., the constitutionality of former RCW 35A.01.040(7). As articulated by the Committee in the "Issues Presented for Review" section of its Emergency Motion for Discretionary Review, filed on August 29, 2013, there were three separate grounds asserted by the Committee for finding that the superior court had erred in issuing the writs:

> 1. Did the superior court commit probable error by issuing its Order where King County had already determined that the Initiative had sufficient signatures and therefore issued a Notice of Sufficiency?

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[5] The law also amended the statutes relating to petitions in cities, towns and code cities, amending RCW 35.21.005(7) and RCW 35A.01.040(7) to provide that "If a person signs a petition more than once, all but the first valid signature must be rejected." *Id.* §§ 2(7), 3(7). The law is effective June 12, 2014.

> 2. Did the superior court commit probable error by issuing its Order where, even if the Court acted correctly in striking all signatures of voters who signed the Petition more than once, sufficient other valid signatures (wrongly stricken by the Petition Review Board) existed to warrant upholding a determination of sufficiency?
>
> 3. Did the superior court commit probable error by issuing its Order where the procedures and decisions of the Petition Review Board and Judge Darvas depriving SeaTac voters of federal Constitutional rights?

Comm. App. at 34-35.

Thus, at issue before the Court of Appeals was not only whether 61 signatures should have been stricken pursuant to former RCW 35A.01.040(7), but also whether the Petition Review Board that was empanelled by the City of SeaTac subsequent to the date the King County Department of Elections ("the King County Auditor") validated the signatures as sufficient erred in deeming 201 signatures void for reasons wholly unrelated to former RCW 35A.01.040(7).

This argument itself had two prongs. First, the Committee contended that under state law "it is the King County Auditor—and only the King County Auditor" that has the duty to determine the sufficiency of a petition. Comm. App. 38-39. Thus, the Petition Review Board had no authority to reject King County's finding that a sufficient number of signatures had been obtained. Second, the Committee contended that even if the Petition Review Board had some authority to independently

determine the validity of petition signatures, it erred (for various reasons) in rejecting some 159 signatures (out of the 201 the Petition Review Board rejected) that King County had previously deemed valid. Comm. App. 42-49.

Either of these contentions by the Committee, if found persuasive, would have constituted an independent basis for the Court of Appeals to reverse the trial court's decision to grant the various writs and thereby prevent the Initiative from going on the ballot.

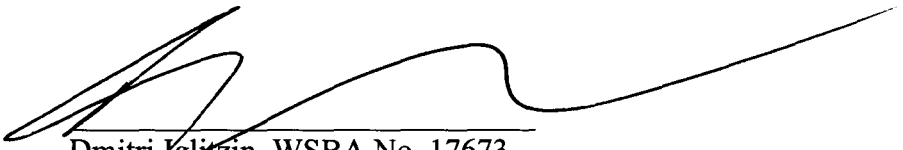
The Court of Appeals did not rule on either of these arguments, because it resolved the issue in the Committee's favor solely on the grounds that former RCW 35A.01.040(7) was unconstitutional. However, Judge Dwyer, in his concurrence, agreed with the Committee that the Petition Review Board had no power in any event to second-guess the determination of the King County Auditor, and the majority opinion did not reject his analysis.

In order to avoid piecemeal appellate review of the issues presented to the Court of Appeal, if review is granted with regard to the constitutionality of former RCW 35A.01.040(7), review should also be granted regarding both the issue of the authority of the Petition Review Board in general, and the Board's judgment as to 159 disputed signatures in particular. *See* RAP 13.7(b).

CONCLUSION

For the foregoing reasons, the Committee asks that Petitioners' Petition for Review be denied. Should the petition for review be granted, the Committee asks that review also be granted with regard to the issues the Committee has identified herein.

Respectfully submitted this 17th day of April, 2014.



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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of April, 2014, I caused the foregoing SeaTac Committee For Good Jobs' Answer to Petition for Review/Cross-Petition for Review to be placed in the UPS Overnight mail addressed to the Clerk of the Supreme Court, and a true and correct copy of the same to be placed in the UPS Overnight mail addressed to:

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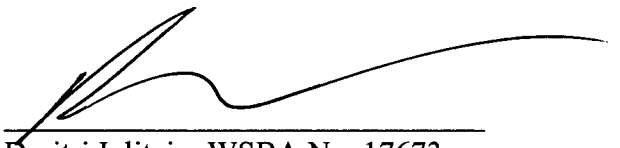

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