

## Editorial - Initiative 1366 needs to be tested in court

By [Editorial Board](#)

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Is requiring a two-thirds majority in both houses of the Legislature a good way to establish tax policy?

Apparently a majority of voters (but, ironically, far from a two-thirds majority) believe it is.

Initiative 1366, which was approved by about 53 percent of voters this month, aims to force the Legislature to take action to mandate the state constitution to require a two-thirds majority for tax increases.

We believe the two-thirds majority mandate is lousy public policy. It inhibits the ability of our elected representatives and senators to do their jobs, to legislate.

Washington state has been operating under a quasi-two-thirds majority for several years as voters have approved five different initiatives mandating the requirement to raise taxes. Lawmakers have toiled under their restriction in some circumstances but also found ways around it.

Ultimately, the requirement has not stood up in court. The state constitution says a simple majority is what is required to approve taxes.

A two-thirds majority handcuffs legislators in a way that essentially keeps government from doing anything. And that, frankly, seems to be the ultimate goal of I-1366, which threatens lawmakers to start the process of changing the constitution, or the state sales tax will be reduced by a penny (about \$1.4 billion a year).

It's extortion and should not be tolerated on principle.

The Legislature needs to push back and force the courts to decide the constitutionality of mandating legislative action with threats. This must occur as quickly as possible so lawmakers will know what their options are — or aren't — when they convene in January.

This is not a stand against the will of the voters, but a stand in favor of ensuring the constitution is followed.

If the voters truly want the constitution amended they need to do it within the bounds of the constitution.

Obtaining the necessary support in the Legislature has been difficult, which is why Tim Eyman, the man behind the five previous efforts to mandate a two-thirds majority, put I-1366 on the ballot.

Before the election, many saw this initiative as unconstitutional and wanted it pulled from the ballot.

We strongly believed voters should have their say on the matter, and then, once the ballots are counted, it should be up to the courts to determine if the approach is constitutional.

That time is now here.