

# Supermajority for tax increases requires change to constitution

And that's why, yet again, a judge has struck down an Eyman initiative that exceeds the scope of its power.

[Editorial Board](#)

Jan 28, 2016

Union-Bulletin

Tim Eyman and a lot of other folks in Washington state believe any increase in state taxes or fees must be approved by a two-thirds vote — a supermajority — of the Legislature. After all, Eyman has successfully brought the idea before voters half a dozen times through the initiative process.

But, as has been made clear by the courts just as often, a two-thirds majority cannot be imposed without changing the state constitution, which establishes the authority of the Legislature.

Last week, a King County judge struck down Eyman's latest initiative because it was an attempt to propose a constitutional amendment through the initiative process, which can't be done in Washington.

"It is solely the province of the legislative branch of our representative government to 'propose' an amendment to the state constitution," King County Superior Court Judge William Downing wrote. "That process is derailed by the pressure-wielding mechanism in this initiative which exceeds the scope of initiative power."

The judge got it exactly right. That's essentially what we wrote prior to the November election when we urged voters to reject the measure, Initiative 1366.

The initiative — which ironically was only narrowly approved by a simple majority rather than the supermajority Eyman favors — calls for cutting the sales tax by 1 percentage point unless lawmakers allow a public vote on an amendment that would require a two-thirds majority in the Legislature for future tax increases.

I-1366 "goes beyond simply asking voters to approve a supermajority one more time. I-1366 takes action to force — as in threaten — lawmakers to start the process of changing the constitution to include the two-thirds majority to raise taxes and fees," we wrote.

Beyond the clear attempt at extortion, the initiative addresses two subjects. Downing saw that as a reason to nullify the initiative.

The Constitution's prohibition on having two subjects in a single initiative is designed "to ensure that enacted legislation has won approval on its own merits and not those of some other thoroughbred to which its wagon may be hitched," Downing said.

This loss isn't going to stop Eyman's quest to mandate a two-thirds majority. Nor should it.

While we aren't convinced a two-thirds majority is necessary — particularly now as the Democrats and Republicans share power in the Legislature — the will of the voters should not be ignored. The two-thirds majority concept has been popular at the polls, just not popular enough to change the constitution.

Eyman and other voters who want to change the constitution need to do it the correct — and constitutional — way. Lobby their senators and representatives to put it on the ballot or vote for candidates who favor the constitutional change.

Editorials are the opinion of the Union-Bulletin's Editorial Board. The board is composed of Brian Hunt, Rick Doyle and Rick Eskil.