

# Tim Eyman's constitutional amendment fails in the state Senate

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Photo: JOSHUA TRUJILLO

Initiative promoter Tim Eyman: The courts have blocked his initiatives requiring 'supermajority' votes in the Legislature to raise revenue or close loopholes. Now, the State Senate has refused to put an Eyman-crafted amendment to the Washington State Constitution onto the November ballot.

The State Senate on Friday defeated a bid by Republicans to put a "supermajority" amendment to the Washington State Constitution, crafted by initiative promoter Tim Eyman, on the November ballot.

The amendment failed to achieve the kind of two-thirds vote that Eyman wants to impose on all state revenue increases or tax reforms.

The vote was 26-23 in favor, but 33 votes were needed in the 49-member Senate.

A King County Superior Court judge has ruled unconstitutional Eyman's Initiative 1366, narrowly approved by voters last November.

The measure would slash the state sales tax from 6.5 cents to 5.5 cents on April 15 -- blowing a \$1.4 billion hole in the state budget -- if the Legislature does not put Eyman's amendment onto the ballot.

The amendment would require a two-thirds vote of each house of the Legislature to enact revenue measures or close tax loopholes. A loophole-closing measure could be thwarted by as few as 17 of 148 Senate and House members.

Despite the recent King County court ruling, and the State Supreme Court schedule of arguments next month, Senate Republicans moved to put Eyman's amendment onto the ballot. They were led by state Sen. Pam Roach, R-Auburn, Eyman's chief ally in the Legislature.

"After today's vote, people now see which senators can be counted on to stand with them on this issue," said Senate Majority Leader Mark Schoesler, R-Ritzville.

Schoesler charged that "supermajority" opponents want "partisan tax increases" and "want to raise taxes with little or no accountability."

Senate Democratic Leader Sharon Nelson, D-Vashon, described the vote as political theater and a tilting of "ideological windmills" by the majority Republicans.

"The people of this state are clamoring for us to fix education and ensure a world-class learning experience for Washington's 1 million school kids," said Nelson. "Instead, Senate Republicans waste time and money on ideological bills they know full well will fail.

"Wednesday it was the offensive and unnecessary gender bathroom bill, today it was the Corporate Loophole Protection Act."

The vote takes place against a background of political wars, and uncertainty over Eyman's future.

The struggle for State Senate control is a major issue in this year's elections. The Republicans hold 25 seats, and have State Sen. Tim Sheldon, R-Potlatch as a fellow traveler, while the Democrats hold 23 seats.

As well, the state attorney general has received an investigative report from the Public Disclosure Commission that Eyman has put thousands of dollars of initiative donors' money to his personal use.

The watchdog agency presented evidence that Eyman has received kickbacks from a signature-gathering firm that he employs.

Still, the 'supermajority' requirement brings into play a major constitutional principle -- majority rule.

Andrew Villeneuve of the Northwest Progressive Institute, a longtime Eyman critic, said: "There are numerous places in the Constitution that require a two-thirds vote, or a three-fifths vote, to take extraordinary action -- like amending the Constitution or overriding a veto.

"But for passage of bills, our founders made it clear in Article II, Section 22, that an absolute majority was the threshold for passage of bills. They wanted laws to be made by the many, not the few."

Jason Mercier of the conservative Washington Policy Center saw it differently, saying: "Considering the fact that 17 other states already have a similar 'supermajority' restriction (ranging from 3/5 in Oregon to 2/3 in California, to requiring voter approval of all tax increases in Colorado) and there are already 20-plus 'supermajority' vote restrictions in Washington's constitution, there is nothing to fear by acting on a constitutional amendment other than what the voters may do."

Some 'supermajority' backers have acted out of self-interest.

The Beer Institute, protecting its tax advantages, was a major financier of one Eyman signature-gathering drive. The state's major oil refiners -- BP, Tesoro, shell and ConocoPhillips -- bankrolled Eyman after the Legislature nearly passed a small per-barrel oil spill cleanup tax.