

Washington Supreme Court affirms Eyman's anti-tax initiative was unconstitutional

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Tim Eyman looks on from the gallery during a hearing on the legality of his latest anti-tax measure in King County Superior Court, Tuesday, Jan. 19, 2016, in Seattle. (AP Photo/Elaine Thompson)

OLYMPIA, Wash. (AP) - The state Supreme Court on Thursday unanimously upheld a lower court ruling that struck down a ballot initiative that sought to limit taxes.

The high court said that Initiative 1366 was unconstitutional because it violated the requirement that initiatives be limited to a single subject.

Voters last fall narrowly approved the measure, which would have cut the sales tax by 1 percentage point beginning this past April unless lawmakers allowed a public vote on a constitutional amendment requiring a two-thirds majority in the Legislature for future tax increases. A King County superior judge ruled in January that the measure was unconstitutional.

"Based on the plain language of the initiative, we hold that I-1366 requires the legislature to choose between two operative provisions," the opinion, authored by Chief Justice Barbara Madsen, read. "This does not constitute valid contingent legislation. Instead, this is the kind of logrolling of unrelated measures article II, section 19 of the Washington State Constitution was adopted to prevent."

Three of the justices, writing in a separate concurrence opinion, wrote they believed the initiative also violated the Constitution in another way: by essentially proposing a constitutional amendment, which can't be done by initiative in Washington state. A constitutional amendment requires a two-thirds vote in both the Senate and House before being sent to the ballot for voters' consideration.

"The initiative ignores the constitutionally required first step—the proposal of a constitutional amendment in either house," Justice Steven Gonzalez wrote. "Initiatives are not the proper vehicle to amend the constitution."

However, once constitutionality was determined on the single-subject argument Madsen wrote that, "Because it is unnecessary to reach opponents' additional arguments, we decline to do so."

If the measure had been enacted and if the sales tax cut had taken effect, it would have slashed state revenue by an estimated \$8 billion through the middle of 2021 at a time when lawmakers are working out how to respond to court rulings demanding vast increases in education and mental health spending.

Currently, taxes can be raised with approval by 25 of the Senate's 49 members and 50 of the House's 98 members. I-1366's sponsor, Tim Eyman, has filed another initiative to limit tax increases to one year unless they're approved by voters.