

OPINION

Opinion / Story

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Editorial: Death of I-1366 is a relief



It's frustrating to witness a legally flawed ballot initiative go through the entire process only to meet its inevitable demise, but the state Supreme Court has granted wide deference to the right of citizens to petition government via the ballot.

And so last Thursday, the Supreme Court struck down Initiative 1366 to the surprise of virtually nobody. The architects of I-1366 tried to coerce legislators into passing a supermajority for tax increases by imposing a sales-tax decrease if they didn't. We urged voters to say no. We're not legal experts, but given the fate of previous initiatives that tried to operate outside settled election law, it was obvious this one was toast.

Note that proponents of supermajorities for tax increases in the Legislature did not devise an alternate budget had I-1366 been allowed to stand. They either didn't take it seriously or were hoping not to face the consequences.

On Nov. 5, two days after Election Day, we wrote: "This creative initiative tries to achieve two ends with its either/or proposition. That makes it subject to a challenge on the single-subject rule. And it aims to coerce the Legislature to do something voters cannot do alone: amend the constitution. A legal challenge is a certainty."

The Supreme Court essentially said the same thing. None of the justices voted to uphold I-1366. But initiative peddlers get paid either way, so voters can expect more acts of creative destruction. Tim Eyman, the man behind I-1366, has had several initiatives chucked by the courts.

The back story on I-1366 is that previous efforts to impose a supermajority requirement have been stymied by the legal determination that it would take an amendment to the state Constitution. Voters cannot unilaterally pass amendments. It takes a two-thirds majority in both legislative chambers before a proposed amendment is sent to voters.

Voters have consistently said they want a supermajority requirement for raising taxes, but they've also said – twice – they want smaller class sizes. Once, they said they wanted teachers to be granted annual cost-of-living raises. Voters passed Initiative 1351, which called for smaller class sizes for all grades between kindergarten and 12th. It would've cost \$2 billion the state didn't have just to get started, but lawmakers opted to focus on the first four grades of school.

Had I-1366 survived, it would've triggered an \$8 billion hit on the treasury over six years, at a time when the state needs up to \$4 billion to fulfill the Supreme Court's McCleary mandate to finance basic education. Tack on the billions for smaller class sizes and teacher COLAs, and it becomes clear that budgeting by voter initiative is impossible.

The state does have the occasional need to raise taxes, such as the recent transportation package, and the state's overall tax burden is below average, so the need for a tax-hike barrier isn't compelling.

Supporters of supermajorities say the requirement just forces tax raisers to make a more compelling argument. But the same is true for legislators trying to amend the Constitution, and they don't seem to think their argument is the problem.

Supermajorities on taxation sound good until you realize what must be surrendered. Had the court ruled otherwise, we would've faced that budgetary catastrophe.

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