

## Legislature decides taxes; voters decide Legislature

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Washington does three kinds of democracy: direct, representative and constitutional. Direct democracy came up short in Thursday's state Supreme Court ruling on taxes; the other two came out ahead.

Several times since 1993, voters have approved initiatives that require a two-thirds supermajority in the Legislature to approve new taxes without a vote of the people. Nearly 64 percent of the electorate went for the last two initiatives, in 2012 and 2010. The 2012 version, I-1185, carried with nearly 1.9 million votes.

This is a partisan issue in the Legislature, where most Democrats want the latitude to collect more taxes for education, social services and public payrolls. Among Washington Republicans, opposition to taxes appears to have become the only unifying principle.

Things don't break down so neatly in the electorate itself. Washington doesn't have 1.9 million Republicans. Most independents, presumably, and a lot of Democrats have been voting for those supermajority initiatives. Washingtonians seem quite content to elect Democrats majorities to the House and Senate; they just don't want to give them any spending money.

Washingtonians won't be able to have it both ways under the high court's 6-3 ruling.

The majority opinion, written by Justice Susan Owens, argued that the framers of the Washington Constitution knew what they were doing when they required supermajorities for some decisions – such as overriding a governor's veto – but simple majorities for others.

If you take the logic of extra-constitutional supermajorities far enough, a problem becomes obvious. What's to stop, for example, an initiative from demanding a three-quarters majority before taxes can be enacted? Four-fifths?

An initiative could conceivably prevent the Legislature from doing anything at all about taxation – which happens to be one of its core constitutional responsibilities.

The two-thirds majority requirement itself pretty much tied the Legislature's hands – in fact, that was the intention. The rule gave lawmakers who opposed a given tax twice the voting power as lawmakers who favored it. If the framers had wanted to double the votes of any legislative faction, they would have done it.

What the court ruling does is hold everyone – especially the voters – accountable.

If citizens really don't want the Legislature to raise an extra nickel, for anything, they should stick to candidates who've taken the Grover Norquist pledge. If they want candidates who'll consider taxes, but only as a last resort for only the highest priorities, they'll have to do some serious homework on their primary ballots.

Under representative democracy, it's up to voters to choose lawmakers who represent their views. Under Thursday's ruling, Washingtonians will finally get to live with the consequences of those choices.