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## Lawmakers jab Supreme Court: bill would make races partisan

Posted by Jim Brunner

You could call it The “Go Pound Sand” Act of 2015.



Rep. Richard DeBolt, R-Chehalis

In a shot at the state Supreme Court, 19 state representatives — including three Democrats — have filed House Bill 1051, which would turn races for the state’s high court into partisan contests. (The court’s nine justices are now elected in nonpartisan races.)

The bill — which one sponsor calls more of a “poke” than a serious proposal — is a rebuke by lawmakers irritated at what they view as the court’s overreach in its McCleary ruling and related contempt order, which demand lawmakers boost K-12 funding by billions of dollars.

HB 1051’s “back off” message is laid out in its first section:

“The legislature finds that because the supreme court has decided to act like the legislature and has thus violated the separation of powers, the supreme court should be considered partisan like the legislature.”

That’s much like the “Go Pound Sand” message that state Sen. Michael Baumgartner, R-Spokane, tweeted out earlier this year in response to the court’s ruling holding the Legislature in contempt of its McCleary decision. Those decisions — which say the Legislature has not lived

up to its constitutional obligation to adequately fund schools — hang over lawmakers as they prepare to meet in January to write the 2015-17 state budget.

The bill's chief sponsor, Rep. Richard DeBolt, R-Chehalis, argues the court (widely regarded as liberal) should be honest about its political leanings.

“The justices decided they would tell the Legislature how to fund education, which not only creates a problem with our separation of powers, but also means they will be making political decisions,” DeBolt said in a statement. “Those making political decisions should be required to tell the people which party they most affiliate with so voters can decide what kind of outcomes they desire from their Supreme Court.”

State Supreme Court Chief Justice Barbara Madsen said the court does not support the proposed legislation.

“The judiciary plays a critical role in society through applying the laws and the constitution to resolve disputes.” she wrote in an email. “Justice must not be influenced by politics when deciding cases that effect Washingtonians.”

David Postman, a spokesman for Gov. Jay Inslee, reacted in an email: “This may be a bill meant only to send a message, but injecting partisanship into the court is not an answer to anything.”

Although most of the bill's sponsors are Republicans, three Democrats, Rep. Hans Dunshee, D-Snohomish, Rep. Marcus Ricelli, D-Spokane, and Rep. Sherry Appleton, D-Poulsbo, also signed on.

Dunshee called the proposal more of a “poke” at the court than a serious effort to change elections. But he said the court has inserted itself into the budget process, which belongs to the Legislature.

“Hopefully I'm never before them on a criminal case,” Dunshee added.