

FILED
SUPREME COURT
STATE OF WASHINGTON
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NO. 95749-5

SUPREME COURT OF THE STATE OF WASHINGTON

TIM EYMAN,

Respondent/Cross-Appellant,

and

MICHAEL J. PADDEN,

Intervenor-Respondent/Cross-Appellant,

v.

KIM WYMAN, in her capacity as Secretary of State,

Defendant,

WASHINGTON STATE LEGISLATURE,

Appellant/Cross-Respondent,

and

DE-ESCALATE WASHINGTON,

Intervenor-Appellant/Cross-Respondent.

SECRETARY OF STATE'S RESPONSE BRIEF

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TABLE OF AUTHORITIES

Statutes

52 U.S.C. § 20302(a)(8)..... 1
RCW 29A.40.070..... 1

The superior court held that the Legislature's actions with respect to Initiative 940 and ESHB 3003 were unconstitutional and ordered the Secretary of State to certify Initiative 940 for the 2018 general election ballot. The Secretary of State takes no position on the validity of the Legislature's actions, but along with the Legislature and other parties, the Secretary of State asks this Court to rule on the merits of this constitutional challenge.

In addition, in order to facilitate the timely printing of ballots and voters' pamphlets, the Secretary of State respectfully asks that the Court issue a final decision on or before August 31, 2018. *See* CP 107-11. Doing so will allow more than 79,500 military and overseas voters to timely receive their general election ballots and voters' pamphlets in compliance with state and federal law. 52 U.S.C. § 20302(a)(8); RCW 29A.40.070 (setting the deadline for mailing military and overseas ballots); CP 107-11.

RESPECTFULLY SUBMITTED this 18th day of May, 2018.

ROBERT W. FERGUSON
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s/ Callie A. Castillo

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CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the state of Washington, that on this date I served a true and correct copy of the foregoing document via electronic mail per the agreement between the parties on the following:

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SOLICITOR GENERAL OFFICE

May 18, 2018 - 10:07 AM

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Secretary of State's Response Brief

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