

THE SUPREME COURT OF WASHINGTON

JIM WALSH AND DEANNA MARTINEZ,

Appellants,

v.

STEVE HOBBS, et al.,

Respondents.

No. 103174-2

ORDER

This case came before the Court (Justice Owens did not sit) at its August 9, 2024, Special En Banc Conference to consider an appeal from a judgment of the Thurston County Superior Court denying appellants' petition for writs of mandamus and prohibition seeking to prevent the Washington Attorney General and the Washington Secretary of State from preparing and certifying public investment impact disclosures for three initiatives to the people on the November 5, 2024, general election ballot (Initiatives 2109, 2117, and 2124), and seeking to compel the director of the Office of Financial Management to revise a fiscal impact statement for Initiative 2109. Also before the Court is a motion by Tim Eyman for permission to file an amicus curiae brief. The Court unanimously determined that the superior court's order dismissing the petition for writs of prohibition and mandamus should be affirmed in result for the following reasons: (1) relief by prohibition is not appropriate because appellants do not show that any of the respondent government officials is acting in excess of jurisdiction; (2) appellants have adequate alternative remedies to

mandamus through actions for declaratory and injunctive relief; and (3) appellants do not show that respondents are failing or have failed to perform any mandatory, nondiscretionary duty making relief by mandamus appropriate. The court also unanimously concludes that the motion for permission to file an amicus curiae brief should be denied because the proposed amicus brief is not filed by an attorney and is not helpful to the court in resolving the issues raised in the appeal.

Now, therefore, it is hereby

ORDERED:

- (1) That the motion for permission to file an amicus curiae brief is denied.
- (2) That the judgment of the superior court denying appellants' petition for writs of mandamus and prohibition is affirmed in result.

An opinion fully explaining the court's decision will be issued at a later time.

DATED at Olympia, Washington this 9th day of August, 2024.

For the Court


CHIEF JUSTICE