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SUPREME COURT
STATE OF WASHINGTON
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BY SARAH R. PENDLETON
CLERK

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

ARTHUR WEST, Appellant, v. SECRETARY OF STATE STEVE HOBBS, ET AL. Respondents.	No. 1 0 5 6 4 4 - 3 RULING DENYING EMERGENCY MOTION FOR A PRELIMINARY INJUNCTION

Pro se petitioner Arthur West has filed an emergency motion asking this court to issue an order enjoining Secretary of State Steve Hobbs and Attorney General Nicholas W. Brown "from certifying, transmitting, printing, or causing to be printed the Public [Investment] Impact Disclosure for Initiative Measure No. 645" pending appellate review of a Thurston County Superior Court order denying petitioner's motion for injunctive relief, affirming the public investment impact disclosure (PIID), and dismissing petitioner's related action. Petitioner's emergency motion is denied for reasons explained below.

This matter relates to a citizen initiative seeking to repeal Engrossed Substitute Senate Bill 6346 (ESSB 6346), the so-called "millionaire's tax," a measure enacted by the legislature in March 2026. Laws of 206, ch. 238. In April 2026 a sponsor seeking to repeal in substantial part ESSB 6346 submitted an initiative to the people (IP26-645).

In accordance with RCW 29A.72.060, the attorney general prepared a ballot title and summary for the initiative. There is no dispute in this case as to that title and summary.

The sponsor eventually obtained sufficient signatures to place IP26-645 on the ballot. The Office of Financial Management (OFM) then prepared a fiscal impact statement for IP26-645 to be included in the ballot, as required under RCW 29A.72.025.

The attorney general then prepared a PIID, which is required when a ballot measure "[r]epeals . . . any tax . . . ; and . . . [h]as a fiscal impact statement, as provided by RCW 29A.72.025, that shows that adoption of the measure would cause a net change in state revenue." RCW 29A.72.027. The legislature's stated intent is that "a neutral, nonprejudicial disclosure of the public investments affected [by ballot measure] will provide greater transparency and necessary information to voters." *Id*. (Findings). The PIID for IP26-645 states: "This measure would decrease funding for public K-12 education, higher education (including universities and community colleges), and human services (primarily healthcare)." Answer to Mot. at 55.

Petitioner filed an action styled as one for declaratory and injunctive relief in Thurston County Superior Court, alleging that RCW 29A.72.027 is unconstitutional in various ways (such as separation of powers and the First Amendment) and, alternatively, that the attorney general's PIID for IP26-645 is not neutrally worded as required under that statute. *West v. Hobbs, et al.*, Thurston County Superior Court No. 26-2-04498-34. Petitioner also filed a motion for a preliminary injunction, citing RCW 29A.72.028, a statute that provides for an appeal of a PIID in superior court.

The superior court held a hearing on petitioner's motion for a preliminary injunction and denied it, reasoning that there were no constitutional violations and that the PIID was neutrally worded, affirming the PIID in accordance with RCW 29A.72.028. On petitioner's oral motion, and with respondents' agreement, the superior

court consolidated the trial on the merits with the hearing on the preliminary injunction and dismissed petitioner's complaint.[1]

Petitioner now seeks direct review in this court of the superior court order denying their motion for a preliminary injunction, affirming the PIID, and dismissing the action.[2] Petitioner also filed the instant emergency motion for a preliminary injunction, the subject of this ruling, seeking a decision before August 21, 2026, the deadline for finalizing ballot language. Respondents oppose the motion.[3]

Petitioner cites both RAP 8.1 and RAP 8.3 in support of the motion for a preliminary injunction. The former rule governs motions to stay superior court orders, not requests for injunctive relief; therefore, there will be no further discussion under that rule. RAP 8.1. Under RAP 8.3, this court has authority to grant injunctive relief before or after a court grants review "to insure effective and equitable review." RAP 8.3. In other words, the purpose of the rule is to provide interim relief while a case is going through the appellate process, whether that journey be long (*i.e.*, a decision on

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[1] Meanwhile, another party supporting IP26-645 filed a petition in Thurston County Superior Court appealing the explanatory statement to be placed on the ballot. *In re Explanatory Statement for Initiative No. IP26-645*, Thurston County Superior Court No. 26-2-04661-34. On August 7, 2026, Judge Anne Egeler entered an order directing that the explanatory statement for IP26-645 read in pertinent part as follows:

> If approved, the proposed measure would repeal the annual tax on individual income over $1,000,000. This would also eliminate the funding collected from the tax that would go to the general fund (which funds public K-12 education, higher education such as universities and community colleges, health care, and other human services) and childcare and early learning.

Respondent's Answer, Appendix 129. This ruling does not involve that decision.

[2] Whether the designated superior court order is appealable of right under RAP 2.2 or a matter for discretionary review under RAP 2.3 is not presently before me. Also not before me is the threshold issue whether this matter should be retained in this court or transferred to the Court of Appeals under RAP 4.2.

[3] Washington State Republican Party, Paul Jacob and Citizens in Charge Foundation, Tim Eyman, and Washington State Budget and Policy Center and Economic Opportunity Institute filed amicus curiae briefs in this matter.

the merits after oral argument) or short (*i.e.*, dismissal on procedural grounds). More generally, RAP 8.3 authorizes the appellate court, after considering the equities of the case, to enter rulings and orders that effectively preserve the fruits of a successful appeal. *See Boeing v. Sierracin Corp.*, 43 Wn. App. 288, 291, 716 P.2d 956 (1986) (interpreting RAP 8.3).

In relation to petitioner's request for injunctive relief, it is critical to note that petitioner is made a two-front attack on the PIID: (1) judicial review under RCW 29A.72.028 on the basis the PIID fails to comply with RCW 29A.72.027; and (2) a constitutional challenge to the PIID statute, RCW 29A.72.027. The language of a PIID "is not subject to appeal," except as provided under RCW 29A.72.028. RCW 29A.72.027(4). Accordingly, any person "dissatisfied" with a PIID may appeal to the Thurston County Superior Court. RCW 29A.72.028. Petitioner did that by way of the action filed in that court, specifically citing RCW 29A.72.028 as a basis for a preliminary injunction. The superior court rejected the challenge, finding, as required, that the PIID was properly neutral. *See* RCW 29A.72.027(4). Under this procedure, "[t]he decision of the superior court shall be final." RCW 29A.72.028.

There are no appellate decisions interpreting RCW 29A.72.028. An appellate court interprets a statute to discern the legislature's intent. *Dep't of Ecology v. Campbell & Gwinn, L.L.C.*, 146 Wn.2d 1, 9, 43 P.3d 4 (2002). In doing so, the court first examines the plain meaning of the statute, taking into account all that the legislature has stated in the statue and related statutes that disclose legislative intent. *Id*. at 11.

Here, as noted, the statute is plain on its face: "The decision of the superior court shall be final." RCW 29A.72.028. The same sentence appears in RCW 29A.72.080, which allows an appeal by a person dissatisfied with the ballot title or summary of an initiative. RCW 29A.72.080. This court interpreted a previous version of the statute, former RCW 29.79.060, which stated that a superior court appeal as to a ballot title

"shall be final," and held that a strict construction of the phrase served the public interest in finality in election matters. *Kreidler v. Eikenberry*, 111 Wn.2d 828, 834, 766 P.2d 438 (1989); *see also Wash. Ass'n for Substance Abuse & Violence Prevention v. State*, 174 Wn.2d 642, 643, 278 P.3d 632 (2012) (discussing the court's holding in *Kreidler* in relation to RCW 29A.72.080). As this court said in *Kreidler*, "[f]inality aids both the strategists running the campaigns and those preparing the voters' pamphlets." *Kreidler*, 111 Wn.2d at 834. Applying that reasoning to RCW 29A.72.028, the superior court's order affirming the PIID for IP26-645 is final and therefore not subject to further appellate review. Respondent is correct on this dispositive point.

Petitioner asserts this court endorsed relying on a declaratory judgment action to challenge the PIID, citing this court's decision in *Walsh. v. Hobbs*, 3 Wn.3d 914, 557 P.3d 701 (2024). But *Walsh* is distinguishable. The petitioners in that case filed a petition for writ of mandamus and prohibition in the superior court seeking, among other things, to prevent the attorney general and secretary of state from preparing and certifying PIIDS for three initiatives slated for the November 2024 general election, urging that those initiatives did not fall within the PIID statute. The superior court denied the petition and this court affirmed, holding the petition failed because (1) petitioners failed to show the respondent officials acted in excess of jurisdiction for purposes of a writ of prohibition, (2) petitioner had adequate alternative remedies through actions for declaratory and injunctive relief, and (3) petitioners failed to show that respondents were under a mandatory nondiscretionary duty actionable in mandamus. *Id*. at 921-23. The case did not involve RCW 29A.72.028, and the court did not cite it.

Here, petitioner filed an action for declaratory and injunctive relief, using it as a vehicle to seek relief under RCW 29A.72.028. Consistent with that statute, the superior court affirmed the PIID for IP26-645, finding it to be sufficiently neutral, and petitioner

may not now appeal that specific determination, which is what the legislature intended. *Kreidler*, 111 Wn.2d at 834. Petitioner has not identified any authority, and I am not aware of any, that allows petitioner to bypass the RCW 29A.72.028 appeal process by way of a declaratory judgment action challenging the adequacy of the PIID. The statute therefore provides no vehicle by which petitioner may obtain an injunction from this court against placing the PIID on the ballot.

On the other hand, petitioner may seek review of the order dismissing the declaratory judgment action, which may allow consideration of petitioner's constitutional challenges to RCW 29A.72.027. But petitioner must show that the balance of equities favors enjoining placement of the PIID on the ballot while their appeal plays out. To be clear, enjoining placement of the statement on the ballot now means that it will not appear at all on the ballot for the November 2026 election. The statute is presumed constitutional, and petitioner must show beyond a reasonable doubt that it is not. *Quinn v. State*, 1 Wn.3d 453, 470-71, 471 n.9, 526 P.3d 1 (2023). I am not persuaded that petitioner makes such a strong argument for unconstitutionality as to overcome the public interest in the voters being fully informed of the effect of initiative measures on public expenditures, such that enjoining placement of the PIID on the ballot for this election is justified.[4]

Having reviewed the arguments presented and the circumstances of this case, and mindful of the public's interest in finality with respect to the ballot, there is no compelling basis for interfering with that process in relation to the November 2026 election. Petitioner's challenge to the order dismissing the action for declaratory relief will proceed in the normal course, including a decision whether to retain the case in this court or transfer it to the Court of Appeals pursuant to RAP 4.2.

[4] What effect the order entered in Thurston County Superior Court No. 26-2-04661-34 will have on the PIID as it appears on the ballot is not before me. *See* footnote 1, *supra*.

The emergency motion for a preliminary injunction is denied.

COMMISSIONER

August 20, 2026