

FILED
DEC - 4 2019
WASHINGTON STATE
SUPREME COURT

THE SUPREME COURT OF WASHINGTON

GARFIELD COUNTY TRANSPORTATION)
AUTHORITY, KING COUNTY, CITY OF)
SEATTLE, WASHINGTON STATE TRANSIT)
ASSOCIATION, ASSOCIATION OF)
WASHINGTON CITIES, PORT OF SEATTLE,)
INTERCITY TRANSIT, AMALGAMATED)
TRANSIT UNION LEGISLATIVE COUNCIL OF)
WASHINGTON and MICHAEL ROGERS,)
)
Respondents,)
)
v.)
)
STATE OF WASHINGTON,)
)
Petitioner.)
_____)

ORDER ON EMERGENCY MOTION FOR STAY

No. 97914-6

King County No.
19-2-30171-6 SEA

The Court received Petitioner’s “EMERGENCY MOTION FOR STAY PENDING REVIEW” on December 2, 2019. On December 3, 2019, “RESPONDENTS’ MOTION FOR LEAVE TO FILE OVER-LENGTH RESPONSE TO MOTION” and proposed “RESPONDENT/PLAINTIFFS’ RESPONSE TO STATE’S EMERGENCY MOTION FOR STAY PENDING REVIEW” were both received. On December 4, 2019, the “REPLY IN SUPPORT OF EMERGENCY MOTION FOR STAY PENDING REVIEW” was received. The Court has reviewed the pleadings filed in this matter and determined that the following order be entered:

Now, therefore, it is hereby

ORDERED:

The Court unanimously grants the motion for leave to file over-length response. The Court, by majority, denies the emergency motion for stay pending review.

DATED at Olympia, Washington this 4th day of December, 2019.

For the Court

Fairhurst, CJ
CHIEF JUSTICE

Garfield County Transportation Authority, et al. v. State of Washington, 97914-6
(Dissent to Order)

We respectfully dissent.

The King County Superior Court entered a preliminary injunction barring the implementation of voter-approved Initiative 976 (I-976) on December 5, 2019, while litigation challenging the initiative's constitutionality is ongoing. The State seeks a stay of this injunction under RAP 8.1(b)(3). We believe a stay is justified because the State has demonstrated that the issues presented are debatable and that the harms it will suffer absent a stay outweigh the financial injuries I-976's challengers will face with a stay.

First, there can be little doubt that the issues involved in this challenge are debatable. Delaying the effective date of a law enacted by initiative is an extraordinary measure and it is debatable whether the challengers have shown a likelihood of success on their constitutional challenges to the initiative. Granting a stay does not require reaching the merits of the case, only concluding that the case—in particular, the issuance of the preliminary injunction—presents debatable issues.

Second, the State has shown the injuries it would suffer without a stay outweigh those the initiative's challengers would suffer with a stay. While the challengers point to significant losses in revenue and service that could result from a stay and the State highlights the cost of any necessary taxpayer refunds, these monetary injuries are not the only ones that matter. Also important is the potential harm to voters' confidence in the initiative system and our democratic process as a whole. The ordinary process when an initiative is passed by the voters is that it becomes effective on the designated date and is presumptively valid until and unless a court declares it unconstitutional. Granting a stay preserves this process.

For these reasons, we would grant the State's emergency motion for a stay of the preliminary injunction.

DATED at Olympia, Washington this 4th day of December, 2019.






