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## Opponents of Initiative 1366 file new suit in King County

By Rachel La Corte

Associated Press

OLYMPIA — Opponents of Tim Eyman’s latest tax-limiting initiative filed a new lawsuit this week seeking to have the law invalidated.

The complaint against Initiative 1366 was filed late Monday in King County Superior Court. It says the measure, which was passed by voters earlier this month, is unconstitutional and is asking the court to throw it out.

I-1366 gives lawmakers a choice: let voters decide on a constitutional amendment that, if passed, would require a two-thirds majority in the Legislature to raise taxes, or see a cut in the state sales tax on April 15. Currently, taxes can be raised through a simple-majority vote of the Legislature.

The complaint says the measure is unconstitutional for several reasons, including because it attempts to change the state constitution via initiative and because it exceeds the scope of the initiative power as well as rules that prohibit initiatives from covering more than one subject.

Washington’s Office of Financial Management has estimated the initiative would reduce revenue to the state budget by \$8 billion through the middle of 2021, if its tax-cut element becomes law.

Opponents have said such a cut would be devastating in the face of court-ordered mandates for the state to put more money into education and mental health.

“Where the legislature has already been held in contempt for failing to fully fund public education, the impacts of such a significant reduction in state revenue will be particularly devastating on essential state programs, infrastructure and services, including basic education,” the lawsuit reads.

Previous voter-approved initiatives sponsored by Eyman required a supermajority vote on taxes, but the state Supreme Court struck down that requirement in 2013, saying it was unconstitutional.

The group suing now, which includes two Democratic lawmakers and the League of Women Voters of Washington, also sued during the summer to keep the measure off the ballot, arguing it overstepped the powers granted to the citizen initiative process.

In August, King County Superior Court Judge Dean Lum found that I-1366 appeared to do just that. The state Constitution cannot be amended by initiative, he said, nor can the process of amending the Constitution be proposed by initiative. Instead, amendments must originate in either house of the Legislature.

Nevertheless, Lum declined to block the initiative from the ballot. The Supreme Court agreed that the measure shouldn’t be blocked from the ballot, but opened the door for opponents to continue their legal efforts against the measure.

In an email, Eyman called the newest legal effort a “sore loser response” and wrote that I-1366 was “carefully drafted to avoid any political and legal landmines.”

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