

Washington Supreme Court Strikes Down Two-Thirds Requirement as Unconstitutional

Thursday, February 28, 2013

The Washington State Supreme Court ruled that the supermajority provision of Tim Eyman's Initiative 1053, which required a two-thirds vote in the Legislature to raise revenues or close tax loopholes, is unconstitutional.

Pacifica Law Group attorneys Paul Lawrence, Matt Segal, Sarah Johnson and Greg Wong served as lead counsel for the plaintiff coalition that challenged the law. This coalition was comprised of twelve State legislators, the League of Education Voters, the Washington Education Association, parents, teachers, school board members, and a former Chief Justice of the Washington Supreme Court.

In its holding, the Court adopted the legal arguments advanced by Pacifica's team of litigators that the Washington Constitution sets the rules for how state government works and requires only a simple majority to raise revenue or pass any other ordinary legislation. The Court agreed with Pacifica that the two-thirds requirement unconstitutionally alters "the very form and function of this state's government...Washington's government was founded as a representative democracy based on simple majority rule." The Court also found that the case presented a justiciable controversy and adopted Pacifica's arguments that the two-thirds requirement nullified the legislator plaintiffs' votes by preventing the passage of revenue legislation by a simple majority.

Senior Partner Paul Lawrence said, "This is a victory for our constitutional system. The Legislature will now have the full set of tools at its disposal to address the educational needs of our state's children. We at Pacifica are proud to have been the lead on this effort and extend a special thanks to our plaintiff group for stepping up and participating in the lawsuit."

This ruling comes at a significant time and provides legislators with an additional tool to address the substantial budget shortfalls the State faces.

The Court did not rule on the constitutionality of another provision of the Initiative, which requires a public vote for the State to exceed the expenditure limit, noting that that provision had never been invoked to limit legislative action.