

Bond Case Briefs

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VOTER INITIATIVE - WASHINGTON

League of Educ. Voters v. State

Supreme Court of Washington, En Banc - February 28, 2013 - P.3d - 2013 WL 791807

Voter-enacted initiative that required any bill containing a tax increase to be passed by a two-thirds majority vote of the legislature held unconstitutional, but severable.

Voter associations, individual legislators, and individual taxpayers brought action challenging constitutionality of voter-enacted initiative requiring supermajority vote on any tax . The superior court determined that challenge to both provisions was justiciable and that both provisions violated state constitution. State appealed.

The Supreme Court of Washington held that:

- Challenge to supermajority provision was justiciable controversy;
- Challenge to referendum provision was not justiciable controversy;
- Challenge to referendum provision did not constitute matter of great public importance;
- Supermajority provision violated state constitution; and
- Supermajority provision was severable from remainder of statute.

The court concluded that the voter-enacted initiative requiring any bill containing a tax increase to be passed by a two-thirds majority vote of the legislature violated the state constitutional provision governing legislature's passage of bills. But it also found that the supermajority provision was severable from the remainder of the statute. The initiative contained a severability clause. The purpose of the initiative was to make passing tax increases more difficult and the remainder of the statute served that purpose, even without the supermajority requirement, as another provision of the legislation required a referendum for passage of a tax increase.