

Bond Case Briefs

Municipal Finance Law Since 1971

BALLOT INITIATIVES - WASHINGTON

Garfield County Transportation Authority v. State

Supreme Court of Washington - October 15, 2020 - P.3d - 2020 WL 6106952

Several counties, cities, associations, and private citizens challenged the constitutionality of initiative to limit motor vehicle taxes and fees, under various provisions of the Washington Constitution.

After several parties, including initiative sponsors, a group of taxpayers, county, transit groups, and environmental groups were granted leave to intervene, most parties moved for summary judgment and Superior Court found a few provisions unconstitutional, but severable, and otherwise upheld the initiative. Challengers appealed.

The Supreme Court held that:

- When an initiative has a general title, all that is required by constitutional provision prohibiting bills from embracing more than one subject is rational unity between the general subject and the incidental subdivisions, overruling *Price v. Evergreen Cemetery Co. of Seattle*, 57 Wash.2d 352, 357 P.2d 702;
- Initiative violated constitutional prohibition on bills embracing more than one subject;
- Initiative violated constitutional provision requiring that subject to be expressed in the title; and
- County and municipal plaintiffs did not violate statute prohibiting elective officials, their employees, and persons appointed to or employed by public offices or agencies, to authorize use of any of the facilities of a public office or agency for promotion of or opposition to any ballot proposition.

Voter initiative measure limiting vehicle taxes and fees violated constitutional prohibition on bills embracing more than one subject; initiative included a specific directive to regional transit authority to retire, defease, or refinance bonds, which was not germane to limiting vehicle taxes and fees and the provisions of the initiative that carried out that subject, and initiative combined general and specific provisions, and unrelated local and statewide effects.

Voter initiative measure limiting vehicle taxes and fees violated constitutional provision requiring that subject to be expressed in the title; statement in ballot title that initiative would “limit annual motor-vehicle-license fees to \$30, except voter approved charges,” was deceptive and misleading since the average informed lay voter would conclude that voter approved taxes, such as those used to fund local and regional transportation projects across the state, would remain, when in fact initiative would eliminate a large number of voter-approved charges and remove the very statutory mechanism by which voters could approve charges in the future.

County and municipal plaintiffs who challenged constitutionality of initiative to limit motor vehicle taxes and fees did not violate statute prohibiting elective officials, their employees, and persons appointed to or employed by public offices or agencies, to authorize use of any of the facilities of a public office or agency for promotion of or opposition to any ballot proposition; at the time of the court challenge, initiative was no longer “proposed to be submitted to the voters,” but rather, it was

an enrolled piece of legislation.

Copyright © 2025 Bond Case Briefs | bondcasebriefs.com