

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

LEAGUE OF EDUCATION VOTERS, a Washington non-profit corporation; WASHINGTON EDUCATION ASSOCIATION, a Washington non-profit corporation; LAURIE JINKINS, an individual taxpayer and Washington State Representative; DAVID FROCKT, an individual taxpayer and Washington State Senator; JAMIE PEDERSEN, an individual taxpayer and Washington State Representative; ROBERT UTTER, an individual taxpayer and former Chief Justice of the Washington Supreme Court; KIM BIELSKI, an individual taxpayer; ANDY BUNN, an individual taxpayer; REBECCA BUNN, an individual taxpayer; REUVEN CARLYLE, an individual taxpayer and Washington State Representative; JOHN CHESBROUGH, an individual taxpayer; DEB EDDY, an individual taxpayer and Washington State Representative; SAM HUNT, an individual taxpayer and Washington State Representative; AMY MCKENNEY, an individual taxpayer; KURT MILLER, an individual taxpayer and President of the Tacoma Public Schools Board of Directors; JIM MOELLER, an individual taxpayer and Washington State Representative; TIMM ORMSBY, an individual taxpayer and Washington State Representative; RYAN PAINTER, an individual taxpayer; ERIC PETTIGREW, an individual taxpayer and Washington State Representative; CHRIS REYKDAL, an individual taxpayer, Washington State Representative and Tumwater School

No. 11-2-25185-3

ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND DENYING DEFENDANT STATE OF WASHINGTON'S MOTION FOR SUMMARY JUDGMENT

1 Board Member; CINDY RYU, an
2 individual taxpayer and Washington State
3 Representative; MIKE SELLS, an
4 individual taxpayer and Washington State
5 Representative; KRISTIN SKANDERUP,
6 an individual taxpayer,

7 Plaintiffs,

8 v.

9 The STATE OF WASHINGTON;
10 CHRISTINE GREGOIRE, in her official
11 capacity as Governor of the State of
12 Washington,

13 Defendants.

14 **ORDER**

15 THIS MATTER came before the Court on Plaintiffs' Motion for Summary
16 Judgment and Defendant State of Washington's Motion for Summary Judgment. The
17 Court reviewed the following materials submitted by the parties:

- 18 1. Plaintiffs' Complaint for Declaratory Judgment and Injunctive Relief and
19 all exhibits thereto;
- 20 2. Answer to Complaint for Declaratory Judgment and Injunctive Relief;
- 21 3. Governor Christine Gregoire's Memorandum Re Jurisdiction;
- 22 4. Plaintiffs' Motion for Summary Judgment and the accompanying
23 Declaration of Paul J. Lawrence and all exhibits thereto;
- 24 5. Defendant State of Washington's Motion for Summary Judgment and the
25 accompanying Declarations of Candace Espeseth, Barbara Baker, and Maureen Hart, and
all exhibits thereto;
6. Governor's Response Memorandum Re Jurisdiction;
7. Plaintiffs' Opposition to State's Motion for Summary Judgment;

ORDER GRANTING PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT AND DENYING
DEFENDANT STATE OF WASHINGTON'S
MOTION FOR SUMMARY JUDGMENT - 2

Judge Bruce E. Heller
King County Superior Court
516 Third Avenue, C-203
Seattle, WA 98104
(206) 296-9085

- 1 8. State's Response to Plaintiffs' Motion for Summary Judgment;
- 2 9. The State of Washington's Response to Governor's Memorandum Re
- 3 Jurisdiction;
- 4 10. Governor's Opposition to Motion to Strike;
- 5 11. Plaintiffs' Notice of Supplemental Authority Relevant to March 9, 2012
- 6 Summary Judgment Hearing;
- 7 12. Plaintiffs' Second Notice of Supplemental Authority Relevant to March 9,
- 8 2012 Summary Judgment Hearing;
- 9 13. Defendant State of Washington's Notice of Supplemental Authority and all
- 10 attachments thereto;
- 11 14. Plaintiffs' Submission of Amended Exhibit L to the Declaration of Paul J.
- 12 Lawrence;
- 13 15. Plaintiffs' Notice of Supplemental Authority and all attachments thereto;
- 14 16. State's Objection to Plaintiffs' Submission of Amended Exhibit L to the
- 15 Declaration of Paul J. Lawrence;
- 16 17. The files and pleadings herein.

17 The Court, having considered these submissions and hearing oral argument of the

18 parties, now ORDERS, ADJUDGES, AND DECREES that:

19 Plaintiffs' Motion for Summary Judgment is **GRANTED**. Plaintiffs present a

20 justiciable controversy and have standing to bring this action. RCW 43.135.034(1)'s

21 supermajority vote requirement violates the simple majority provision of Article II, § 22

22 of the Washington Constitution, rendering that provision of the statute unconstitutional.

23 Further, RCW 43.135.034(2)(a)'s mandatory referendum requirement violates Article II, §

24 1 and Article II, § 1(b) of the Washington Constitution, rendering that provision of the

25 statute unconstitutional.

1 Defendant State of Washington's Motion for Summary Judgment and Motions to
2 Strike are **DENIED**.

3 SO ORDERED this 30th day of May, 2012.
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6 JUDGE BRUCE E. HELLER