

A RESOLUTION OPPOSING INITIATIVE MEASURE NO. 1185

- 1 **WHEREAS** Tim Eyman has sponsored Initiative 1185, a measure to the people that the
2 Secretary of State has certified for the November 6th, 2012 ballot;
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- 4 **WHEREAS** Initiative 1185 undemocratically requires a two-thirds affirmative vote of each
5 house of the Legislature to take “any action” or “any combination of actions” that raises
6 revenue to support our state’s common wealth;
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- 8 **WHEREAS** majority rule is the underlying principle that makes democracy work;
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- 10 **WHEREAS** Washington is a republic, as is the United States of America, governed by the
11 people’s duly elected representatives;
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- 13 **WHEREAS** courts have recognized that by majority and majority rule, our founding fathers
14 meant greater than fifty percent – no more, no less;
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- 16 **WHEREAS** majority rule is codified in Article II, Section 22 of the Washington State
17 Constitution, which plainly declares, “No bill shall become a law unless on its final passage the
18 vote be taken by yeas and nays, the names of the members voting for and against the same be
19 entered on the journal of each house, and a majority of the members elected to each house
20 be recorded thereon as voting in its favor”;
21
- 22 **WHEREAS** requiring supermajority votes for broad categories of bills but not others is unfair
23 and undemocratic, and takes us down a slippery slope towards hopelessly gridlocked
24 government, where majority rule rarely prevails;
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- 26 **WHEREAS** one of our nation’s founding fathers, Alexander Hamilton, once wrote in an essay
27 defending the U.S. Constitution (Federalist No. 22): “If a pertinacious minority can control the
28 opinion of a majority, respecting the best mode of conducting it, the majority, in order that
29 something may be done, must conform to the views of the minority; and thus the sense of the
30 smaller number will overrule that of the greater, and give a tone to the national proceedings.
31 Hence, tedious delays; continual negotiation and intrigue; contemptible compromises of the
32 public good.”;
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- 34 **WHEREAS** another one of our nation’s founding fathers, James Madison, concurred in a
35 subsequent essay defending the U.S. Constitution (Federalist No. 58) that requiring more than
36 a majority for a quorum would be undemocratic: “In all cases where justice or the general
37 good might require new laws to be passed, or active measures to be pursued, the
38 fundamental principle of free government would be reversed. It would be no longer the
39 majority that would rule: the power would be transferred to the minority.”;
40
- 41 **WHEREAS** Article VIII, Section 1 of the Washington State Constitution declares, “The power of
42 taxation shall never be suspended, surrendered or contracted away”;
43
- 44 **WHEREAS** the only legitimate way to change the rules in our democracy is to amend the
45 Constitution, where they are spelled out;
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- 47 **WHEREAS** Article XXIII of the Washington State Constitution does not permit amendments by
48 initiative;
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50 **WHEREAS** widely-respected King County Superior Court Judge Bruce Heller has ruled that
51 Initiative 1053, Initiative 1185's nearly identical predecessor, is unconstitutional in its entirety;

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53 **WHEREAS** the Supreme Court of Washington has agreed to consider an appeal of Judge
54 Heller's ruling without staying his decision;

55
56 **WHEREAS** provisions requiring two-thirds votes to raise revenue and approve budgets have
57 caused dysfunction and chaos in other states, especially California, where havoc has been
58 wrought on the state's fiscal health;

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60 **WHEREAS** most of the other states in the Union do not have any provisions in their
61 constitutions requiring two-thirds votes to raise revenue;

62
63 **WHEREAS** the money behind I-1185 was almost exclusively supplied by powerful out of state
64 corporations or corporate lobbies like BP, ConocoPhillips, Shell, Tesoro, the American
65 Beverage Association (Coca-Cola, PepsiCo, Dr Pepper Snapple Group), and the Beer Institute
66 (Anheuser Busch, MillerCoors, etc.), which wish to prevent our lawmakers from requiring them
67 to pay their fair share in taxes to support our common wealth;

68
69 **WHEREAS** the two-thirds vote requirement present in past initiatives similar to I-1185 have
70 been interpreted by the Legislature and the executive department to apply to bills or actions
71 that seek to recover revenue through the repeal of tax loopholes, but only a majority vote is
72 needed to create a tax loophole;

73
74 **WHEREAS** thanks to this interpretation, I-1185's predecessors, including I-960 and I-1053,
75 have prevented lawmakers from removing tax loopholes for large, profitable corporations
76 that don't need them;

77
78 **WHEREAS** research by the Washington Budget & Policy Center has found that more than
79 eighteen thousand public and private sector jobs have been eliminated as a result of state
80 budget cuts since the summer of 2009;

81
82 **WHEREAS** I-1185's predecessors have prevented lawmakers from democratically voting to
83 protect many of those jobs by raising revenue to offset deep cuts;

84
85 **WHEREAS** I-1185 threatens our economic recovery and economic security by keeping the two-
86 thirds requirement to raise revenue in place;

87
88 **NOW, THEREFORE BE IT RESOLVED** that [name of organization] takes a position opposing I-
89 1185 on the November 6th, 2012 ballot and urges all Washingtonians to vote NO on I-1185.

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91 **BE IT FURTHER RESOLVED** that [name of organization] encourages its donors, members, and
92 supporters to join the coalition opposing I-1185 and campaign actively for the defeat of I-
93 1185.

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95
96 **POSTSCRIPT:** An updated list of references for this resolution is available at:
97 <http://www.permanentdefense.org/materials/model-resolution-opposing-tim-eymans-i-1185/>