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

ELIZABETH A. CAMPBELL, 17 ) Case No. 17-2-07749-6 SEA  
18 )  
Petitioner 19 )  
vs. 20 ) PETITION CHALLENGING THE  
21 ) BALLOT TITLE AND CONCISE  
CITY ATTORNEY, Hon. PETER HOLMES *qua* 22 ) STATEMENT OF CITY OF  
city attorney for City of Seattle, KING COUNTY 23 ) SEATTLE INITIATIVE 126  
AUDITOR, Hon. Kymber Waltmunson *qua* 24 )  
county auditor for King County, and KING 25 )  
COUNTY ELECTIONS, Hon. JULIE WISE *qua* 26 )  
chief elections officer for King County, 27 )  
Respondents. 28 )  
29 )

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Pursuant to the Washington State Constitution and RCW 29A.36.090 comes now  
Petitioner ELIZABETH CAMPBELL to appeal the Ballot Title and Concise Statement for City  
of Seattle Initiative 126, drafted and assigned by Respondent PETER HOLMES, City of Seattle,  
Office of the City Attorney. or City of Seattle Citizens Initiative No. 126.

1 I. PARTIES

- 2 1. Petitioner Campbell is a resident of the city of Seattle, King County, Washington.
- 3 2. Respondents are the City of Seattle, City Attorney, and the King County Auditor.
- 4 3. Respondent Peter Holmes is the City Attorney for the City of Seattle.
- 5 4. Respondent Kymber Waltmunson is the auditor for King County.
- 6 5. Respondent Julie Wise is chief elections officer for King County.

7 II. JURISDICTION

8 The King County Superior Court has jurisdiction pursuant to RCW 29A.36.090.

9 III. FACTUAL BACKGROUND

10 On March 8, 2017 representatives of the campaign organization Reduce Seattle  
11 Homelessness Now (“RSHN”) filed an initiative petition with the City of Seattle City Clerk. The  
12 City Clerk dated the petition and assigned an initiative serial number to it, Initiative 126 (see  
13 Exhibit A).

14 On March 15, 2017 the Seattle City Attorney’s office provided the City Clerk with the ballot  
15 title for Initiative 126 (see Exhibit B). That same day the City Clerk transmitted the ballot title to  
16 King County Elections and to RSHN (see Exhibit C).

17 Ten days, not including Saturdays, Sundays, and legal holidays, have passed since the  
18 Initiative 126 ballot title was filed with King County Elections. March 29, 2017 is the final date  
19 that a ballot appeal may be filed with the King County Superior Court.

20 IV. PETITION

21 Petitioner Campbell, pro se, requests that the court review the Respondent’s ballot title  
22 and concise statement for City of Seattle Initiative 126 and rule that it is not in compliance with  
23 RCW’s 29A.36.071, 29A.72.050, and 84.55.050.

1 Petitioner Campbell further requests that the court order the Ballot title to be changed to  
2 read:

3 City of Seattle Initiative 126 concerns increased property taxes for five years for  
4 homelessness.

5 If approved, this initiative would fund a Homelessness Services Fund that would be  
6 used to provide homeless people with a variety of social, mental, and behavioral  
7 health services, to subsidize a range of housing solutions tailored for them, would  
8 fund a Housing Innovation Fund, provide funds to establish and sustain a  
9 Homelessness Policy and Evaluation Panel, and pay for the City's administrative  
10 costs of the initiative's implementation.

11 It would authorize regular property taxes higher than RCW 84.55's limits, allowing  
12 collection of up to \$55,000,000 in additional taxes in 2018, (up to \$275,000,000 over  
13 five years). Taxes collected in 2018 would be limited to \$3.60 per \$1,000 of assessed  
14 value, which includes approximately \$0.27 per \$1,000 of assessed value of additional  
15 taxes, and authorizes setting the limit factor at ###% (but not to exceed a rate of  
16 \$#.##) for each of the five succeeding years.

17 Should this levy lid lift be enacted into law: Yes [ ] No [ ]  
18

## 19 V. INTRODUCTION AND ARGUMENT

20 The City Attorney has assigned the following ballot title to Initiative 126:

### 21 BALLOT TITLE

22 City of Seattle Initiative Measure 126 concerns a levy for housing and services to reduce  
23 homelessness.

24 If approved, this initiative would provide homeless persons expended housing options,  
25 enhanced outreach, and increased services, including mental health and substance abuse  
26 treatment. An independent panel will provide oversight. Contracts for services will be  
27 competitively awarded.

28 These efforts will be funded by \$275,000,000 in additional regular property taxes above  
29 RCW 84.55 limits over five years limited to \$55,000,000 per year. The tax rate in 2017 is  
30 limited to \$3.60/\$1000 of assessed value, including approximately \$0.27/\$1,000 value in  
31 additional taxes.

32 Should this initiative measure be approved? Yes [ ] No [ ]

1  
2 RCW 29A.36.071(1)<sup>1</sup> requires the ballot title to have three elements: (a) an identification  
3 of the enacting legislative body and a statement of the subject matter; (b) a concise description of  
4 the measure; and (c) a question. The ballot title being appealed contains a form of those  
5 elements as follows:

6 RCW 29A.36.071(1) - (a) Identification of the enacting legislative body and a statement of the  
7 subject matter:

8 “City of Seattle Initiative Measure 126 concerns a levy for housing and services to reduce  
9 homelessness.”

10 RCW 29A.36.071(1) (b) Concise description of the measure:

11 “If approved, this initiative would provide homeless persons expended housing options,  
12 enhanced outreach, and increased services, including mental health and substance abuse  
13 treatment. An independent panel will provide oversight. Contracts for services will be  
14 competitively awarded.

15 “These efforts will be funded by \$275,000,000 in additional regular property taxes above RCW  
16 84.55 limits over five years limited to \$55,000,000 per year. The tax rate in 2017 is limited to  
17 \$3.60/\$1000 of assessed value, including approximately \$0.27/\$\$1,000 value in additional taxes.

18 RCW 29A.36.071(1) (c) Question:

19 “Should this initiative measure be approved? Yes [ ] No [ ]”

20 However, RCW 29A.36.071(3) states that “Subsection (1) of this section does not apply  
21 if another provision of law specifies the ballot title for a specific type of ballot question or  
22 proposition.”, and because first and foremost Initiative 126 is a levy lid lift, a ballot measure that  
23 is being promulgated pursuant to RCW 84.55.050, one that seeks to raise the property tax rates

1 above the statutory levy limitation and by extension must establish a limit factor in each of the  
2 five subsequent years it is in effect, and must comply with the ballot title requirements contained  
3 within RCW 84.55.050(1) and (2)(a), including that “The ballot of the proposition shall state the  
4 dollar rate proposed and shall clearly state the conditions, if any, which are applicable under  
5 subsection (4) of this section...the ballot proposition must state the dollar rate proposed only for  
6 the first year of the consecutive years and must state the limit factor, or a specified index to be  
7 used for determining a limit factor, such as the consumer price index, which need not be the  
8 same for all years, by which the regular tax levy for the district may be increased in each of the  
9 subsequent consecutive years... The title of each ballot measure must state the limited purposes  
10 for which the proposed annual increases during the specified period of up to six consecutive  
11 years shall be used.”, the ballot title for Initiative 126 is subject to this RCW also.

12 The Washington State Department of Revenue has produced a handbook for taxing  
13 districts called “Ballot Measure Requirements” which sets out with specificity the ballot title  
14 requirements for multiple year levy lid lifts such as what is proposed in Initiative 126. Per the  
15 handbook, and according to RCW’s 29A.36.071, 29A.72.050, and 84.55.050, a multiple year  
16 levy lid lift ballot title *must* contain the following information:

- 17 ▪ Identification of the enacting legislative body
- 18 ▪ Statement of the subject matter, not to exceed 10 words
- 19 ▪ A concise description of the measure, not to exceed 75 words
- 20 ▪ The dollar rate (levy rate) proposed only for the first year of the consecutive years
- 21 ▪ The limit factor, or a specific index to be used for determining a limit factor (i.e.  
22 Consumer Price Index) by which the regular tax levy will be increased in each of the  
23 subsequent consecutive years



1 measure they are being presented with – this is the underlying intent of the statutes related to  
2 ballot titles.

3 The proposed ballot title also includes the bare but clear essentials of what the tax  
4 revenues will be used for, and then the proposed ballot title format establishes that the initiative  
5 is raising the property tax levy limit, establishes how much revenue is to be realized by the City  
6 as a consequence of the tax hike, along with any annual limits to that amount, and the gross  
7 amount of tax revenue that would be raised over the life of the plan.

8 Thereafter the next ballot title elements in the proposed ballot title below will ensure that  
9 the ballot title for Initiative 126 will conform with the requirements of RCW 84.55.050,  
10 subsections (1) and (2)(a), by including the dollar rate, any applicable conditions under RCW  
11 84.55.050(4), and the limit factor.<sup>2</sup>

#### 12 PETITIONER’S PROPOSED BALLOT TITLE

13 City of Seattle Initiative 126 concerns increased property taxes for five  
14 years for homelessness.

15 If approved, this initiative would fund a Homelessness Services Fund that  
16 would be used to provide homeless people with a variety of social, mental, and  
17 behavioral health services, to subsidize a range of housing solutions tailored for  
18 them, would fund a Housing Innovation Fund, provide funds to establish and  
19 sustain a Homelessness Policy and Evaluation Panel, and pay for the City’s  
20 administrative costs of the initiative’s implementation.

21 It would authorize regular property taxes higher than RCW 84.55’s limits,  
22 allowing collection of up to \$55,000,000 in additional taxes in 2018, (up to  
23 \$275,000,000 over five years). Taxes collected in 2018 would be limited to  
24 \$3.60 per \$1,000 of assessed value, which includes approximately \$0.27 per  
25 \$1,000 of assessed value of additional taxes, and authorizes setting the limit  
26 factor at ###% (but not to exceed a rate of \$#.##) for each of the five succeeding  
27 years.

28 Should this levy lid lift be enacted into law: Yes [ ] No [ ]

29 For all these reasons the court should strike the City Attorney’s assigned ballot title for  
30 Initiative 126 and order that the above proposed ballot title be adopted for Initiative 126.

#### 31 VII. FURTHER RELIEF REQUESTED

1           A. Lack of Content in Initiative Upon Which to Base Representations in the Ballot Title

2           Because there is no reference in Initiative 126 to a dollar rate (levy rate<sup>3</sup>) proposed for the  
3 first year of the consecutive years of the levy lid lift, because body of the proposed legislation  
4 does not contain any reference to a limit factor, or a specific index that would be used for  
5 determining a limit factor (i.e. Consumer Price Index) by which the regular tax levy would be  
6 increased in each of the subsequent consecutive years, because there is no reference to the dollar  
7 amount per \$1,000 of assessed property value that this proposed tax increase represents, it may  
8 not be possible to establish a legitimate ballot title for this initiative as the insertion of these  
9 elements would be based upon calculations and assumptions that are being applied after the fact,  
10 and would be based upon inserting data that is not established within the initiative's legislative  
11 content.

12   B. Real Party in Interest – The City of Seattle

13           The Washington State Constitution establishes that the citizen initiative is a product of  
14 the reserved power of the people, that it is citizens acting in their capacity as legislators when  
15 they proffer an initiative, ostensibly in this case to the Seattle City Council, for the City Council  
16 to subsequently act upon according to the provisions of the Seattle City Charter, Article IV.

17           However, there is ample evidence that in fact this is not truly a citizens' initiative and  
18 instead is an initiative that is being promulgated under false pretenses, utilizing straw proponents  
19 who are in reality acting on behalf of both the Mayor of Seattle and several of its  
20 councilmembers. The Mayor has stated repeatedly in media reports, at assorted venues around  
21 Seattle, and in his 2017 State of the City address that he is the proponent of Initiative 126, and  
22 vis-à-vis given that he is making this claim in his official capacity, it is really the City of Seattle  
23 that is promulgating the initiative.



1 Consistent with those representations the mayor has also admitted coordinating with  
2 other City of Seattle officials and employees, with City contractors, and with a multiple of non-  
3 City of Seattle parties to establish a straw proponent for the initiative. The stated reason for  
4 doing this is so that the City officials in question here can avoid having to go through the normal  
5 legislative processes required for the City to lift a levy lid limit (see Exhibit D), Complaint to the  
6 Seattle Ethics and Election Commission and the Washington State Public Disclosure  
7 Commission).

8 Accordingly, it may be impossible to craft a ballot title that is legitimate in that the real  
9 party in interest is not being identified. Were the City of Seattle officials to have followed the  
10 normal procedures that they are entrusted to follow then no question could have been raised  
11 about who the real party in interest is in Initiative 126, the public would be able to rely upon the  
12 representations embodied within Initiative 126. Instead it is tainted by this official effort at  
13 subterfuge.

14 Petitioner requests that the court rule or otherwise offer guidance on these anomalies,  
15 these predicaments that this matter presents, and prays for such other relief as may hereafter be  
16 required, and as the court may thus deem just and equitable in all of the premises, including but  
17 not limited to taxable costs or to otherwise allowable expenses and to any reasonable attorney fee  
18 or any award made in lieu thereof as to any matter ancillary to the ballot-title appeal, herein,  
19 pursuant to RCW 29A.36.290 is required and is granted.

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Respectfully submitted and dated this 29<sup>th</sup> day of March, 2017.

/S/

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<sup>1</sup> The Court of Appeals has held that RCW 29A.36.071(1) mandates state-wide uniform titles for all local ballot measures in Washington because of the provision's reference to RCW 29A.72.050. *In re Ballot Title Appeal of City of Seattle Initiatives 107-110*, -- Wn. App. --, 334 P.3d 59 (2014).

<sup>2</sup> WAC 458-19-005(2)(o) "Limit factor" means: (i) For taxing districts with a population of less than ten thousand in the calendar year immediately prior to the assessment year, one hundred one percent; (ii) For taxing districts, other than the state, having made a finding of substantial need in accordance with RCW 84.55.0101, the lesser of the substantial need factor or one hundred one percent; or (iii) For all other taxing districts, including the state, the lesser of one hundred one percent or one hundred percent plus inflation.

<sup>3</sup> WAC 458-19-005(2)(n) "'Levy rate' means the dollar amount per thousand dollars of assessed value applied to taxable property within a taxing district and is calculated by dividing the total amount of a statutorily authorized levy of a taxing district by the total assessed value of that district and is expressed in dollars and cents per thousand dollars of assessed value." "<http://apps.leg.wa.gov/wac/default.aspx?cite=458-19-005>