

Supermajority Vote Requirements Are a Basic Part of Washington's Democracy

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Is Washington's state constitution undemocratic? Some opponents of supermajority vote requirements seem to think so. The 2011 budget debate has been framed by voters' approval of the two-thirds vote requirement for the legislature to raise taxes. The voters approved that taxpayer safeguard in November when they passed Initiative 1053 by a 64 percent margin.

Voters have enacted or reaffirmed the two-thirds vote requirement for tax increases four times: 1993, 1998, 2007 and again in 2010. Opponents, however, argue supermajority requirements are undemocratic and that lawmakers should be able to make tax decisions based on a simple majority vote.

The Initiative 1053 law is a statute, but if supermajority restrictions are undemocratic in principle wouldn't the same criticism apply to the state constitution?

Though the opponents may still make that claim, based on the number of supermajority requirements present in Washington's constitution, it is clear they have been placed there to require a high vote threshold for certain government actions. These restrictions are policy choices. One could argue that requiring a supermajority vote to increase the financial burden the state places on its citizens is no more undemocratic than the many similar restrictions that are already part of the state constitution.

Here is a list of the supermajority vote requirements in the Washington constitution. This accounting shows 21 supermajority vote provisions. Some provisions appear twice in the same section, so the number may vary depending on how they are counted.

- Article 2, Section 1: Two-thirds vote of the legislature required to amend a voter-passed initiative within two years of the initiative's enactment.
- Article 2, Section 9: Two-thirds vote of the House or Senate required to expel a member.
- Article 2, Section 12: Two-thirds vote of the legislature required to convene a special session.
- Article 2, Section 12: In the same section, a two-thirds vote of the legislature required to consider additional issues during a special session.
- Article 2, Section 24: A 60% vote of the legislature or a 60% vote of the people required to approve a lottery.
- Article 2, Section 36: Two-thirds vote of the legislature required to consider a newly introduced bill within ten days of final adjournment.
- Article 2, Section 43: Two-thirds vote of the legislature required to amend a redistricting plan.
- Article 2, Section 43: In the same section, a two-thirds vote of the legislature required to reconvene a redistricting commission.

- Article 3, Section 12: Two-thirds vote of the legislature required to override a governor's veto.
- Article 4, Section 9: Three-fourths vote of the legislature required to remove a judge, attorney general or prosecuting attorney from office.
- Article 5, Section 1: Two-thirds vote of the Senate required to convict a state elected official after impeachment.
- Article 7, Section 2: Three-fifths vote of the people required to approve a local tax levy (except for school levies).
- Article 8, Section 1: Three-fifths vote of the legislature required to incur state debt.
- Article 8, Section 6: Three-fifths vote of the people required to incur local district debt in excess of 1.5% of the local property tax base.
- Article 11, Section 2: Three-fifths vote of the people required to relocate a county seat.
- Article 11, Section 16: Three-fifths vote of the people required to incur city or county debt in excess of 1.5% of the property tax base.
- Article 14, Section 2: Two-thirds vote of the people required to relocate the state capitol.
- Article 23, Section 1: Two-thirds vote of the legislature required to propose amendments to the state constitution to the people.
- Article 23, Section 2: Two-thirds vote of the legislature required to propose convening a state constitutional convention to the people.
- Article 28, Section 1: Two-thirds vote of the legislature required to change the membership of the independent state salary commission.
- Article 32, Section 1: Three-fifths vote of the legislature required to expand the definition of an industrial development project once bonds have been issued.

Several of these provisions have been part of Washington's constitution since its ratification in 1889. It is clear supermajority vote requirements are not undemocratic or even controversial in most cases.

One way to resolve the ongoing debate over whether voters truly want lawmakers to be restricted by the two-thirds vote requirement for tax increases is for the legislature to refer the question to voters in the form of a constitutional amendment. Several constitutional amendments to do this were introduced this year, but they did not receive a public hearing or legislative consideration.

If such an amendment were ratified by voters we would know their four-time approval of the two-thirds requirement was not a fluke and that the people really want a broad legislative consensus before lawmakers raise their taxes. If the amendment were rejected, lawmakers could feel free to disregard the restriction, as they have repeatedly done in the past, without concern about overriding the will of the people.

Based on the numerous supermajority vote requirements currently in Washington's constitution, providing the voters the opportunity to consider a constitutional supermajority requirement to raise tax would not be embracing undemocratic principles. It would simply be following the existing constitutional precedents for requiring higher vote thresholds before the government takes certain actions.

Jason Mercier is director of the Center for Government Reform at Washington Policy Center, a non-partisan independent policy research organization in Washington state. Nothing here should be construed as an attempt to aid or hinder the passage of any legislation before any legislative body.