

Income tax advocates reminded how to properly amend state constitution

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Earlier this year 15 Democratic lawmakers, several public sector unions and the Washington State Insurance Commissioner all filed briefs to the state Supreme Court asking justices to overturn numerous legal opinions and allow a graduated income tax without a constitutional amendment. Yesterday a response was filed by former Attorney General Rob McKenna, former Chief Justice Gerry Alexander, former Justice Phil Talmadge and the other attorneys for the plaintiffs. From their reply legal brief:

- “... each of these amici typifies the very sorts of political actors who have played, and can continue to play, a role in the democratic process whereby the people of Washington decide if they want to change the long-standing structure of state taxation. Ten unsuccessful attempts to change that law at the ballot box show that Washington’s voters do not want that change. If these amici disagree with the voters’ judgment, they are especially well positioned to continue their political efforts to change voters’ views, rather than seeking to achieve that change through Seattle and EOI’s politically-minded petition to this Court.”
- “As the Taxpayers’ Answer explained, what would be harmful is overturning more than 80 years of law establishing the basic structure of statewide taxation that voters have again and again affirmed.”
- “Most importantly, the interest shown by amici underscores that the appropriate forum for this debate is the democratic process in which they are all active participants. While some state legislators and senators think a graduated state income tax is good policy, many others disagree. Those who signed the Legislative Amicus have a formal ability and obligation to speak directly with their colleagues, and use the legislative process in which they operate, to try to change this rule at a statewide level. Thus far, all such efforts have failed.”
- “There are always uses to which additional government tax revenues can be put, but the complicated questions of how the state of Washington should con-

duct its fiscal affairs is not properly before this Court. All that is here is Seattle and EOI’s effort to use a municipal tax, for which there is no statutory authority in the first place, to draw this Court into state-wide political questions that the voters have already, repeatedly and emphatically, resolved. We believe this Court should decline review.”

As the brief points out, income tax advocates in the legislature need to remember that their failure to convince the citizens is not an excuse to ask the courts to change the rules.

The lack of an income tax has long been advertised by the State Department of Commerce as being a “competitive advantage” for Washington. State Treasurer Davidson has also repeatedly stated why not having an income tax is positive for Washington. Washington voters have also rejected 10 straight income tax proposals and a recent poll shows 72% are opposed to a local income tax.

Despite this, based on the income tax brief filed by some lawmakers on the first day of session and the majority party refusing to hold public hearings on the bipartisan bills to reinstate the 36 year old local income tax ban, it is clear that some lawmakers refuse to listen to this consistent message from the people.



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