

Hearing date: Friday, May 27, 2022  
Hearing time: Decision without oral argument  
Judge/Calendar:  
Hon. Indu Thomas / CIVIL

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

In the Matter of:

	)	
	)	NOS. 22-2-01109-34 X
	)	22-2-01162-34
	)	22-2-01163-34
	)	22-2-01164-34
	)	22-2-01181-34
	)	22-2-01182-34
	)	
CHALLENGE TO THE BALLOT TITLES FOR	)	THE INITIATIVE SPONSOR'S CHALLENGE TO
INITIATIVES 1934, 1935, 1936, 1937, AND	)	THE BALLOT TITLES SHOULD BE STRICKEN DUE
1938	)	TO VIOLATION OF RCW 29A.72.080 AND LOCAL
	)	RULES FOR SUCH CHALLENGES
	)	

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**ARGUMENT**

The *pro se* Petitioner in this case followed state law and local rules and challenged individually five initiative ballot titles. The initiatives' sponsor – an attorney himself -- and his very knowledgeable, experienced attorneys did not follow state law nor the local rules. This Court rightly delayed ruling on the Motion to Consolidate in order to first decide this critical "threshold question" – by clearly violating RCW 29A.72.080 and local rules, should the sponsor's challenge be stricken? The answer is yes.

RCW 29A.72.080 explicitly says "the measure." The rules of statutory construction require the words in a statute be given their clear meaning and it is assumed the Legislature knew what they were doing when they drafted it. The Legislature used the singular "the measure" – they could have written the law to say "the measure or measures" but did not. Thus, if a person is dissatisfied with the ballot

titles for five initiatives, then that person is required to file five challenges. Five measures cannot be characterized as "the measure."

In addition, a decade ago, the local rules in Thurston County were standardized with a specific schedule based on this state law. The Scheduling Questionnaire clearly asks for "the measure" the individual is challenging. And it asks if there are other related initiatives on that same topic. **And it specifically lists a later date for any motion to consolidate.** Intentionally or inadvertently, the initiatives' sponsor and his attorneys attempted to skip past that and thus tried to "box in" the Court to have them all heard by one judge. This is unlawful and should not be permitted.

Again, these are all very experienced and knowledgeable attorneys who should not be allowed to flout the law nor the local rules.

As for the sponsor's counsel complaining about the lack of time to collect signatures, it is not the Court's fault that the initiatives' sponsor chose to file his initiatives so late in the cycle. It is not the Court's fault that the initiatives' sponsor and his very experienced attorneys didn't follow state law nor the local rules when they challenged these titles. As the saying goes: "A lack of planning on your part does not constitute an emergency on my part."

It is important that this threshold question be answered in a non-rushed manner and the ballot titles' wording be carefully considered and under no circumstances should the Court be rushed due to the late-in-the-cycle filing of these initiatives by the sponsor as well as the obvious violation of state law and local rules by his very experienced attorneys.

For the foregoing reasons, the initiative sponsors' challenge should stricken.

Respectfully submitted this 24th day of May, 2022.

A handwritten signature in black ink, appearing to read "Tim Eyman", written over a horizontal line.

Tim Eyman, *pro se*, Petitioner  
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