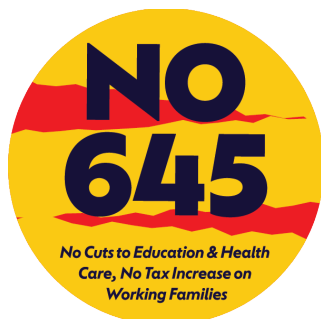




NO on 645

FOR IMMEDIATE RELEASE:

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No645.com

**NEW LEGAL ANALYSIS: I-645 HAS
CONSTITUTIONAL CONCERNS AND IS
VULNERABLE TO CHALLENGE UNDER TWO
PROVISIONS OF THE STATE CONSTITUTION**

“There are credible arguments that the Initiative violates the Constitution’s single subject and amendment-by-reference requirements.”

SEATTLE, WA — Today, the NO on 645 campaign released legal analysis from Pacifica Law Group that raises genuine questions about the constitutionality of Initiative 645, suggesting that it could be overturned in court.

Pacifica writes, **“I-645 is vulnerable to challenge under at least two provisions of the Washington Constitution. Although the outcome**

of any challenge would be uncertain, there are credible arguments that the Initiative violates the Constitution's single subject and amendment-by-reference requirements."

See the full legal memo [HERE](#).

This new memo is just the latest in a laundry list of developments that continues to demonstrate the sloppy and irresponsible ways that hedge fund mogul Brian Heywood drafted this ballot measure, and misleading ways he is talking about the initiative.

The "single subject" requirement stipulates that no initiative "can embrace more than one subject" in a single measure, and this includes measures that combine an immediate action with a more general, future requirement. Because I-645 combines a specific, immediate action (eliminating the Millionaires Tax) with a general, future requirement (barring all taxes imposed on or measured by income), I-645 is at risk of being struck down by the courts.

Similarly, the state constitution also requires initiatives to set out all the changes it would make to existing laws. If this broadly written measure does implicate existing taxes ("measured by income") beyond the Millionaires Tax, it would run afoul of this provision.

Prior to this memo, the Seattle Times in June [reported on a memo from Pacifica Law Group](#) indicating that there is significant risk that the sloppily written initiative "would invalidate other programs, including the state's unemployment insurance, paid family and medical leave and the state's new long-term care program."

Hugh Spitzer, a retired UW Law Professor and widely recognized expert on Washington's constitutional law, [noted in a Seattle Times op-ed](#) that I-645's prohibition on taxes "measured by" individual income could threaten funding for these programs, and could potentially reach the state's capital gains tax.

Finally, two consecutive polls from the firm GBAO have shown I-645 losing by both 19 and 22 points. Supporters of I-645, including Let's Go

Washington, have not released any polling data that tests the actual language that will appear on the November ballot.

Statement from Erik Houser, spokesperson for NO on 645:

*“Hedge fund mogul Brian Heywood may oppose taxing the very wealthy a little bit more to fund core public services, but Washington voters are not buying his arguments. The data is clear: voters are ready to reject Heywood’s fiscally irresponsible effort to cut his own taxes while blowing a \$13 billion hole in our state’s budget. Voters just aren’t on board with cutting funding for K-12 education, health care, and child care, all while putting tax breaks for small businesses and working and middle class families at risk. This consistent polling data across multiple months makes it clear: **cutting taxes for the very wealthy while raising costs for everyone else is not a winning idea.**”*

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