

WASHINGTON SUPREME COURT

End Prison Industrial Complex v. King County

431 P.3d 998 · Decided December 27, 2018

SUMMARY

The Washington Supreme Court held that a challenge to a county ballot title alleging noncompliance with former RCW 84.55.050 was subject to RCW 29A.36.090's ten-day objection period. Because End Prison Industrial Complex filed its challenge nearly four years after the ballot title was filed, the court held the claim untimely, reversed the Court of Appeals, and affirmed the superior court's dismissal.

CASE DETAILS

COURT	Washington Supreme Court
WRITING FOR THE COURT	Gordon McCloud; Fairhurst, C.J.; Johnson, J.; Owens, J.; Stephens, J.; Wiggins, J.; González, J.; Yu, J.
JURISDICTION	Washington
DECIDED	December 27, 2018
DISPOSITION	reversed
PROCEDURAL POSTURE	EPIC sued King County seeking a declaration that property-tax assessments made after the first year of a levy lid lift were unlawful and an injunction against future assessments. The superior court granted King County's motion for summary judgment and dismissed the action as untimely. The Court of Appeals reversed. The Washington Supreme Court granted review, reversed the Court of Appeals, and affirmed the superior court.
STANDARD OF REVIEW	De novo review of the legal question whether EPIC's claim was subject to RCW 29A.36.090's ten-day limitations period. Summary judgment is also reviewed de novo and is proper when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published Washington Supreme Court opinion; binding statewide precedent.
PARTIES	End Prison Industrial Complex v. King County

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QUESTIONS PRESENTED

1. Whether EPIC's challenge to the ballot title for King County Ordinance 17304 was subject to RCW 29A.36.090's ten-day period for objecting to a local ballot title.
2. Whether the ten-day period applied even though EPIC characterized its action as a challenge to King County's later tax implementation rather than as a ballot-title objection.
3. Whether former RCW 84.55.050's express-statement requirements for levy lid lift ballot propositions altered the ten-day deadline or gave the ballot title substantive force independent of the underlying ordinance.

HOLDINGS

1. A claim alleging that a local ballot title omitted information required by former RCW 84.55.050 is a ballot-title challenge subject to RCW 29A.36.090's ten-day filing deadline.
2. Former RCW 84.55.050 does not exempt levy lid lift ballot-title objections from RCW 29A.36.090's ten-day deadline or make a later implementation challenge timely.
3. Ordinance 17304 plainly authorized a property-tax increase for nine consecutive years and described the taxation structure implemented by King County; the ballot title did not control over the ordinance.

KEY QUOTATIONS

“We therefore hold that EPIC's claim, which it brought nearly 4 years after the ballot title at issue in this case was filed, is untimely.” (998)

“There is a strong interest in the finality of ballot title decisions.” (1002)

“Ordinance 17304, if approved, would take on the force of law and govern what King County can and cannot do with respect to the levy lid lift.” (1003)

“Thus, Washington Federation confirms that challenges to a ballot title based on failure to comply with statutory accuracy and clarity requirements must be raised during the statutory time limit.” (1006)

FACTUAL BACKGROUND

In April 2012, the King County Council adopted Ordinance 17304 authorizing a nine-year property-tax levy lid lift to fund replacement of the Children and Family Justice Center. The prosecutor's ballot title stated that the additional property tax would be imposed for nine years and that increases in the following eight years would be subject to chapter 84.55 RCW, but it omitted language expressly stating that the 2013 levy would serve as the base for later levies. Voters approved the measure in August 2012, and King County thereafter calculated and collected increased levies through the following years. EPIC did not challenge the ballot title until April 2016.

PROCEDURAL HISTORY

King County voters approved Ordinance 17304 and its levy lid lift in August 2012. EPIC filed suit in April 2016, challenging the ballot title's omission of an express statement concerning the calculation of subsequent levies. The superior court dismissed the claim under the ten-day ballot-title objection period in RCW 29A.36.090; the Court of Appeals reversed; the Supreme Court reinstated the dismissal.

DISPOSITION

reversed

CASES CITED

- Kreidler v. Eikenberry, 111 Wash. 2d 828, 766 P.2d 438 (1989)
- Sane Transit v. Sound Transit, 151 Wash. 2d 60, 85 P.3d 346 (2004)
- Amalgamated Transit Union Local 587 v. State, 142 Wash. 2d 183, 11 P.3d 762 (2000)
- Brower v. State, 137 Wash. 2d 44, 969 P.2d 42 (1998)
- Gerberding v. Munro, 134 Wash. 2d 188, 949 P.2d 1366 (1998)
- State ex rel. O'Connell v. Meyers, 51 Wash. 2d 454, 319 P.2d 828 (1957)
- Seeber v. Public Disclosure Commission, 96 Wash. 2d 135, 634 P.2d 303 (1981)
- Gibson v. Department of Licensing, 54 Wash. App. 188, 773 P.2d 110 (1989)
- Department of Ecology v. Campbell & Gwinn, LLC, 146 Wash. 2d 1, 43 P.3d 4 (2002)
- Washington Association for Substance Abuse & Violence Prevention v. State, 174 Wash. 2d 642, 278 P.3d 632 (2012)
- City of Burien v. Kiga, 144 Wash. 2d 819, 31 P.3d 659 (2001)
- City of Sequim v. Malkasian, 157 Wash. 2d 251, 138 P.3d 943 (2006)
- Washington Federation of State Employees v. State, 127 Wash. 2d 544, 901 P.2d 1028 (1995)
- Coppernoll v. Reed, 155 Wash. 2d 290, 119 P.3d 318 (2005)
- Marino Property Co. v. Port Commissioners, 97 Wash. 2d 307, 644 P.2d 1181 (1982)
- State v. Thorne, 129 Wash. 2d 736, 921 P.2d 514 (1996)
- Biggs v. Vail, 119 Wash. 2d 129, 830 P.2d 350 (1992)
- Lynch v. Department of Labor & Industries, 19 Wash. 2d 802, 145 P.2d 265 (1944)
- Hertog v. City of Seattle, 138 Wash. 2d 265, 979 P.2d 400 (1999)
- Taggart v. State, 118 Wash. 2d 195, 822 P.2d 243 (1992)
- End Prison Indus. Complex v. King County, 200 Wash. App. 616, 402 P.3d 918 (2017)
- End Prison Indus. Complex v. King County, 190 Wash. 2d 1007, 414 P.3d 576 (2018)