Jordon v. City of Seattle, Washington Supreme Court No. 68805-2 (2001)

Summary

In this 2001 case, citizens submitted a petition with the requisite number of signatures to the Seattle City Council on a proposed ordinance regarding the funding of neighborhood branch library facilities. The Seattle City Council not only failed to act within the time required by the City Charter to adopt, reject or propose an alternative to the initiative, the Council simply amended the initiative and adopted the amended version. The amended language concerned the validity of the ordinance, thereby nullifying it. The City refused to place the initiative on the ballot. The Citizens appealed but the election had come and gone so the trial court found the issue was dead (moot). The case is now on appeal to the Washington State Supreme Court. The issue is the right of referendum over local ordinances. It is a matter of continuing and substantial interest to I&R activists who utilize the indirect initiative process (so called initiatives to the legislative body). The case presents an important public policy issue which is likely to recur (and has occurred) in other jurisdictions. The case is Jordan v. City of Seattle [Washington Supreme Court No. 68805-2]. The I&R Institute submitted an amicus brief in support of the citizens in the hope that the Washington Supreme Court would reaffirm the principal under the state constitution that the initiative power is the first power reserved by the people and that all political power emanates from the people. As of January 26, 2001, no hearing date had been set. The Amicus memorandum will be on line soon.

The Initiative & Referendum Institute is represented by Shawn Newman, Attorney at Law, and on the Institutes' legal advisory board. Shawn has been engaged in various initiative issues, most notably, he prevailed against the State of Washington in a case challenging the constitutionality of a state law requiring paid signature gatherers to register their names, addresses and compensation with the state. WIN v. Warheit [9th Circuit (May, 2000)]