

NEWS

October 8, 2008—Two initiative committees, Our Water-Our Choice! and Protect Our Waters, announce that on September 26, 2008 our attorney, Gerald Steel, filed a Petition for Review to the Washington State Supreme Court to review the lower courts' refusal to allow citizens of Port Angeles to vote on two initiatives.

We think we meet the criteria for review in that there is broad public interest in the result and in that there is confusion and conflict with several laws which only the Supreme Court can sort out. We now await the decision of the Supreme Court to accept or deny the review.

The purpose of the proposed initiatives is to make it illegal to put any unsafe drug in any public water supply used in the City of Port Angeles. That includes the use of industrial grade fluorosilicic acid, but applies to any other drug as well--a critical point since initiatives must enact new law and not just regulate existing practices.

Technically, regulating existing practices is considered "administrative" in nature and cannot be the subject of an initiative, whereas creating new law is "legislative" and is subject to the initiative process. New law is also enacted in this case because both initiatives apply to at least three public water supplies in the City; only one is fluoridated

The fundamental and overriding purpose of each initiative is to protect the health, safety, and welfare of the citizens of Port Angeles by controlling pollution in public water supplies in the City. We request that the Supreme Court rule that the laws regulating state-wide initiatives apply to local initiatives as well. Those laws limit a court's pre-election evaluation to the fundamental and overriding purpose of the initiatives. We request that the Supreme Court find that the initiatives are allowed because they are legislative and are within the power of the City to enact.

We contend that a fundamental legal error was made by the trial Court with respect to evaluation of detailed provisions prior to a citizen vote. Statewide initiatives must be voted on prior to any "substantive challenge". Subsequent review by the Court is then done after full disclosure of the will of the citizenry, a practice which adds to efficiency of the judicial system because if citizens reject the measure, court time is saved. Furthermore, pre-election legal challenges escalate costs for the citizens which coupled with months to years of delay effectively takes away the right of citizens to the initiative process.

We look to the Supreme Court to restore the power of citizens of municipalities and counties to exercise the fundamental rights of initiative and referendum--a right presently negated by actions of the lower courts.