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5 SUPERIOR COURT OF WASHINGTON
6 THURSTON COUNTY

7 In re

BALLOT TITLE I-1639

No. 18 2 2506 34

8
9 OPENING BRIEF OF PETITIONER

10 I. INTRODUCTION.

11 This Memorandum is delivered in satisfaction of the prescribed scheduling as dated
12 and filed on the date of May 16, 2018 by Hon. Carol Murphy, judge.

13 The Petitioner's Scheduling questionnaire is delivered separately.

14 The Notice of Assignment and Notice of Ballot Title deadlines is also separately
15 delivered, together with proof of these deliveries.

16 II. FACTS.

17 A. Under the above cause number a Petition was filed May 16, 2018 entitled "A
18 Challenge to the Ballot Title – Statement of Subject, Concise Description- And
19 Ballot Measure Summary For Initiative 1639, An Initiative To The People."

20 III. AUTHORITIES.

21 A. RCW 29A.72.080 provides, in pertinent part with *emphasis provided here*, as
22 follows:

23 "Any persons, including the attorney general or either or both houses of the
24 legislature, dissatisfied with the ballot title or summary for a state initiative or
25 referendum may, within five days from the filing of the ballot title in the office of
the secretary of state, appeal to the superior court of Thurston county by petition
setting forth the measure, the ballot title or summary, and their objections to the
ballot title or summary and requesting amendment of the ballot title or summary
by the court. Saturdays, Sundays, and legal holidays are not counted in calculating
the time limits contained in this section.

NAME OF PLEADING FROM
ABOVE - 1

1 A copy of the petition on appeal together with a notice that an appeal has been
2 taken shall be served upon the secretary of state, upon the attorney general, and
3 upon the person proposing the measure if the appeal is initiated by someone other
4 than that person. Upon the filing of the petition on appeal or at the time to which
5 the hearing may be adjourned by consent of the appellant, the court shall accord
6 first priority to examining the proposed measure, the ballot title or summary, and
7 the objections to that ballot title or summary, may hear arguments, and shall,
8 within five days, render its decision and file with the secretary of state a certified
9 copy of such ballot title or summary as it determines will meet the requirements
10 of RCW 29A.72.060. The decision of the superior court shall be final. Such
11 appeal shall be heard without costs to either party.”

12 B. RCW 29A.72.090 *et seq.*, provides, in pertinent part. That by this process the
13 electorate’s opportunity and First Amendment right of Petition shall be concluded
14 (“the ballot title and summary are finally established [and] Thereafter such ballot
15 title shall be the title of the measure in all petitions, ballots, and other proceedings
16 in relation thereto. The summary shall appear on all petitions directly following
17 the ballot title.”).

18 The electorate are warned in a manner exacerbating confusion of the desired and
19 prompt response to the federally guaranteed right of petition, burden upon which
20 shall not be disregarded. (*e.g.*, RCW 29A.72.140), increasing importance of care
21 in the expression chosen.

22 IV. OBJECTIONS, identified, ARGUMENT.

23 A. As previously documented the petitioner is challenging the Ballot Title; Statement
24 of Subject, Concise Description and Ballot Measure Summary Bases on two issues;

25 1.) I-1639 raises taxes due to the sales of certain weapons as defined by RCW
43.135.034(I) (b).

Therefore, the Ballot Title with all its divisions should address said Tax in
which it does not.

2.) I-1639 impacts Individual rights as protected by the Washington State
Constitution as previously stated by Article I Section 24, in addition the
Washington State Constitution states in Article I Section 1; All political power
is inherent in the people, and governments derive their just powers from the
consent of the governed, and are established to protect and maintain individual
rights.

Therefore, the Ballot Title with all its divisions should address said individual
rights which are impacted by I-1639 in which it does not.

1 B. The electorate are warned in a manner exacerbating confusion of the desired and
2 prompt response to the federally guaranteed right of petition, burden upon which shall not be
3 disregarded. (e,g, RCW 29A.72.140), increasing importance of care in the expression chosen.

4 C. Finally, the choice of language, particularly as it is accompanied by @Washington
5 state warning and jeopardy, should be state as follows:

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8 V. CONCLUSION

9 The Ballot Title should read as follows

10 Ballot Title

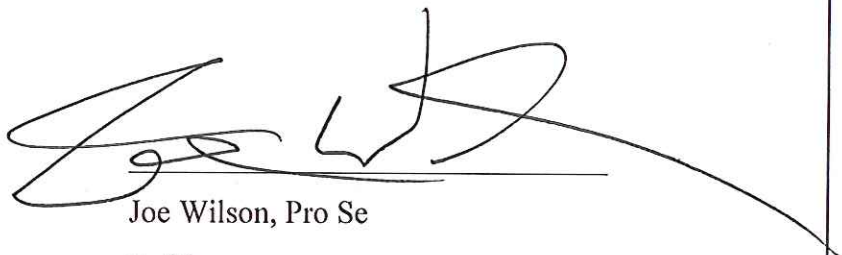
11 Statement of Subject; Initiative Measure No. 1639 concerns Taxes and Individual
12 Rights.

13 Concise Description; This measure would tax certain guns and restrict an
14 individual citizen right to bear arms in defense of himself.

15 Ballot Measure Summary

16 This measure would tax the sale of certain guns. The right of the individual
17 citizen to bear arms in defense of himself, or the state, would be impaired if this
18 measure was to be implemented into law.

19 Dated this 21st day of May, 2018 at Bellingham, Washington.

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22 
23 Joe Wilson, Pro Se
24 Petitioner