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STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT

ALAN GOTTLIEB and  
JULIANNE HOY VERSNEL,

Plaintiffs,

v.

KIM WYMAN, in her capacity as Secretary  
of State,  
Defendant.

No. 18-2-xqxxq-34

APPLICATION FOR  
CITATION AND INJUNCTION

Pursuant to RCW 29A.72.240, Applicants Alan Gottlieb and Julianne Hoy Versnel hereby apply to this Court for a citation to the Secretary of State that she submit the petitions of Initiative Measure No. 1639, An Initiative to the People (hereinafter "I-1639") to this Court for examination, and for an injunction to prevent the certification of I-1639 on the grounds that Applicants Gottlieb and Versnel are dissatisfied with the determination of the Secretary of State that a petition in support of I-1639 contains the requisite number of signatures of legal voters.

**I. THE PARTIES**

1. Applicant Alan Gottlieb is a citizen, and a registered voter, in the state of Washington.
2. Applicant Julianne Hoy Versnel is a citizen, and a registered voter, in the state of Washington.
3. Pursuant to RCW 29A.72.240, notice of this Application is served on the Secretary of State of the State of Washington and the Attorney General of the State of Washington.

## II. JURISDICTION AND VENUE

4. This Court has jurisdiction over the Application, and venue is proper in this Court, pursuant to RCW 29A.72.240.

## III. THE INITIATIVE AND THE PETITION

5. A copy of the text of I-1639 as filed with the Secretary of State is attached hereto as Exhibit A (hereafter “I-1639”).

6. Exhibit A is a readable, true, full, and correct copy of I-1639.

7. I-1639 proposes to be a statewide ballot measure that amends existing law.

8. If I-1639 appears on the November 2018 general election ballot, then pursuant to RCW 29A.32.080, it “must be printed in the voters’ pamphlet so that language proposed for deletion is enclosed by double parentheses and has a line through it. Proposed new language must be underlined.”

9. In I-1639, language proposed for deletion is enclosed by double parentheses and has a line through it.

10. In I-1639, proposed new language is underlined.

11. If I-1639 appears on the November 2018 general election ballot, then the voter’s pamphlet will contain text identical to I-1639 and Exhibit A.

12. A copy of the petition for which signatures were gathered and which the Secretary of State has determined contain sufficient signatures of legal voters in support of I-1639 is attached hereto as Exhibit B (hereafter the “Challenged Petition”).

13. A full-size copy of the Challenged Petition is separately filed with the Court as Exhibit C.

14. All petitions filed with the Secretary of State in purported support of I-1639 contain the exact text which appears on the reverse side of Exhibit C.

15. Pursuant to Washington Constitution, Article II, Sec. 1(a), “[e]very [initiative] petition shall include the full text of the measure so proposed.”

1 16. Pursuant to RCW 29A.72.100, “[e]ach petition at the time of circulating, signing, and  
2 filing with the secretary of state must . . . have a readable, full, true, and correct copy of the  
3 proposed measure printed on the reverse side of the petition.”

4 17. Each person who signed the Challenged Petition “respectfully direct[s] that the  
5 proposed measure known as Initiative Measure No. 1639 . . . ***a full, true and correct copy of***  
6 ***which is printed on the reverse side of this petition***, be submitted to the legal voters of the  
7 State of Washington for their approval or rejection at the general election to be held on the 6th  
8 day of November, 2018.” (Emphasis added.)

9 18. I-1639 proposes to amend existing law, namely, RCW 9.41.090, by deleting the  
10 existing requirement that “a chief of police or sheriff, or a designee of either, shall continue to  
11 check the health care authority’s electronic database and with other agencies or resources as  
12 appropriate, to determine whether applicants are ineligible under RCW 9.41.040 to possess a  
13 firearm.”

14 19. The foregoing proposed amendment to existing law is identified in I-1639 as language  
15 proposed for deletion because it is enclosed in double parentheses and has a line through it.

16 20. The foregoing proposed amendment to existing law is not identified in the text printed  
17 on the reverse side of the Challenged Petition as language proposed for deletion.

18 21. I-1639 proposes to amend existing law, namely, RCW 9.41.090, by adding the  
19 requirement that “[t]he state, through the legislature or initiative process, may enact a statewide  
20 firearms background check system equivalent to, or more comprehensive than, the check  
21 required by (a) of this subsection to determine that a purchaser is eligible to possess a firearm  
22 under RCW 9.41.040.”

23 22. The foregoing proposed amendment to existing law is identified in I-1639 as proposed  
24 new language because it is underlined.

25 23. The foregoing proposed amendment to existing law is not identified in the text printed  
26 on the reverse side of the Challenged Petition as proposed new language.

1 24. I-1639 proposes to amend existing law, namely, RCW 9.41.092, by adding the  
2 requirement that “[e]xcept as otherwise provided in this chapter, a licensed dealer may not  
3 deliver a semiautomatic assault rifle to a purchaser or transferee until ten business days have  
4 elapsed from the date of the purchase application or, in the case of a transfer, ten business days  
5 have elapsed from the date a background check is initiated.”

6 25. The foregoing proposed amendment to existing law is identified in I-1639 as proposed  
7 new language because it is underlined.

8 26. The foregoing proposed amendment to existing law is not identified in the text printed  
9 on the reverse side of the Challenged Petition as proposed new language.

10 27. I-1639 proposes to amend existing law, namely, RCW 9.41.240, by adding the  
11 requirement that “[a] person under twenty-one years of age may not purchase a pistol or  
12 semiautomatic assault rifle, and except as otherwise provided in this chapter, no person may  
13 sell or transfer a semiautomatic assault rifle to a person under twenty-one years of age.”

14 28. The foregoing proposed amendment to existing law is identified in I-1639 as proposed  
15 new language because it is underlined.

16 29. The foregoing proposed amendment to existing law is not identified in the text printed  
17 on the reverse side of the Challenged Petition as proposed new language.

18 30. I-1639 proposes to amend existing law, namely, RCW 9.41.010, by adding the  
19 definition that “‘Semiautomatic assault rifle’ means any rifle which utilizes a portion of the  
20 energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and  
21 which requires a separate pull of the trigger to fire each cartridge.”

22 31. The foregoing proposed amendment to existing law is identified in I-1639 as proposed  
23 new language because it is underlined.

24 32. The foregoing proposed amendment to existing law is not identified in the text printed  
25 on the reverse side of the Challenged Petition as proposed new language.

26 33. The text printed on the reverse side of the Challenged Petition is not the text of I-1639.

1 34. The text printed on the reverse side of the Challenged Petition does not identify what  
2 portion of the text proposed to amend existing law.

3 35. The text printed on the reverse side of the Challenged Petition does not identify what  
4 portion of the text is proposed as deletions of existing law.

5 36. The text printed on the reverse side of the Challenged Petition does not identify what  
6 portion of the text is proposed new language.

7 37. The text printed on the reverse side of the Challenged Petition is not a “full, true, and  
8 correct copy” of I-1639.

#### 9 **IV. THE FILING AND CERTIFICATION**

10 38. On or about July 6, 2018, proponents of I-1639 presented the Secretary of State with  
11 copies of the Challenged Petition.

12 39. The Secretary of State accepted and filed the Challenged Petition.

13 40. On information and belief, after accepting the Challenged Petition for filing, the  
14 Secretary of State arranged and assembled the sheets containing the signatures into such  
15 volumes as would be most convenient for verification and canvassing and consecutively  
16 numbered the volumes and stamped the date of filing on each volume.

17 41. On information and belief, the Secretary of State verified and canvassed the names of  
18 legal voters on the Challenged Petition.

19 42. On information and belief, on July 27, 2018, the Secretary of State determined that the  
20 Challenged Petition qualified for the November 6, 2018 general election ballot.

21 43. On information and belief, on July 27, 2018, the Secretary of State certified the  
22 Challenged Petition for presentation to voters on the November 6, 2018 general election ballot.

23 44. The Challenged Petition does not identify the amendments to existing law proposed by  
24 I-1639.

25 45. The Challenged Petition does not identify proposed deletions of existing law.

26 46. The Challenged Petition does not identify proposed additions to existing law.

1 47. The Challenged Petition does not have a full, true, and correct copy of the proposed  
2 measure, I-1639, printed on the reverse side of the Challenged Petition.

3 48. The Challenged Petition did not comply with the requirement of Wash. Const. Art II  
4 § 1(a).

5 49. The Challenged Petition did not comply with the requirement of RCW 29A.72.100.

6 50. The Challenged Petition is not a petition directing the Secretary of State to submit  
7 I-1639 the legal voters of the State of Washington for their approval or rejection at the  
8 November 6, 2018 general election.

9 51. No signer of the Challenged Petition was correct when that signer swore that he or she  
10 “respectfully direct[s] that the proposed measure known as Initiative Measure No. I-1639 . . .  
11 a full, true and correct copy of which is printed on the reverse side of this petition, be submitted  
12 to the legal voters of the State of Washington for their approval or rejection . . .”

13 52. The Challenged Petition has zero signatures of legal voters supporting I-1639.

14 53. The determination of the Secretary of State that the I-1639 petition contains the  
15 requisite number of signatures of legal voters in support of I-1639 is incorrect inasmuch as no  
16 petition in support of I-1639 was filed with the Secretary of State.

17 54. Alternatively, the determination of the Secretary of State that the I-1639 petition  
18 contains the requisite number of signatures of legal voters in support of I-1639 is incorrect  
19 inasmuch as no person, by signing the petition, “respectfully direct[ed] that the proposed  
20 measure known as Initiative Measure No. I-1639 . . . a full, true and correct copy of which is  
21 printed on the reverse side of this petition, be submitted to the legal voters of the State of  
22 Washington for their approval or rejection at the general election” when such voter signed the  
23 Challenged Petition.

24 55. Applicants are therefore dissatisfied with the determination by the Secretary of State  
25 that the Challenged Petition contains the requisite number of signatures of legal voters in  
26 support of I-1639.

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3 **V. RELIEF REQUESTED**

4 Applicants respectfully request this Court to:

- 5 1. Issue a citation to the Secretary of State requiring her to submit the Challenged Petition  
6 to this Court for examination;  
7 2. Enjoin the Secretary of State from certifying that the Challenged Petition has the  
8 requisite number of signatures of legal voters;  
9 3. Award attorneys' fees to plaintiff pursuant to RCW 4.84.430; and  
10 4. Grant such other relief as this Court deems proper.

11 DATED this 27th day of July, 2018.

12 IMMIX LAW GROUP PC

13 By 

14 Joe B. Ard, WSBA # 40104  
15 Immix Law Group PC  
16 701 5th Ave Suite 4710  
17 Seattle, WA 98104  
18 Phone: (206) 492-7531  
19 Fax: (503) 802-5351  
20 E-Mail: joel.ard@immixlaw.com  
21 Attorneys for Applicants Alan Gottlieb and  
22 Julianne Hoy Versnel  
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1 **CERTIFICATE OF SERVICE**

2 I certify that on July 27, 2018, I served the foregoing via email per agreement between  
3 the parties on the following:  
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6

7 I CERTIFY UNDER PENALTY OF PERJURY under the laws of the United States of  
8 America that the foregoing is true and correct.

9 DATED this DATE, 2018.

10 IMMIX LAW GROUP PC

11  
12 By  \_\_\_\_\_

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