

NO. 102569-6

SUPREME COURT OF THE STATE OF WASHINGTON

VET VOICE FOUNDATION, et al.,

Plaintiffs,

v.

STEVE HOBBS, et al.,

Defendants,

**DEFENDANT STEVE HOBBS'S RESPONSE TO
PLAINTIFFS' MOTION FOR DISCRETIONARY
REVIEW**

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I. INTRODUCTION

Secretary of State Steve Hobbs agrees that discretionary review is warranted under RAP 2.3(b)(4). While Secretary Hobbs believes that review is also warranted for additional reasons, review under RAP 2.3(b)(4) is sufficient. This Court should grant review.

II. STATEMENT OF THE CASE

Secretary Hobbs relies on the Statement of the Case set out in Petitioner Steve Hobbs's Motion for Discretionary Review at 5-15.

III. ISSUES PRESENTED FOR REVIEW

Is the signature verification statute facially constitutional as a matter of law?

IV. SECRETARY HOBBS AGREES DISCRETIONARY REVIEW IS WARRANTED

Secretary Hobbs agrees that discretionary review under RAP 2.3 is warranted. This case involves a facial constitutional challenge to a statute, and “[t]he constitutionality of a statute is a question of law that” appellate courts “review de novo.”

State v. Grocery Mfrs. Ass'n., 195 Wn.2d 442, 461, 461 P.3d 334 (2020). Accordingly, the appellate court will review de novo whether the trial court improperly denied summary judgment to the Secretary of State even though Plaintiffs did not and could not meet their burden of proving that signature verification is unconstitutional in every conceivable application.

The parties and the superior court agree that review is warranted under RAP 2.3(b)(4).

V. CONCLUSION

For reasons stated above and elsewhere, this Court should grant discretionary review under RAP 2.3(b)(1), (3), and (4).

This document contains 218 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 12th day of
December 2023.

ROBERT W. FERGUSON
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/s/ William McGinty

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DECLARATION OF SERVICE

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 12th day of December 2023, at
Olympia, Washington.

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