
No. 89462-1

SUPREME COURT OF THE STATE OF WASHINGTON

ROBERT UTTER and FAITH IRELAND
in the name of the STATE OF WASHINGTON,

Petitioners,

v.

BUILDING INDUSTRY ASSOCIATION OF WASHINGTON,

Respondent.

**MOTION OF AMICUS CURIAE PUBLIC CITIZEN, INC., FOR
LEAVE TO FILE MEMORANDUM IN SUPPORT OF THE
PETITION FOR REVIEW**

PUBLIC CITIZEN LITIGATION
GROUP

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Attorneys for Amicus Curiae

IDENTITY AND INTEREST OF AMICUS CURIAE

Public Citizen, Inc., is a non-profit organization founded in 1971 to advocate for consumer protection and government reform. Located in Washington, DC, it appears on behalf of its members and supporters nationwide (including over 12,000 in the State of Washington) before legislative bodies, administrative agencies, and courts on a wide range of issues. Public Citizen works for enactment and enforcement of laws fostering an open, accountable, and responsive government and protecting consumers, workers, and the public. Both through legislative advocacy and litigation, Public Citizen has long supported campaign finance laws that combat the appearance and reality of political corruption by limiting and requiring disclosure of the sources of the funds used for political campaigns.

Integral to the success of campaign finance reform measures are effective means of enforcement, including provisions allowing private citizens and organizations to bring enforcement actions in appropriate cases when government agencies have failed to do so. Public Citizen submits this memorandum supporting the petition for review because it believes that the lower court has interpreted Washington's campaign finance laws in a way that significantly impairs the efficacy of their

citizen's action provision, and that this memorandum may be of assistance to this Court as it considers whether the case merits review.

FAMILIARITY WITH ISSUES

Counsel for Public Citizen have read the decision of the Court of Appeals and the petition for review, answer, and reply and are familiar with the arguments they present.

ISSUES TO BE ADDRESSED

Whether citizen's actions to enforce Washington's campaign finance laws are permitted when the attorney general and prosecuting attorney, after notice from the citizen plaintiff, have failed to bring an enforcement action in court, as provided by RCW 42.17A.654(4)(a), or whether, as the Court of Appeals instead held, a citizen's action is precluded even in the absence of the commencement of such a governmental enforcement action if the attorney general or prosecuting attorney has referred the matter for initial investigation.

REASONS FOR SUBMITTING AMICUS BRIEF

Public Citizen believes that its perspective on campaign finance reform issues and its analysis of applicable principles of statutory construction will supplement the presentation of the parties and assist the Court in considering whether to review the lower court's decision in this case. In particular, Public Citizen will address specific statutory language

disregarded by the court below, as well as the important policy reasons for reviewing a decision that would effectively hamstring citizen's actions under Washington's campaign finance laws.

CONCLUSION

For these reasons, amicus curiae Public Citizen, Inc., respectfully requests leave to file the attached memorandum in support of the petition for review.

Respectfully submitted,

PUBLIC CITIZEN LITIGATION
GROUP



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December 13, 2013


DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on December 13, 2013, I arranged for service of the foregoing Motion of Amicus Curiae Public Citizen, Inc., for Leave to File Memorandum in Support of the Petition for Review, to the Court and to counsel for the parties to this action as follows:

Office of Clerk Washington Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	<input type="checkbox"/> Facsimile <input type="checkbox"/> Messenger <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> E-Mail
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DATED at Seattle, Washington this 13th day of December, 2013.



Victoria Vigoren