

1 Hearing date: Fri, June 6, 2025

2 Hearing time: 9:00 AM

3 Judge: HON. Chris Lanese

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6 **IN THE SUPERIOR COURT OF WASHINGTON**  
7 **IN AND FOR THE COUNTY OF THURSTON**

8  
9 **IN THE MATTER OF:**

**NO. 25-2-02030-34**

10 **THE RECALL OF STEVE HOBBS,**  
11 **Secretary of State of the State of Washington**  
12 **TIM EYMAN,**

PETITIONER'S REPLY TO  
RESPONSE OF SECRETARY  
OF STATE STEVE HOBBS TO  
PETITION TO DETERMINE  
SUFFICIENCY OF RECALL  
CHARGES AND BALLOT TITLE  
SYNOPSIS

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16 This is a very simple case: a recall is sufficient if an elected official violates  
17 their oath of office which is defined as "failure by an elective public officer to  
18 perform faithfully a duty imposed by law." RCW 29A.56.110(2)). Longstanding  
19 state law – RCW 29A.72.040 – explicitly and without exception requires the  
20 Secretary of State to perform this statutory duty: "The secretary of state **shall give**  
21 a serial number to each initiative, referendum bill, or referendum measure, ... **and**  
22 **forthwith transmit one copy of the measure proposed bearing its serial**  
23 **number to the attorney general.**" RCW 29A.72.040  
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PETITIONER'S REPLY TO RESPONSE  
OF SECRETARY OF STATE STEVE HOBBS

1 Here, the Secretary of State recognized Petitioner’s referendum was timely  
2 and proper by assigning it a serial number – Referendum 108. But he didn’t  
3 transmit a copy of it to the AG despite a mandatory, statutory duty to do so.  
4

5 RCW 29A.72.040 doesn’t say transmit the measure unless an emergency  
6 clause is attached. The law by its plain language contains no exceptions. The  
7 Secretary of State had a mandatory, statutory duty to transmit Petitioner’s  
8 referendum to the AG. He didn’t. Recall is sufficient when there is a “failure by an  
9 elective public officer to perform faithfully a duty imposed by law. RCW  
10 29A.56.110(2)).  
11

12 In Response, the Secretary of State says Petitioner’s Recall is not “factually  
13 sufficient” because Petitioner “does not—and cannot—show that Secretary Hobbs  
14 *intended to violate the law*. Response pg 2 (emphasis mine)  
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16 The recall statute doesn’t say “failure by an elective public officer to  
17 perform faithfully a duty imposed by law unless such failure was unintentional.”  
18

19 Whether intentional or not, the Secretary of State failed to perform a duty  
20 imposed by law.  
21

22 Petitioner filed his referendum on the first day a referendum could be filed.  
23 On April 28, the day after the last day of the legislative session, the Secretary of  
24 State’s office received Petitioner’s Affidavit for Proposed Referendum, the text of  
25

1 the bill being referred, and the filing fee. See EXHIBIT A

2           Once Petitioner became aware that the Secretary of State had not and would  
3 not follow the law, he prepared his Recall Petition.  
4

5           On May 1st, Petitioner submitted a properly signed and dated copy of the  
6 Recall Petition to the Secretary of State. See EXHIBIT B, Tim Eyman Declaration.

7           It is untenable – and maddening – for there to be a state law on the books  
8 that explicitly and without exception requires the Secretary of State to transmit a  
9 properly filed referendum to the Attorney General and for the Secretary of State to  
10 refuse to do so.  
11

12           In his Response, Steve Hobbs takes no responsibility for this violation of  
13 law, saying “nothing in the record suggests that” I “directed or knew” about this  
14 failure to follow the law. See Response pg. 16  
15

16           President Harry Truman said “*The buck stops here.*”

17           Steve Hobbs is no Truman, he’s more like Sargent Schultz: “*I see nothing, I*  
18 *know nothing!*” [tinyurl.com/HobbsKnowsNothingSeesNothing](http://tinyurl.com/HobbsKnowsNothingSeesNothing)  
19

20           The Constitution guarantees the people 90 days for a referendum. Here,  
21 because of the Secretary of State’s failure to follow the law, the people have been  
22 robbed of 40 of those 90 days.  
23

24           As outlined in Exhibit G, this year Governor Ferguson signed 422 bills into  
25

1 law and 46 of them were exempted from referendum (including ESHB 1296). If  
2 Petitioner had filed referendums on all or part of those other 45 bills, the Secretary  
3 of State would have made the same pseudo-judicial decision as he did here and  
4 would not have transmitted any of them to the Attorney General despite a law  
5 requiring him to do so.

7 The Secretary of State will continue to violate state law unless the Court  
8 imposes a disincentive for doing so.

### 10 CONCLUSION

11 In defense of the people's constitutionally guaranteed right to referendum,  
12 there is no greater explanation than that provided by Justice Chambers:

13  
14 *"The referendum is a sword the people gave themselves*  
15 *to slay unwanted legislation. The people also gave the*  
16 *legislature a shield to protect certain legislation under*  
17 *certain circumstances from the referendum sword. It is*  
18 *ultimately and uniquely the judiciary's role to assure*  
19 *that both the sword and the shield are used only as*  
20 *constitutionally permitted."*

21  
22  
23 Petitioner asks this Court to not allow the Secretary of State to get away with  
24 usurping the judiciary's role. As was done in *Philadelphia II* with the Attorney

1 General, the Court should provide future guidance to the Secretary of State that he  
2 must abide by the law and not make decisions that are the exclusive province of the  
3 judiciary.  
4

5 Out of respect for our Constitution's separation of powers, Petitioner urges  
6 this Court to find this Recall Petition sufficient because Steve Hobbs has violated  
7 his oath of office by failing to perform faithfully a duty imposed by law.  
8

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10 This document contains 775 words, excluding the parts of the document  
11 exempted from the word count by RAP 18.17.  
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13 Executed in Bellevue, Washington and submitted this 5th day of June, 2025.

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16 Tim Eyman, Petitioner (*pro se*)  
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