

Propriety of an Advisory Question on the Ballot in Washington

*Lamar Co. v. Spokane County Board of County
Commissioners (Fred Van Sickle,
E.D. Wash. 2:02-cv-326)*

On September 26, 2002, a billboard company filed a federal complaint in the Eastern District of Washington challenging a planned advisory measure for Spokane County voters in the November 5 general election on curtailing billboards along county roads.¹ The complaint challenged both the propriety of an advisory election and existing content regulations for billboards.² On October 1, the plaintiff filed a motion for a preliminary injunction.³ On the next day, Judge Fred Van Sickle granted expedited hearing.⁴

At the October 11 hearing, Judge Van Sickle denied the plaintiff preliminary relief.⁵ His October 15 opinion explained that the county had implied authority to put an advisory question to voters: “This power is implied from the County Commissioners’ constitutional and statutory powers to enact zoning ordinances and other regulations not in conflict with state law.”⁶ Moreover, because the complaint was not filed within ten days of the August 15 filing of the ballot question, the complaint was untimely under state law.⁷

The plaintiff dismissed its complaint voluntarily on January 24, 2003.⁸

1. Complaint, [Lamar Co. v. Spokane Cnty. Bd. of Cnty. Comm’rs](#), No. 2:02-CV-326 (E.D. Wash. Sept. 26, 2002), D.E. 1.

2. *Id.* (noting that the advisory question was adopted on August 6, 2002).

3. Preliminary Injunction Motion, *id.* (Oct. 1, 2002), D.E. 2, 3.

4. Order, *id.* (Oct. 2, 2002), D.E. 10.

5. Minutes, *id.* (Oct. 11, 2002), D.E. 21.

6. Opinion at 5, *id.* (Oct. 15, 2002), D.E. 24.

7. *Id.* at 7–8.

8. Voluntary Dismissal, *id.* (Jan. 24, 2003), D.E. 26.