Failing to meet two of these elements, Petitioners fall far short of meeting the demanding burden to justify mandamus relief.

1. Petitioners have plain, speedy, and adequate remedies at law

This Court should deny this petition because Petitioners have plain, speedy, and adequate remedies at law. An adequate remedy exists if the petitioners have a process by which to seek relief. *Riddle v. Elofson*, 193 Wn.2d 423, 436, 439 P.3d 647 (2019). "A remedy is not inadequate merely because it is attended with delay, expense, annoyance, or even some hardship." *Id.* at 434. Petitioners have adequate remedies at law: namely, under the Administrative Procedure Act (APA) or the Uniform Declaratory Judgment Act (UDJA). The availability of these remedies forecloses a writ of mandamus, as five justices of this Court concluded in *Eyman*. 5 Wn.3d at 667-68 (Johnson, J., concurring); *id.* at 672 (González, J., concurring) ("Eyman should have brought his challenge to the secretary of state in

Commented [KS1]: Noah: From your email, I understood that you were disinclined to make this argument, noting that the Supreme Court is as favorable a venue as we're likely to get. I take that point, but there's some reason to keep the argument in. *Eyman* was a 4-1-4 decision. Justice Johnson was a solo concurrence and relied exclusively on this basis. The four-justice González concurrence ended with the observation that Eyman should have brought his challenge in superior court. Notably, two of the four justices in the lead opinion are no longer on the court.

Also, I'm not sure that our "support clause" argument is a slam dunk at the supreme court. The González concurrence said that the deference standard is too lenient but Eyman hadn't shown the prior cases to be incorrect and harmful. Ard hasn't made that showing yet either, but giving the People a chance to reject it by referendum might be an attractive option to justices who want to punt on the constitutional question.

All that said, it would be a reasonable strategic judgment to decline to make this argument and let the chips fall where they may. A middle ground would be to shorten this argument considerably and make it more perfunctory, channeling the Court toward deciding the validity of the support clause without waiving this argument.