

**SENATE BILL REPORT**

**SJR 8218**

**AS OF FEBRUARY 6, 1991**

**Brief Description:** Amending the Constitution to provide for initial appointment of judges and a vote to retain or reject such judge thereafter.

**SPONSORS:** Senators West, Hayner, Erwin, Owen, Saling and Sellar.

**SENATE COMMITTEE ON LAW & JUSTICE**

**Staff:** Jack Brummel (786-7428)

**Hearing Dates:** February 7, 1991

**BACKGROUND:**

The Washington State Constitution provides that judges of the Supreme Court are to be elected in general statewide elections and, except when filling an unexpired term, are to serve for a term of six years. Superior court judges are elected in each county for four-year terms. Judges sitting on the Court of Appeals are elected from regional districts for six-year terms. It is common in Washington for judges to be appointed by the Governor to unexpired terms and then be elected at the next election.

In some states judges are appointed and, if they are to continue past the initial term, must receive voter approval to be retained. Such judges do not run against opposing candidates, but must receive a majority vote for retention. If voters do not retain a judge in these states, successor judges are appointed by the Governor.

**SUMMARY:**

The Legislature submits to the voters an amendment to the State Constitution. The amendment provides that justices of the Supreme Court and judges in superior courts and the Court of Appeals are to be appointed by the Governor. Justices or judges wishing to retain their position must file a Declaration of Candidacy with the Secretary of State. The voters are then asked if they wish to retain the candidate. If a majority answer "no", the Governor appoints another person.

Terms for judges of the Court of Appeals are reduced from six years to four years.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested