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SENATE BILL 5029

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State of Washington                      52nd Legislature                      1991 Regular Session

By Senators Nelson, Talmadge, Thorsness and Rasmussen.

Read first time January 16, 1991. Referred to Committee on Law & Justice.

1            AN ACT Relating to nonpartisan and judicial elections; amending RCW  
2 29.21.150, 29.30.085, and 29.80.020; adding a new section to chapter  
3 29.21 RCW; creating a new section; providing an effective date; and  
4 providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 29.21.150 and 1975-'76 2nd ex.s. c 120 s 5 are each  
7 amended to read as follows:

8            The name of the ((person)) candidate who receives the greatest  
9 number of votes and of the ((person)) candidate who receives the next  
10 greatest number of votes at the primary for a single nonpartisan  
11 position shall appear on the general election ballot in that order  
12 under the ((designation therefor:—PROVIDED, That in elections for  
13 justices of the supreme court, judges of the court of appeals and  
14 judges of the superior court, and for state superintendent of public

1 ~~instruction, if any candidate in the primary receives a majority of all~~  
2 ~~the votes cast for the position, only the name of the person receiving~~  
3 ~~the highest vote shall be printed on the general election ballot under~~  
4 ~~the designation for that position, followed by a space for the writing~~  
5 ~~in of any other name by a voter)) title of that office.~~

6       **Sec. 2.** RCW 29.30.085 and 1990 c 59 s 95 are each amended to read  
7 as follows:

8       (~~(1) Except as provided under subsection (2) of this section,~~) On  
9 the ballot at the general election for a nonpartisan office for which  
10 a primary was held, only the names of the candidate who received the  
11 greatest number of votes and the candidate who received the next  
12 greatest number of votes for that office shall appear under the title  
13 of that office, and the names shall appear in that order. If a primary  
14 was conducted, no candidate's name may be printed on the subsequent  
15 general election ballot unless he or she receives at least one percent  
16 of the total votes cast for that office at the preceding primary. On  
17 the ballot at the general election for any other nonpartisan office for  
18 which no primary was held, the names of the candidates shall be listed  
19 in the order determined under RCW 29.30.025.

20       (~~(2) On the ballot at the general election for the office of~~  
21 ~~justice of the supreme court, judge of the court of appeals, judge of~~  
22 ~~the superior court, or state superintendent of public instruction, if~~  
23 ~~a candidate in a contested primary receives a majority of all the votes~~  
24 ~~cast for that office or position, only the name of that candidate may~~  
25 ~~be printed under the title of the office for that position.))~~

26       NEW SECTION. **Sec. 3.** A new section is added to chapter 29.21 RCW  
27 to read as follows:

1 No nominating primary shall be held for any position in the supreme  
2 court, the court of appeals, or the superior court if, after the last  
3 day for candidates to withdraw, no more than two candidates have filed  
4 valid declarations of candidacy for a single position to be elected at  
5 the subsequent general election. The names of the candidates for these  
6 positions shall be printed as nominees for the respective positions on  
7 the general election ballot in the order determined under RCW  
8 29.18.022. The filing officer shall promptly notify all candidates in  
9 those positions which will not appear on the ballot at the primary.

10 **Sec. 4.** RCW 29.80.020 and 1984 c 54 s 2 are each amended to read  
11 as follows:

12 At a time to be determined by the secretary of state, but in any  
13 event not later than forty-five days before the applicable state  
14 general election, each nominee for the office of United States senator,  
15 United States representative, governor, lieutenant governor, secretary  
16 of state, state treasurer, state auditor, attorney general,  
17 superintendent of public instruction, commissioner of public lands,  
18 insurance commissioner, state senator, state representative, justice of  
19 the supreme court, judge of the court of appeals, or judge of the  
20 superior court may file with the secretary of state a written statement  
21 advocating his or her candidacy accompanied by the campaign mailing  
22 address and telephone number submitted by the nominee at the nominee's  
23 option, and a photograph not more than five years old and of a size and  
24 quality that the secretary of state determines to be suitable for  
25 reproduction in the voters' pamphlet. The maximum number of words for  
26 the statements shall be determined according to the offices sought as  
27 follows: State representative, one hundred words; state senator, judge  
28 of the superior court, judge of the court of appeals, justice of the  
29 supreme court, and all state offices voted upon throughout the state,

1 except that of governor, two hundred words; United States senator,  
2 United States representative, and governor, three hundred words. ((No  
3 such statement or photograph may be printed in the candidates' pamphlet  
4 for any person who is the sole nominee for any nonpartisan or judicial  
5 office.))

6 NEW SECTION. **Sec. 5.** (1)(a) The judicial council shall study  
7 the system used by the state of Missouri for the selection of judges to  
8 determine whether such a system would be feasible for the state of  
9 Washington.

10 (b) The judicial council shall also review the code of judicial  
11 conduct with respect to campaigning for judicial office to determine  
12 whether the canons permit adequate discussion of issues during the  
13 election process.

14 (2) The judicial council shall solicit input from interested  
15 parties including the public, lawyers, and judges.

16 (3) The judicial council shall report its findings and  
17 recommendations to the senate law and justice committee, the house of  
18 representatives judiciary committee, the Washington state bar  
19 association, and the Washington state supreme court by January 1, 1992.

20 NEW SECTION. **Sec. 6.** Section 1 of this act shall expire July  
21 1, 1992.

22 NEW SECTION. **Sec. 7.** Section 2 of this act shall take effect  
23 July 1, 1992.