

HOUSE BILL REPORT

HJR 4214

As Reported By House Committee On:
Judiciary

Brief Description: Allowing judges appointed to fill vacancies at least twelve months in office.

Sponsors: Representatives Lantz, Barlean, Kastama, Hurst, Sullivan, Rockefeller and Haigh.

Brief History:

Committee Activity:

Judiciary: 2/3/00 [DP].

Brief Summary of Bill

- Provides that the election for a superior court position that has been vacated will be at the next general election to occur at least 12 months after the appointment of a person to fill the vacancy.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 8 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Cox; Dickerson; Kastama; Lantz and Lovick.

Minority Report: Do not pass. Signed by 4 members: Representatives Lambert, Republican Vice Chair; Esser; McDonald and Schindler.

Staff: Bill Perry (786-7123).

Background:

Article IV, section 5 of the state constitution was adopted as part of the original constitution. It establishes the procedure for filling a superior court vacancy. It provides that a vacancy in a superior court judicial position is to be filled by appointment by the Governor. The appointed person holds the office until the election of a judge to fill the vacancy "at the next succeeding general election." At

the time this provision was adopted, general elections were held every other year. General elections are now held annually.

Article IV, section 29 of the state constitution was adopted in 1966. It establishes the procedure for electing judges to the superior court. It provides that in counties of 100,000 or more population, if only one person files for a superior court position, no primary or general election is held for the position, and the person is issued a certificate of election. It also provides that if a contested primary in any county results in only one candidate being entitled to appear on the general election ballot, then no general election is held and the person is issued a certificate of election. The adoption of Article IV, section 29 did not include amending Article IV, section 5 to reference these provisions regarding the election of superior court judges.

Summary of Bill:

An amendment to Article IV, section 5 of the state constitution is proposed regarding elections following a superior court vacancy. Following a vacancy, the election of a judge is to be at the next general election occurring at least 12 months after the appointment of a person by the Governor to fill the vacancy.

A cross-reference is supplied making it explicit that the election held to fill a vacancy is subject to the Article IV, section 29 procedures regarding issuance of certificates of election without an election being held.

Appropriation: None.

Fiscal Note: Not requested.

Testimony For: The current system can result in multiple candidates at the general election with the winner getting well below a majority of the votes. It can also mean that a person with only a few weeks or days in office can run as the incumbent. The amendment will allow a more rational process of filling vacancies.

Testimony Against: None.

Testified: Representative Lantz, prime sponsor; Judge Daniel Berschauer, Superior Court Judges Association; and Chuck Foster, for Chief Justice Richard Guy of the Washington State Supreme Court and Board for Judicial Administration.