
SENATE BILL 5835

State of Washington

58th Legislature

2003 Regular Session

By Senators Roach, Horn, Winsley, Spanel, Rossi, Morton, Finkbeiner, Honeyford, Oke, Swecker, Schmidt, Zarelli, Benton, Parlette, Mulliken, McCaslin and Rasmussen

Read first time 02/14/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to comments by candidates for judicial offices;
2 adding a new section to chapter 42.36 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that candidates for
5 judicial offices do not forfeit their rights to freedom of speech when
6 they file for election and that public confidence and trust in the
7 judicial process would be promoted if judicial candidates were
8 permitted to discuss and comment on issues of interest. The
9 legislature finds that judicial candidates can discuss and comment on
10 issues of interest without committing or appearing to commit the
11 candidate with respect to cases, controversies, or issues likely to
12 come before the court, and that they must be allowed to do so. The
13 legislature further finds that the people have a right to know the
14 opinions and potential biases of candidates for judicial office.
15 Therefore, the legislature intends to provide that candidates for
16 judicial office may participate in public discussion of issues without
17 violation of the appearance of fairness doctrine.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.36 RCW
2 to read as follows:

3 Before declaring as a candidate or while campaigning for a justice
4 of the supreme court under chapter 2.04 RCW, judge for the court of
5 appeals under chapter 2.06 RCW, judge for the superior court under
6 chapter 2.08 RCW, judge for the district court under chapter 3.34 RCW,
7 or municipal judge under chapter 3.50 RCW, no public discussion or
8 expression of an opinion, other than a statement committing or
9 appearing to commit the candidate with respect to cases likely to come
10 before the court, by a person subsequently elected to a judicial
11 position is a violation of the appearance of fairness doctrine. This
12 section applies equally to new judicial candidates and incumbent
13 candidates.

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