

**SUBSTITUTE HOUSE BILL 2150**

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Rodne, B. Sullivan, Appleton and Sommers)

READ FIRST TIME 2/28/07.

1            AN ACT Relating to the appointment of judges; amending RCW  
2 2.04.071, 2.04.100, 2.06.022, 2.06.024, 2.06.075, 2.12.010, 29A.24.010,  
3 29A.24.181, 29A.24.191, 29A.32.031, 29A.32.121, 29A.36.121, 29A.36.171,  
4 and 29A.52.231; adding a new section to chapter 2.06 RCW; adding a new  
5 section to chapter 29A.52 RCW; adding a new chapter to Title 2 RCW;  
6 creating a new section; and providing a contingent effective date.

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

**PART 1**

**JUDICIAL NOMINATING COMMISSION**

10            NEW SECTION.    **Sec. 101.** JUDICIAL NOMINATING COMMISSION--  
11 MEMBERSHIP--TERMS--POWERS AND DUTIES.    (1) The judicial nominating  
12 commission is created to nominate persons for appointment to the  
13 Washington state supreme court and the state court of appeals.

14            (2) The judicial nominating commission shall consist of eleven  
15 members. Four lawyer members shall be selected by the Washington state  
16 bar association. Three nonlawyer members shall be appointed by the  
17 governor. One member from each major caucus of the senate shall be

1 selected by the president of the senate. One member from each major  
2 caucus of the house of representatives shall be selected by the speaker  
3 of the house of representatives.

4 (3) Appointments to the commission shall be made with due  
5 consideration to geographic representation and without regard to  
6 political affiliation. All appointing authorities shall make  
7 reasonable efforts to ensure that the commission substantially reflects  
8 gender, ethnic, and racial diversity.

9 (4) Except for initial members of the commission, members shall  
10 serve five-year terms. The terms of initial members shall be  
11 staggered.

12 (5) No member may serve for more than two full terms.

13 (6) Vacancies shall be filled for an unexpired term in like manner.

14 (7)(a) Members of the judicial nominating commission shall be  
15 reimbursed for all expenses incurred in the carrying out of their  
16 official duties. Additional compensation may be prescribed by law.

17 (b) The administrative office of the courts shall make staff,  
18 equipment, and materials available to assist the commission in carrying  
19 out its official duties.

20 (8) The commission may adopt rules and procedures that aid in its  
21 selection of the most qualified nominees for judicial office.

22 NEW SECTION. **Sec. 102.** COMMISSION MEMBERS--CANDIDACY--SELECTION.

23 Any individual wishing to serve on the judicial nominating commission  
24 may declare his or her candidacy as provided in this subsection.

25 (1) Any person may be considered for an attorney position by  
26 declaring in his or her candidacy in writing to the Washington state  
27 bar association, if the person has been a resident of this state for  
28 three years and is licensed to practice law in this state.

29 (2) Any person may be considered for a lay position by declaring  
30 his or her candidacy in writing to the governor's office in Olympia,  
31 Washington, if the person has been a resident of this state for three  
32 years.

33 NEW SECTION. **Sec. 103.** CHAIR--MEETINGS--QUORUM. (1) The

34 commission shall choose one of its members as chair and establish the  
35 chair's term. The chair shall preside at all meetings. When the chair

1 is absent, the commission shall choose a member to act as temporary  
2 chair.

3 (2)(a) All organizational meetings of the commission are subject to  
4 the open public meetings act, chapter 42.30 RCW. As used in this  
5 chapter, "organizational meeting" means an initial meeting to discuss  
6 the commission's procedures and requirements for the vacancy.

7 (b) All final deliberations of the commission shall be secret and  
8 confidential.

9 (c) The confidentiality of other proceedings of the judicial  
10 nominating commission shall be determined by commission rule.

11 (3) Six members of the commission constitute a quorum. The  
12 commission may not take any action without a quorum.

13 **PART 2**  
14 **JUDICIAL SELECTION AND RETENTION**

15 NEW SECTION. **Sec. 201.** JUDICIAL VACANCIES--NOMINATION AND  
16 APPOINTMENT--TERMS. (1) Within sixty days of the occurrence of a  
17 vacancy on the supreme court or on the court of appeals, the commission  
18 shall meet and submit to the governor a list of names of no more than  
19 five nor less than three persons qualified for the judicial office.

20 (2) When a judicial vacancy occurs or when it is known that a  
21 vacancy will occur on a definite date, the chair of the commission  
22 shall publicize the vacancy and solicit the submission of names of  
23 qualified individuals by press release to the media.

24 (3)(a) The names of nominees shall be submitted to the governor in  
25 alphabetical order.

26 (b) A confidential memorandum may accompany the list of nominees  
27 and may state facts concerning each of the nominees listed.

28 (c) Upon submission of the names to the governor, the governor  
29 shall make the names public and public comment should be encouraged.

30 (4) Within thirty days after receiving the list of nominees for  
31 supreme court justice or judge of the court of appeals, the governor  
32 shall appoint one of the nominees.

33 (5) If the governor does not appoint one of the nominees to fill  
34 the vacancy within thirty days after their names are submitted to the  
35 governor by the commission, the commission shall appoint on the basis

1 of merit alone without regard to political affiliation one of the  
2 nominees to fill the vacancy.

3 (6) If the commission does not, within sixty days after a vacancy  
4 occurs, submit the names of nominees as provided in this section, the  
5 governor may appoint any qualified person to fill the vacancy at any  
6 time thereafter before the time the names of the nominees to fill the  
7 vacancy are submitted to the governor.

8 (7) A justice or judge appointed under this section shall remain in  
9 office for the balance of the term for which the justice or judge is  
10 appointed, which shall be the remainder of the unexpired term of the  
11 predecessor, or if appointed for a new term, for the full six-year  
12 term.

13 (8) At the next general election following the end of the term of  
14 office, the names of each justice and judge appointed under this  
15 section shall appear on the general election ballot, at which time the  
16 justice or judge shall be subject to a vote on whether he or she will  
17 be retained in his or her position.

18 NEW SECTION. Sec. 202. All supreme court justices and judges of  
19 the court of appeals who are holding office as such by election or  
20 appointment on the effective date of this section shall serve or  
21 continue in office for the respective terms for which they were elected  
22 or for their respective unexpired terms, and until their successors are  
23 appointed and qualified.

24 **Sec. 203.** RCW 2.04.071 and 1971 c 81 s 1 are each amended to read  
25 as follows:

26 ~~((At the next general election, and at each biennial general  
27 election thereafter, there shall be elected three))~~ Justices of the  
28 supreme court(~~(, to)~~) shall hold office for ~~((the full))~~ terms of six  
29 years(~~(, and until their successors are elected and qualified,~~  
30 ~~commencing with the second Monday in January succeeding their~~  
31 ~~election))~~). At the next general election following completion of each  
32 full or partial term of office for any justice seeking to retain his or  
33 her position on the state supreme court, the name of the justice shall  
34 appear on the general election ballot for a vote on whether he or she  
35 shall be retained as a justice of the supreme court.

1       **Sec. 204.** RCW 2.04.100 and 1971 c 81 s 3 are each amended to read  
2 as follows:

3       If a vacancy occurs in the office of a justice of the supreme  
4 court, the governor shall appoint a person to hold the office (~~((until~~  
5 ~~the election and qualification of a justice to fill the vacancy, which~~  
6 ~~election shall take place at the next succeeding general election))~~ in  
7 accordance with section 201 of this act, and the justice so (~~((elected))~~)  
8 appointed shall hold the office for the remainder of the unexpired  
9 term.

10       **Sec. 205.** RCW 2.06.022 and 1989 c 328 s 11 are each amended to  
11 read as follows:

12       The new judicial position for the first division, district 2,  
13 Snohomish county created pursuant to the 1989 amendment to RCW 2.06.020  
14 shall become effective January 1, 1990, and shall be filled by  
15 gubernatorial appointment.

16       The person appointed by the governor shall hold office until the  
17 general election to be held in November 1990. At the general election,  
18 the judge appointed shall be entitled to run for a term of six years or  
19 until the second Monday in January 1997, and until a successor is  
20 elected and qualified. (~~((Thereafter))~~) For vacancies occurring before  
21 the effective date of this section, the judge shall be elected for a  
22 term of six years and until a successor is elected and qualified,  
23 commencing with the second Monday in January succeeding the election.  
24 Beginning on the effective date of this section, the judge shall be  
25 appointed in accordance with section 201 of this act.

26       **Sec. 206.** RCW 2.06.024 and 1999 c 75 s 2 are each amended to read  
27 as follows:

28       The new judicial position for the second division, district 1,  
29 Pierce county, created pursuant to the 1999 amendment to RCW 2.06.020  
30 shall become effective July 1, 2000, and shall be filled by  
31 gubernatorial appointment.

32       The person appointed by the governor shall hold office until the  
33 general election to be held in November 2000. At the general election,  
34 the judge appointed shall be entitled to run for a term of six years or  
35 until the second Monday in January 2007, and until a successor is  
36 elected and qualified. (~~((Thereafter))~~) For vacancies occurring before

1 the effective date of this section, the judge shall be elected for a  
2 term of six years and until a successor is elected and qualified,  
3 commencing with the second Monday in January succeeding the election.  
4 Beginning on the effective date of this section, the judge shall be  
5 appointed in accordance with section 201 of this act.

6 **Sec. 207.** RCW 2.06.075 and 1977 ex.s. c 49 s 3 are each amended to  
7 read as follows:

8 The new judicial positions created pursuant to section 1, chapter  
9 49, Laws of 1977 ex. sess. shall become effective January 1, 1978, and  
10 shall be filled by gubernatorial appointment as follows:

11 (1) Two shall be appointed to the first division, District 1, King  
12 county;

13 (2) One shall be appointed to the second division, District 1,  
14 Pierce county; and

15 (3) One shall be appointed to the third division, District 1,  
16 Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens counties.

17 The persons appointed by the governor shall hold office until the  
18 general election to be held in November 1978. Upon taking office the  
19 two newly appointed judges in Division 1 shall determine by lot the  
20 length of term they will be entitled to run for in the general election  
21 of 1977. One term will be for one year or until the second Monday in  
22 January 1980, and the other for three years or until the second Monday  
23 in January 1982, and until their successors are elected and qualified.  
24 Thereafter judges shall be elected for a term of six years and until  
25 their successors are elected and qualified, commencing with the second  
26 Monday in January succeeding their election. At the general election  
27 to be held in November 1978, the judges appointed in Division 2 and  
28 Division 3 shall be entitled to run for a term of six years or until  
29 the second Monday in January 1985, and until their successors are  
30 elected and qualified. (~~Thereafter~~) For vacancies occurring before  
31 the effective date of this section, judges shall be elected for a term  
32 of six years and until their successors are elected and qualified,  
33 commencing with the second Monday in January succeeding their election.  
34 Beginning on the effective date of this section, judges shall be  
35 appointed in accordance with section 201 of this act.

1        NEW SECTION.    **Sec. 208.**    A new section is added to chapter 2.06 RCW  
2 to read as follows:

3        At the next general election following completion of each full or  
4 partial term of office for any judge of the court of appeals seeking to  
5 retain his or her position on the state court of appeals, the name of  
6 the judge shall appear on the general election ballot for a vote on  
7 whether he or she should be retained as a judge of the court of  
8 appeals.

9        **Sec. 209.**    RCW 2.12.010 and 1982 1st ex.s. c 52 s 2 are each  
10 amended to read as follows:

11        Any judge of the supreme court, court of appeals, or superior court  
12 of the state of Washington who heretofore and/or hereafter shall have  
13 served as a judge of any such courts for eighteen years in the  
14 aggregate or who shall have served ten years in the aggregate and shall  
15 have attained the age of seventy years or more may, during or at the  
16 expiration of his term of office, in accordance with the provisions of  
17 this chapter, be retired and receive the retirement pay herein provided  
18 for. In computing such term of service, there shall be counted the  
19 time spent by such judge in active service in the armed forces of the  
20 United States of America, under leave of absence from his judicial  
21 duties as provided for under chapter 201, Laws of 1941: PROVIDED,  
22 HOWEVER, That in computing such credit for such service in the armed  
23 forces of the United States of America no allowance shall be made for  
24 service beyond the date of the expiration of the term for which such  
25 judge was elected or appointed. Any judge desiring to retire under the  
26 provisions of this section shall file with the director of retirement  
27 systems, a notice in duplicate in writing, verified by his affidavit,  
28 fixing a date when he desires his retirement to commence, one copy of  
29 which the director shall forthwith file with the administrator for the  
30 courts. The notice shall state his name, the court or courts of which  
31 he has served as judge, the period of service thereon and the dates of  
32 such service.

33        **Sec. 210.**    RCW 29A.24.010 and 2003 c 111 s 601 are each amended to  
34 read as follows:

35        Not less than thirty days before the first day for filing  
36 declarations of candidacy under RCW 29A.24.050 for legislative,

1 judicial, county, city, town, or district office, where more than one  
2 position with the same name, district number, or title will be voted  
3 upon at the succeeding election, the filing officer shall designate the  
4 positions to be filled by number.

5 The positions so designated shall be dealt with as separate offices  
6 for all election purposes. (~~With the exception of the office of~~  
7 ~~justice of the supreme court, the~~) Position numbers shall be assigned,  
8 whenever possible, to reflect the position numbers that were used to  
9 designate the same positions at the last full-term election for those  
10 offices.

11 **Sec. 211.** RCW 29A.24.181 and 2006 c 344 s 8 are each amended to  
12 read as follows:

13 Filings for a nonpartisan office (other than (~~judge of the supreme~~  
14 ~~court or~~) superintendent of public instruction) shall be reopened for  
15 a period of three normal business days, such three-day period to be  
16 fixed by the election officer with whom such declarations of candidacy  
17 are filed and notice thereof given by notifying press, radio, and  
18 television in the county and by such other means as may now or  
19 hereafter be provided by law, when:

20 (1) A void in candidacy for such nonpartisan office occurs on or  
21 after the eleventh Tuesday prior to a primary but prior to the eleventh  
22 Tuesday before an election; or

23 (2) A nominee for judge of the superior court eligible after a  
24 contested primary for a certificate of election by Article 4, section  
25 29, Amendment 41 of the state Constitution, dies or is disqualified  
26 within the ten-day period immediately following the last day allotted  
27 for a candidate to withdraw; or

28 (3) A vacancy occurs in any nonpartisan office on or after the  
29 eleventh Tuesday prior to a primary but prior to the eleventh Tuesday  
30 before an election leaving an unexpired term to be filled by an  
31 election for which filings have not been held.

32 The candidate receiving a plurality of the votes cast for that  
33 office in the general election shall be deemed elected.

34 **Sec. 212.** RCW 29A.24.191 and 2006 c 344 s 9 are each amended to  
35 read as follows:



1 A scheduled election shall be lapsed, the office deemed stricken  
2 from the ballot, no purported write-in votes counted, and no candidate  
3 certified as elected, when:

4 (1) In an election for (~~judge of the supreme court or~~)  
5 superintendent of public instruction, a void in candidacy occurs on or  
6 after the eleventh Tuesday prior to a primary, public filings and the  
7 primary being an indispensable phase of the election process for such  
8 offices;

9 (2) Except as otherwise specified in RCW 29A.24.181, a nominee for  
10 judge of the superior court entitled to a certificate of election  
11 pursuant to Article 4, section 29, Amendment 41 of the state  
12 Constitution dies or is disqualified on or after the eleventh Tuesday  
13 prior to a primary;

14 (3) In other elections for nonpartisan office a void in candidacy  
15 occurs or a vacancy occurs involving an unexpired term to be filled on  
16 or after the eleventh Tuesday prior to an election.

17 **Sec. 213.** RCW 29A.32.031 and 2004 c 271 s 121 are each amended to  
18 read as follows:

19 The voters' pamphlet must contain:

20 (1) Information about each ballot measure initiated by or referred  
21 to the voters for their approval or rejection as required by RCW  
22 29A.32.070;

23 (2) In even-numbered years, statements, if submitted, advocating  
24 the candidacies of nominees for the office of president and vice  
25 president of the United States, United States senator, United States  
26 representative, governor, lieutenant governor, secretary of state,  
27 state treasurer, state auditor, attorney general, commissioner of  
28 public lands, superintendent of public instruction, insurance  
29 commissioner, state senator, state representative, (~~justice of the  
30 supreme court, judge of the court of appeals,~~) or judge of the  
31 superior court. Candidates may also submit a campaign mailing address  
32 and telephone number and a photograph not more than five years old and  
33 of a size and quality that the secretary of state determines to be  
34 suitable for reproduction in the voters' pamphlet;

35 (3) In odd-numbered years, if any office voted upon statewide  
36 appears on the ballot due to a vacancy, then statements and photographs

1 for candidates for any vacant office listed in subsection (2) of this  
2 section must appear;

3 (4) In even-numbered years, a section explaining how voters may  
4 participate in the election campaign process; the address and telephone  
5 number of the public disclosure commission established under RCW  
6 42.17.350; and a summary of the disclosure requirements that apply when  
7 contributions are made to candidates and political committees;

8 (5) In even-numbered years the name, address, and telephone number  
9 of each political party with nominees listed in the pamphlet, if filed  
10 with the secretary of state by the state committee of a major political  
11 party or the presiding officer of the convention of a minor political  
12 party;

13 (6) In each odd-numbered year immediately before a year in which a  
14 president of the United States is to be nominated and elected,  
15 information explaining the precinct caucus and convention process used  
16 by each major political party to elect delegates to its national  
17 presidential candidate nominating convention. The pamphlet must also  
18 provide a description of the statutory procedures by which minor  
19 political parties are formed and the statutory methods used by the  
20 parties to nominate candidates for president;

21 (7) In years when there are ballot questions regarding retention of  
22 one or more justices of the supreme court or judges of the court of  
23 appeals, a statement, if submitted, advocating the retention of each  
24 such justice or judge;

25 (8) An application form for an absentee ballot;

26 ~~((+8))~~ (9) A brief statement explaining the deletion and addition  
27 of language for proposed measures under RCW 29A.32.080;

28 ~~((+9))~~ (10) Any additional information pertaining to elections as  
29 may be required by law or in the judgment of the secretary of state is  
30 deemed informative to the voters.

31 **Sec. 214.** RCW 29A.32.121 and 2004 c 271 s 168 are each amended to  
32 read as follows:

33 (1) The maximum number of words for statements submitted by  
34 candidates is as follows: State representative, one hundred words;  
35 state senator, judge of the superior court, ~~((judge of the court of~~  
36 ~~appeals, justice of the supreme court,))~~ and all state offices voted

1 upon throughout the state, except that of governor, two hundred words;  
2 president and vice president, United States senator, United States  
3 representative, and governor, three hundred words.

4 (2) The maximum number of words for statements to retain a justice  
5 of the supreme court or judge of the court of appeals is two hundred  
6 words.

7 (3) Arguments written by committees under RCW 29A.32.060 may not  
8 exceed two hundred fifty words in length.

9 ((+3)) (4) Rebuttal arguments written by committees may not exceed  
10 seventy-five words in length.

11 ((+4)) (5) The secretary of state shall allocate space in the  
12 pamphlet based on the number of candidates or nominees for each office.

13 **Sec. 215.** RCW 29A.36.121 and 2004 c 271 s 129 are each amended to  
14 read as follows:

15 (1)(a) The positions or offices on a primary consolidated ballot  
16 shall be arranged in substantially the following order: United States  
17 senator; United States representative; governor; lieutenant governor;  
18 secretary of state; state treasurer; state auditor; attorney general;  
19 commissioner of public lands; superintendent of public instruction;  
20 insurance commissioner; state senator; state representative; county  
21 officers; ~~((justices of the supreme court; judges of the court of~~  
22 ~~appeals;))~~ judges of the superior court; and judges of the district  
23 court. For all other jurisdictions on the primary consolidated ballot,  
24 the offices in each jurisdiction shall be grouped together and be in  
25 the order of the position numbers assigned to those offices, if any.

26 (b)(i) The positions or offices on a primary party ballot must be  
27 arranged in substantially the following order: United States senator;  
28 United States representative; governor; lieutenant governor; secretary  
29 of state; state treasurer; state auditor; attorney general;  
30 commissioner of public lands; insurance commissioner; state senator;  
31 state representative; and partisan county officers. For all other  
32 jurisdictions on the primary party ballot, the offices in each  
33 jurisdiction must be grouped together and be in the order of the  
34 position numbers assigned to those offices, if any.

35 (ii) The positions or offices on a primary nonpartisan ballot must  
36 be arranged in substantially the following order: Superintendent of  
37 public instruction; ~~((justices of the supreme court; judges of the~~

1 ~~court of appeals~~ judges of the superior court; and judges of the  
2 district court. For all other jurisdictions on the primary nonpartisan  
3 ballot, the offices in each jurisdiction must be grouped together and  
4 be in the order of the position numbers assigned to those offices, if  
5 any.

6 (2) The order of the positions or offices on an election ballot  
7 shall be substantially the same as on a primary consolidated ballot  
8 except that state ballot issues must be placed before all offices, and  
9 questions of whether to retain judges of the court of appeals shall  
10 appear immediately before judges of the superior court and justices of  
11 the supreme court shall appear immediately before judges of the court  
12 of appeals. The offices of president and vice president of the United  
13 States shall precede all other offices on a presidential election  
14 ballot. The positions on a ballot to be assigned to ballot measures  
15 regarding local units of government shall be established by the  
16 secretary of state by rule.

17 (3) The political party or independent candidacy of each candidate  
18 for partisan office shall be indicated next to the name of the  
19 candidate on the primary and election ballot. A candidate shall file  
20 a written notice with the filing officer within three business days  
21 after the close of the filing period designating the political party to  
22 be indicated next to the candidate's name on the ballot if either: (a)  
23 The candidate has been nominated by two or more minor political parties  
24 or independent conventions; or (b) the candidate has both filed a  
25 declaration of candidacy declaring an affiliation with a major  
26 political party and been nominated by a minor political party or  
27 independent convention. If no written notice is filed the filing  
28 officer shall give effect to the party designation shown upon the first  
29 document filed. A candidate may be deemed nominated by a minor party  
30 or independent convention only if all documentation required by chapter  
31 29A.20 RCW has been timely filed.

32 **Sec. 216.** RCW 29A.36.171 and 2004 c 271 s 170 are each amended to  
33 read as follows:

34 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of  
35 this section, on the ballot at the general election for a nonpartisan  
36 office for which a primary was held, only the names of the candidate  
37 who received the greatest number of votes and the candidate who

1 received the next greatest number of votes for that office shall appear  
2 under the title of that office, and the names shall appear in that  
3 order. If a primary was conducted, no candidate's name may be printed  
4 on the subsequent general election ballot unless he or she receives at  
5 least one percent of the total votes cast for that office at the  
6 preceding primary. On the ballot at the general election for any other  
7 nonpartisan office for which no primary was held, the names of the  
8 candidates shall be listed in the order determined under RCW  
9 29A.36.131.

10 (2) On the ballot at the general election for the office of  
11 (~~justice of the supreme court, judge of the court of appeals,~~) judge  
12 of the superior court, judge of the district court, or state  
13 superintendent of public instruction, if a candidate in a contested  
14 primary receives a majority of all the votes cast for that office or  
15 position, only the name of that candidate may be printed under the  
16 title of the office for that position.

17 **Sec. 217.** RCW 29A.52.231 and 2004 c 271 s 174 are each amended to  
18 read as follows:

19 The offices of superintendent of public instruction, (~~justice of~~  
20 ~~the supreme court, judge of the court of appeals,~~) judge of the  
21 superior court, and judge of the district court shall be nonpartisan  
22 and the candidates therefor shall be nominated and elected as such.

23 All city, town, and special purpose district elective offices shall  
24 be nonpartisan and the candidates therefor shall be nominated and  
25 elected as such.

26 NEW SECTION. **Sec. 218.** A new section is added to chapter 29A.52  
27 RCW to read as follows:

28 (1) The offices of justice of the supreme court and judge of the  
29 court of appeals shall appear on the general election ballot at the  
30 next general election following completion of the full or partial term  
31 of office for any justice of the supreme court or judge of the court of  
32 appeals seeking to retain his or her position.

33 (2)(a) For a justice seeking to retain his or her position on the  
34 supreme court, the statewide ballot shall include the question:

35 "Shall ... be retained as a justice of the supreme court of the  
36 state of Washington for six years?"

1 (b) For a judge seeking to retain his or her position on the court  
2 of appeals, the statewide ballot shall include the question:

3 "Shall ... be retained as a judge of the court of appeals of the  
4 state of Washington for six years?"

5 (3) A justice or judge is retained in office for a term of six  
6 years if the majority of votes cast on the ballot question answer the  
7 question in the affirmative.

8 **PART 3**

9 **MISCELLANEOUS PROVISIONS**

10 NEW SECTION. **Sec. 301.** Captions and part headings used in this  
11 act are not any part of the law.

12 NEW SECTION. **Sec. 302.** Sections 101 through 103, 201, and 202 of  
13 this act constitute a new chapter in Title 2 RCW.

14 NEW SECTION. **Sec. 303.** This act takes effect if the proposed  
15 amendment to Article IV of the state Constitution providing for the  
16 appointment of judges of the supreme court and the court of appeals is  
17 validly submitted to and is approved and ratified by the voters at the  
18 next general election. If the proposed amendment is not approved and  
19 ratified, this act is void in its entirety.

--- END ---