
SENATE BILL 5082

State of Washington

61st Legislature

2009 Regular Session

By Senator Jacobsen

Read first time 01/12/09. Referred to Committee on Judiciary.

1 AN ACT Relating to creating a nonpartisan judicial commission;
2 amending RCW 2.04.100 and 2.06.080; adding a new section to chapter
3 2.04 RCW; and providing a contingent effective date.

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

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

7 If a vacancy occurs in the office of a justice of the supreme
8 court, the governor shall appoint ((a)) one of the three persons
9 nominated by the nonpartisan judicial commission under section 2 of
10 this act to hold the office until the election and qualification of a
11 justice to fill the vacancy, which election shall take place at the
12 next succeeding general election, and the justice so elected shall hold
13 the office for the remainder of the unexpired term. If the governor
14 fails to appoint any of the nominees within sixty days after the list
15 of nominees is submitted, the nonpartisan judicial commission shall
16 appoint one of the nominees to fill the vacancy.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.04 RCW
18 to read as follows:

1 (1) The nonpartisan judicial commission is hereby established. The
2 duty of the commission is, in the event of a vacancy in the supreme
3 court or court of appeals, to nominate and submit to the governor three
4 names of people qualified to fill the vacancy. The nonpartisan
5 judicial commission consists of: A justice of the supreme court,
6 selected by the members of the supreme court; three members of the
7 state bar association, one from each of the three divisions of the
8 court of appeals, selected by members of the state bar association in
9 that division; and a resident from each of the three divisions of the
10 court of appeals, who are not members of the state bar association,
11 selected by the governor. The members of the commission shall select
12 one of their members to serve as chair. No commission member, other
13 than a judge, may hold public office. No commission member may hold an
14 official position in a political party. Members shall be compensated
15 in accordance with RCW 43.03.240 in addition to travel expenses
16 provided by RCW 43.03.050 and 43.03.060. The supreme court may adopt
17 rules to administer the commission.

18 (2) The nonpartisan judicial commission members shall serve six-
19 year terms. The initial members shall have their terms staggered as
20 follows: One member appointed by the state bar association and one
21 member appointed by the governor must be appointed for a two-year term;
22 one member appointed by the state bar association and one member
23 appointed by the governor must be appointed for a four-year term; and
24 the remaining members must be appointed for six-year terms.
25 Thereafter, members must be appointed for six-year terms.

26 **Sec. 3.** RCW 2.06.080 and 1969 ex.s. c 221 s 8 are each amended to
27 read as follows:

28 If a vacancy occurs in the office of a judge of the court, the
29 governor shall appoint ((a)) one of the three persons nominated by the
30 nonpartisan judicial commission under section 2 of this act to hold the
31 office until the election and qualification of a judge to fill the
32 vacancy, which election shall take place at the next succeeding general
33 election and the judge so elected shall hold the office for the
34 remainder of the unexpired term. If the governor fails to appoint any
35 of the nominees within sixty days after the list of nominees is
36 submitted, the nonpartisan judicial commission shall appoint one of the
37 nominees to fill the vacancy.

1 NEW SECTION. **Sec. 4.** This act takes effect if the proposed
2 amendment to Article IV, section 3 of the state Constitution requiring
3 the governor to fill vacancies in the supreme court in accordance with
4 statute is validly submitted to and is approved and ratified by the
5 voters at the next general election. If the proposed amendment is not
6 approved and ratified, this act is void in its entirety.

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