

# SENATE BILL REPORT

## SB 5685

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As of January 13, 2016

**Title:** An act relating to election of supreme court justices by district.

**Brief Description:** Concerning the election of supreme court justices by district.

**Sponsors:** Senators Padden, Bailey, Sheldon, Ericksen and Hewitt.

**Brief History:**

**Committee Activity:** Law & Justice: 1/14/16.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Tim Ford (786-7423)

**Background:** Size of the Washington Supreme Court. Article IV, section 2 of the Washington State Constitution provides that the state Supreme Court must consist of five judges and that the Legislature may increase the number of judges from time to time. Since 1909, state law has set the number of Supreme Court justices at nine members. In 1995 House Bill 1411 was introduced to reduce the size of the state Supreme Court to seven judges. The companion bill, Substitute Senate Bill 5467, passed the Senate by a vote of 42 yeas, 4 nays, and 3 absent, but neither bill became law.

Election of Supreme Court Justices. Article IV, section 3 of the Washington State Constitution provides that the judges of the Supreme Court must be elected by the qualified electors of the state at large in the general state election. The Constitution also provides that the term of elected judges must be six years, and staggered with three judicial positions up for election each biennium. If a vacancy occurs in-office, the Governor appoints a person to fill the position for the remainder of the unexpired term. According to state law, for every elected office, vacancy occurs for the following reasons:

- death;
- resignation;
- removal;
- ceasing to be a registered voter in the district where elected or appointed;
- conviction of a felony;
- violation of an oath or failure to take an oath;
- violation of bond requirements; or
- a competent tribunal declaring an election void.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed First Substitute):** When either the term of a justice expires or a vacancy occurs, the position shall not be filled until the size of the Supreme Court is reduced to five justices. A justice of the Supreme Court is elected by judicial district. There are five judicial districts as follows:

1. Judicial district one, consisting of congressional districts four and five;
2. Judicial district two, consisting of congressional districts one and two;
3. Judicial district three, consisting of congressional districts seven and nine;
4. Judicial district four, consisting of congressional districts eight and 10; and
5. Judicial district five, consisting of congressional districts three and six.

If a vacancy occurs in office, the Governor appoints a qualified person who is a resident of the judicial district where the vacancy occurs.

Elections are staggered with no less than one justice and no more than two justices up for election each biennium.

This act is contingent upon approval of a constitutional amendment reducing the size of the supreme court, creating judicial districts, and requiring justices to reside in the judicial district at least a year prior to appointment or election.

**Appropriation:** None.

**Fiscal Note:** Requested on January 12, 2016.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill takes effect on approval of SJR 8205 by the qualified electors of the state.