

SENATE BILL REPORT

SJR 8205

As Reported by Senate Committee On:
Law & Justice, February 10, 2015

Brief Description: Amending the state Constitution so that justices of the supreme court are elected by qualified electors of a supreme court judicial district.

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

Brief History:

Committee Activity: Law & Justice: 1/29/15, 2/10/15 [DP, DNP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

Minority Report: Do not pass.

Signed by Senators Pedersen, Ranking Minority Member; Darneille and Kohl-Welles.

Staff: Tim Ford (786-7423)

Background: 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 at the general state election. The Supreme Court has nine justices and each full term of a justice is six years. Elections are staggered and three judicial positions must be 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.

The Washington Court of Appeals contains three distinct judicial districts created by statute. The Court of Appeals judicial districts are divided as follows:

- Judicial District 1: total population: 3,056,900 comprising Island, King, San Juan, Skagit, Snohomish, and Whatcom counties;
- Judicial District 2: total population: 2,172,586 comprising Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Kitsap, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties; and
- Judicial District 3: total population: 1,495,054 comprising Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat,

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Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties.

Population figures are derived from the 2010 census.

Summary of Bill: The Washington State Constitution is amended for only the primary election of justices of the Supreme Court. A justice of the Supreme Court is elected by judicial district. Each justice must be a resident of the district where the justice is elected or appointed for not less than one year at the time of election or appointment. Four justices are elected for district one; three justices are elected or district two; and two justices are elected for district three. The judicial districts for Supreme Court elections must contain the same counties as for districts of the Court of Appeals. If a vacancy occurs in office, the Governor appoints a person to fill the position from the district where the vacancy occurs.

Election of justices of the Supreme Court at the general election are unchanged and are elected statewide.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The practice of electing judges has served Washington well. We want judges to be dependent upon the law, in particular the constitutions of the state and the United States. Electing judges opens the office to a wider pool of candidates than for states that only appoint judges. An elected judge is more aware of the obligation to ensure the legal system operates to benefit the people and not just attorneys. Elected judges are sensitive to changing social circumstances. Likewise, if judges are elected by district instead of statewide, a more distinct population in a district will enhance the relationship between a judge and the people. The cost in time and dollars for informing the voters about a candidate's qualifications would also be reduced. Election by district will likely result in greater diversity of philosophy. The long-run benefits of election by district outweigh any temporary offset. In appointing Justice Stephens, Governor Gregoire alluded to the importance of having someone from eastern Washington on the Supreme Court. Approximately ten states elect supreme court justices by district and not statewide. Elections by district have been upheld as constitutional by the U.S. Supreme Court.

CON: The Washington Supreme Court is committed to outreach for the entire state. Commuting to Olympia from Spokane is very difficult. Residency in Spokane is not sustainable and Supreme Court justices from eastern WA tend to move close to Olympia. The work among justices is collaborative and there is greater diversity of thought than perceived by the public. Diversity of philosophy is not dependent upon geography. If residency in a judicial district is required to be ongoing, candidates would be discouraged because of the commute. Life experiences do enrich and limit a candidate. The justices work harder, not to be nine independent voices, but to ensure a collective promise of justice

for the entire state. The Supreme Court is the court of last resort for people. All citizens should have the right to select justices. Two studies have shown the uniqueness of Washington's judiciary in a positive light. It is imperative that judiciary is perceived as impartial and that individual justices are not biased toward one district.

Persons Testifying: PRO: Jason Mercier, WA Policy Center; David DeWolf, citizen.

CON: Debra Stephens, WA Supreme Court Justice; Larry Shannon, WA Assn. for Justice.