

**RCW 2.10.140 Survivor's benefits.** (1) A surviving spouse of any judge holding such office, or if he or she dies after having retired and who, at the time of his or her death, has served ten or more years in the aggregate, shall receive a monthly allowance equal to fifty percent of the retirement allowance the retired judge was receiving, or fifty percent of the retirement allowance the active judge would have received had he or she been retired on the date of his or her death, but in no event less than twenty-five percent of the final average salary that the deceased judge was receiving: PROVIDED, That said surviving spouse had been married to the judge for a minimum of two years at time of death.

(2) A judge holding office on July 1, 1988, may make an irrevocable choice to relinquish the survivor benefits provided by this section in exchange for the survivor benefits provided by RCW 2.10.144 and 2.10.146 by indicating the choice in a written declaration submitted to the department of retirement systems by December 31, 1988.

(3) The surviving spouse of any judge who died in office after January 1, 1986, but before July 1, 1988, may elect to receive the survivor benefit provided in RCW 2.10.144(1). [2011 c 336 s 27; 1988 c 109 s 7; 1984 c 37 s 2; 1971 ex.s. c 267 s 14.]

**Application—1988 c 109 s 7(1):** "The amendment to RCW 2.10.140(1) in section 7(1), chapter 109, Laws of 1988 shall apply on a retroactive basis to the surviving spouse of any judge who retired before July 1, 1988, if the surviving spouse had not remarried before July 1, 1988." [1989 c 139 s 1.]

**Effective date—1988 c 109:** See note following RCW 2.10.030.

**Application—1984 c 37 s 2:** "Section 2 of this 1984 act applies in respect to each surviving spouse who first applies for benefits under RCW 2.10.140 after January 1, 1984." [1984 c 37 s 3.]