

**SENATE JOINT RESOLUTION 8218**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** Senators West, Hayner, Erwin, Owen, Saling and Sellar.

Read first time January 29, 1991. Referred to Committee on Law & Justice.

1            BE IT RESOLVED, BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF  
2 THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3            THAT, At the next general election to be held in this state there  
4 shall be submitted to the qualified voters of the state for their  
5 approval and ratification, or rejection, an amendment to Article IV,  
6 sections 3, 5, and 30 of the Constitution of the state of Washington to  
7 read as follows:

8            Article IV, section 3. The ~~((judges))~~ justices of the supreme  
9 court shall be ~~((elected by the qualified electors of the state at  
10 large at the general state election at the times and places at which  
11 state officers are elected, unless some other time be provided by the  
12 legislature. The first election of judges of the supreme court shall  
13 be at the election which shall be held upon the adoption of this  
14 Constitution and the judges elected thereat shall be classified by lot,  
15 so that two shall hold their office for the term of three years, two  
16 for the term of five years, and one for the term of seven years. The~~

1 ~~lot shall be drawn by the judges who shall for that purpose assemble at~~  
2 ~~the seat of government, and they shall cause the result thereof to be~~  
3 ~~certified to the secretary of state, and filed in his office))~~  
4 appointed by the governor to their initial six-year term on the supreme  
5 court. In the last year of the initial term and in the last year of  
6 each additional term, each justice desiring to retain his or her office  
7 shall file a declaration of candidacy with the secretary of state  
8 during the filing period for legislative offices. If a justice files  
9 a declaration of candidacy, the following question shall appear on the  
10 ballot at the next state-wide election: "Shall (name of justice) be  
11 retained as a Washington state supreme court justice?" If a majority of  
12 the voters voting vote "yes", the justice shall serve the succeeding  
13 term. If a majority of the voters voting vote "no", the governor shall  
14 appoint another person to serve an initial term. Justices holding  
15 office on the second Monday in January after the effective date of this  
16 amendment shall serve the remainder of their unexpired terms and shall  
17 be considered as having served their initial terms for the purposes of  
18 this section. The ((judge)) justice having the shortest term to serve  
19 not holding ((his)) office by appointment ((or election)) to fill a  
20 vacancy, shall be the chief justice, and shall preside at all sessions  
21 of the supreme court, and in case there shall be two ((judges))  
22 justices having in like manner the same short term, the other  
23 ((judges)) justices of the supreme court shall determine which of them  
24 shall be chief justice. In case of the absence of the chief justice,  
25 the ((judge)) justice having in like manner the shortest or next  
26 shortest term to serve shall preside. ((After the first election)) The  
27 terms of ((judges elected)) justices shall be six years from and after  
28 the second Monday in January next succeeding ((their election))  
29 appointment to their initial term or election to retain. If a vacancy  
30 occurs in the office of a ((judge)) justice of the supreme court, the

1 governor shall appoint a person to hold the office (~~((until the election~~  
2 ~~and qualification of a judge to fill the vacancy, which election shall~~  
3 ~~take place at the next succeeding general election, and the judge so~~  
4 ~~elected shall hold the office))~~ for the remainder of the unexpired  
5 term. (~~((The term of office of the judges of the supreme court, first~~  
6 ~~elected, shall commence as soon as the state shall have been admitted~~  
7 ~~into the Union, and continue for the term herein provided, and until~~  
8 ~~their successors are elected and qualified.))~~ A person appointed to  
9 complete an unexpired term that has more than two years remaining shall  
10 be considered as having served his or her initial term for the purposes  
11 of this section. The sessions of the supreme court shall be held at  
12 the seat of government until otherwise provided by law.

13 Article IV, section 5. There shall be in each of the organized  
14 counties of this state a superior court for which at least one judge  
15 shall be (~~(elected)~~) initially appointed by the governor and thereafter  
16 retained or rejected by the qualified electors of the county at the  
17 general state election: PROVIDED, That until otherwise directed by the  
18 legislature one judge only shall be (~~(elected)~~) appointed for the  
19 counties of Spokane and Stevens; one judge for the county of Whitman;  
20 one judge for the counties of Lincoln, Okanogan, Douglas and Adams; one  
21 judge for the counties of Walla and Franklin; one judge for the  
22 counties of Columbia, Garfield and Asotin; one judge for the counties  
23 of Kittitas, Yakima and Klickitat; one judge for the counties of  
24 Clarke, Skamania, Pacific, Cowlitz and Wahkiakum; one judge for the  
25 counties of Thurston, Chehalis, Mason and Lewis; one judge for the  
26 county of Pierce; one judge for the county of King; one judge for the  
27 counties of Jefferson, Island, Kitsap, San Juan and Clallam; and one  
28 judge for the counties of Whatcom, Skagit and Snohomish. In any county  
29 where there shall be more than one superior judge, there may be as many

1 sessions of the superior court at the same time as there are judges  
2 thereof, and whenever the governor shall direct a superior judge to  
3 hold court in any county other than that for which he or she has been  
4 appointed or elected, there may be as many sessions of the superior  
5 court in said county at the same time as there are judges therein or  
6 assigned to duty therein by the governor, and the business of the court  
7 shall be so distributed and assigned by law or in the absence of  
8 legislation therefor, by such rules and orders of court as shall best  
9 promote and secure the convenient and expeditious transaction thereof.  
10 The judgments, decrees, orders and proceedings of any session of the  
11 superior court held by any one or more of the judges of such court  
12 shall be equally effectual as if all the judges of said court presided  
13 at such session. The judges of the superior court shall be appointed  
14 by the governor to their initial four-year term. In the last year of  
15 the initial term and in the last year of each additional term, each  
16 judge desiring to retain his or her office shall file a declaration of  
17 candidacy with the county auditor during the filing period for county  
18 offices. If a judge files a declaration of candidacy, the following  
19 question shall appear on the ballot at the next state-wide election:  
20 "Shall (name of judge) be retained as a Washington state superior court  
21 judge?" If a majority of the voters voting vote "yes", the judge shall  
22 serve the succeeding term. If a majority of the voters voting vote  
23 "no", the governor shall appoint another person to serve an initial  
24 term. Judges holding office on the second Monday in January after the  
25 effective date of this amendment shall serve the remainder of their  
26 unexpired terms and shall be considered as having served their initial  
27 terms for the purposes of this section. The ((first superior judges  
28 elected under this Constitution shall hold their offices for the period  
29 of three years, and until their successors shall be elected and  
30 qualified, and thereafter the)) term of office of all superior judges

1 in this state shall be for four years from the second Monday in January  
2 next succeeding their appointment to their initial term or election to  
3 retain and until their successors are appointed or elected and  
4 qualified. (~~The first election of judges of the superior court shall~~  
5 ~~be at the election held for the adoption of this Constitution.~~) If a  
6 vacancy occurs in the office of judge of the superior court, the  
7 governor shall appoint a person to hold the office (~~until the election~~  
8 ~~and qualification of a judge to fill the vacancy, which election shall~~  
9 ~~be at the next succeeding general election, and the judge so elected~~  
10 ~~shall hold office~~) for the remainder of the unexpired term. A person  
11 appointed to complete an unexpired term that has more than two years  
12 remaining shall be considered as having served his or her initial term  
13 for the purposes of this section.

14 Article IV, section 30. (1) AUTHORIZATION. In addition to the  
15 courts authorized in section 1 of this article, judicial power is  
16 vested in a court of appeals, which shall be established by statute.

17 (2) JURISDICTION. The jurisdiction of the court of appeals shall  
18 be as provided by statute or by rules authorized by statute.

19 (3) REVIEW OF SUPERIOR COURT. Superior court actions may be  
20 reviewed by the court of appeals or by the supreme court as provided by  
21 statute or by rule authorized by statute.

22 (4) JUDGES. The number, (~~manner of election,~~) compensation,  
23 (~~terms of office,~~) removal, and retirement of judges of the court of  
24 appeals shall be as provided by statute.

25 The judges of the court of appeals shall be appointed by the  
26 governor to their initial four-year term on the court of appeals. The  
27 terms of court of appeals judges shall be four years from and after the  
28 second Monday in January next succeeding appointment to their initial  
29 term or election to retain. In the last year of the initial term and

1 in the last year of each additional term, each judge desiring to retain  
2 his or her office shall file a declaration of candidacy with the  
3 secretary of state during the filing period for legislative offices.  
4 If a judge files a declaration of candidacy, the following question  
5 shall appear on the ballot at the next state-wide election: "Shall  
6 (name of judge) be retained as a Washington state court of appeals  
7 judge?" If a majority of the voters voting vote "yes", the judge shall  
8 serve the succeeding term. If a majority of the voters voting vote  
9 "no", the governor shall appoint another person to serve an initial  
10 term. Judges holding office on the second Monday in January after the  
11 effective date of this amendment shall serve the remainder of their  
12 unexpired terms and shall be considered as having served their initial  
13 terms for the purposes of this section. If a vacancy occurs in the  
14 office of a court of appeals judge, the governor shall appoint a person  
15 to hold the office for the remainder of the unexpired term. A person  
16 appointed to complete an unexpired term that has more than two years  
17 remaining shall be considered as having served his or her initial term  
18 for the purposes of this section.

19 (5) ADMINISTRATION AND PROCEDURE. The administration and  
20 procedures of the court of appeals shall be as provided by rules issued  
21 by the supreme court.

22 (6) CONFLICTS. The provisions of this section shall supersede any  
23 conflicting provisions in prior sections of this article.

24 BE IT FURTHER RESOLVED, That the secretary of state shall cause  
25 notice of the foregoing constitutional amendment to be published at  
26 least four times during the four weeks next preceding the election in  
27 every legal newspaper in the state.

1       BE IT FURTHER RESOLVED, That the foregoing amendment shall be  
2 construed as a single amendment within the meaning of Article XXIII,  
3 section 1 of the state Constitution.

4       The legislature finds that the changes contained in the foregoing  
5 amendment constitute a single integrated plan for appointment of  
6 judges. If the foregoing amendment is held to be separate amendments,  
7 this joint resolution shall be void in its entirety and shall be of no  
8 further force and effect.