

1 selected by the president of the senate. One member from each major
2 caucus of the house of representatives shall be selected by the speaker
3 of the house of representatives.

4 (3) Appointments to the commission shall be made with due
5 consideration to geographic representation and without regard to
6 political affiliation. All appointing authorities shall make
7 reasonable efforts to ensure that the commission substantially reflects
8 gender, ethnic, and racial diversity.

9 (4) Except for initial members of the commission, members shall
10 serve five-year terms. The terms of initial members shall be
11 staggered.

12 (5) No member may serve for more than two full terms.

13 (6) Vacancies shall be filled for an unexpired term in like manner.

14 (7)(a) Members of the judicial nominating commission shall be
15 reimbursed for all expenses incurred in the carrying out of their
16 official duties. Additional compensation may be prescribed by law.

17 (b) The administrative office of the courts shall make staff,
18 equipment, and materials available to assist the commission in carrying
19 out its official duties.

20 (8) The commission may adopt rules and procedures that aid in its
21 selection of the most qualified nominees for judicial office.

22 NEW SECTION. **Sec. 102.** COMMISSION MEMBERS--CANDIDACY--SELECTION.

23 Any individual wishing to serve on the judicial nominating commission
24 may declare his or her candidacy as provided in this subsection.

25 (1) Any person may be considered for an attorney position by
26 declaring in his or her candidacy in writing to the Washington state
27 bar association, if the person has been a resident of this state for
28 three years and is licensed to practice law in this state.

29 (2) Any person may be considered for a lay position by declaring
30 his or her candidacy in writing to the governor's office in Olympia,
31 Washington, if the person has been a resident of this state for three
32 years.

33 NEW SECTION. **Sec. 103.** CHAIR--MEETINGS--QUORUM. (1) The

34 commission shall choose one of its members as chair and establish the
35 chair's term. The chair shall preside at all meetings. When the chair

1 is absent, the commission shall choose a member to act as temporary
2 chair.

3 (2)(a) All organizational meetings of the commission are subject to
4 the open public meetings act, chapter 42.30 RCW. As used in this
5 chapter, "organizational meeting" means an initial meeting to discuss
6 the commission's procedures and requirements for the vacancy.

7 (b) All final deliberations of the commission shall be secret and
8 confidential.

9 (c) The confidentiality of other proceedings of the judicial
10 nominating commission shall be determined by commission rule.

11 (3) Six members of the commission constitute a quorum. The
12 commission may not take any action without a quorum.

13 **PART 2**
14 **JUDICIAL SELECTION AND RETENTION**

15 NEW SECTION. **Sec. 201.** JUDICIAL VACANCIES--NOMINATION AND
16 APPOINTMENT--TERMS. (1) Within sixty days of the occurrence of a
17 vacancy on the supreme court or on the court of appeals, the commission
18 shall meet and submit to the governor a list of names of no more than
19 five nor less than three persons qualified for the judicial office.

20 (2) When a judicial vacancy occurs or when it is known that a
21 vacancy will occur on a definite date, the chair of the commission
22 shall publicize the vacancy and solicit the submission of names of
23 qualified individuals by press release to the media.

24 (3)(a) The names of nominees shall be submitted to the governor in
25 alphabetical order.

26 (b) A confidential memorandum may accompany the list of nominees
27 and may state facts concerning each of the nominees listed.

28 (c) Upon submission of the names to the governor, the governor
29 shall make the names public and public comment should be encouraged.

30 (4) Within thirty days after receiving the list of nominees for
31 supreme court justice or judge of the court of appeals, the governor
32 shall appoint one of the nominees.

33 (5) If the governor does not appoint one of the nominees to fill
34 the vacancy within thirty days after their names are submitted to the
35 governor by the commission, the commission shall appoint on the basis

1 of merit alone without regard to political affiliation one of the
2 nominees to fill the vacancy.

3 (6) If the commission does not, within sixty days after a vacancy
4 occurs, submit the names of nominees as provided in this section, the
5 governor may appoint any qualified person to fill the vacancy at any
6 time thereafter before the time the names of the nominees to fill the
7 vacancy are submitted to the governor.

8 (7) A justice or judge appointed under this section shall remain in
9 office for the balance of the term for which the justice or judge is
10 appointed, which shall be the remainder of the unexpired term of the
11 predecessor, or if appointed for a new term, for the full six-year
12 term.

13 (8) The names of each justice and judge appointed under this
14 section shall appear on the general election ballot, at which time the
15 justice or judge shall be subject to a vote on whether he or she will
16 be retained in his or her position.

17 NEW SECTION. Sec. 202. All supreme court justices and judges of
18 the court of appeals who are holding office as such by election or
19 appointment on the effective date of this section shall serve or
20 continue in office for the respective terms for which they were elected
21 or for their respective unexpired terms, and until their successors are
22 appointed and qualify.

23 **Sec. 203.** RCW 2.04.071 and 1971 c 81 s 1 are each amended to read
24 as follows:

25 ~~((At the next general election, and at each biennial general
26 election thereafter, there shall be elected three))~~ Justices of the
27 supreme court ~~((, to))~~ shall hold office for ~~((the full))~~ terms of six
28 years ~~((, and until their successors are elected and qualified,
29 commencing with the second Monday in January succeeding their
30 election))~~. At the next general election following completion of each
31 full or partial term of office for any justice seeking to retain his or
32 her position on the state supreme court, the statewide ballot shall
33 include the question:

34 "Shall ... be retained as a justice of the supreme court of the
35 state of Washington for six years?"

1 **Sec. 204.** RCW 2.04.100 and 1971 c 81 s 3 are each amended to read
2 as follows:

3 If a vacancy occurs in the office of a justice of the supreme
4 court, the governor shall appoint a person to hold the office (~~((until~~
5 ~~the election and qualification of a justice to fill the vacancy, which~~
6 ~~election shall take place at the next succeeding general election))~~ in
7 accordance with section 201 of this act, and the justice so (~~((elected))~~)
8 appointed shall hold the office for the remainder of the unexpired
9 term.

10 **Sec. 205.** RCW 2.06.022 and 1989 c 328 s 11 are each amended to
11 read as follows:

12 The new judicial position for the first division, district 2,
13 Snohomish county created pursuant to the 1989 amendment to RCW 2.06.020
14 shall become effective January 1, 1990, and shall be filled by
15 gubernatorial appointment.

16 The person appointed by the governor shall hold office until the
17 general election to be held in November 1990. At the general election,
18 the judge appointed shall be entitled to run for a term of six years or
19 until the second Monday in January 1997, and until a successor is
20 elected and qualified. (~~((Thereafter))~~) For vacancies occurring before
21 the effective date of this section, the judge shall be elected for a
22 term of six years and until a successor is elected and qualified,
23 commencing with the second Monday in January succeeding the election.
24 Beginning on the effective date of this section, the judge shall be
25 appointed in accordance with section 201 of this act.

26 **Sec. 206.** RCW 2.06.024 and 1999 c 75 s 2 are each amended to read
27 as follows:

28 The new judicial position for the second division, district 1,
29 Pierce county, created pursuant to the 1999 amendment to RCW 2.06.020
30 shall become effective July 1, 2000, and shall be filled by
31 gubernatorial appointment.

32 The person appointed by the governor shall hold office until the
33 general election to be held in November 2000. At the general election,
34 the judge appointed shall be entitled to run for a term of six years or
35 until the second Monday in January 2007, and until a successor is
36 elected and qualified. (~~((Thereafter))~~) For vacancies occurring before

1 the effective date of this section, the judge shall be elected for a
2 term of six years and until a successor is elected and qualified,
3 commencing with the second Monday in January succeeding the election.
4 Beginning on the effective date of this section, the judge shall be
5 appointed accordance with section 201 of this act.

6 **Sec. 207.** RCW 2.06.075 and 1977 ex.s. c 49 s 3 are each amended to
7 read as follows:

8 The new judicial positions created pursuant to section 1, chapter
9 49, Laws of 1977 ex. sess. shall become effective January 1, 1978, and
10 shall be filled by gubernatorial appointment as follows:

11 (1) Two shall be appointed to the first division, District 1, King
12 county;

13 (2) One shall be appointed to the second division, District 1,
14 Pierce county; and

15 (3) One shall be appointed to the third division, District 1,
16 Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens counties.

17 The persons appointed by the governor shall hold office until the
18 general election to be held in November 1978. Upon taking office the
19 two newly appointed judges in Division 1 shall determine by lot the
20 length of term they will be entitled to run for in the general election
21 of 1977. One term will be for one year or until the second Monday in
22 January 1980, and the other for three years or until the second Monday
23 in January 1982, and until their successors are elected and qualified.
24 Thereafter judges shall be elected for a term of six years and until
25 their successors are elected and qualified, commencing with the second
26 Monday in January succeeding their election. At the general election
27 to be held in November 1978, the judges appointed in Division 2 and
28 Division 3 shall be entitled to run for a term of six years or until
29 the second Monday in January 1985, and until their successors are
30 elected and qualified. (~~Thereafter~~) For vacancies occurring before
31 the effective date of this section, judges shall be elected for a term
32 of six years and until their successors are elected and qualified,
33 commencing with the second Monday in January succeeding their election.
34 Beginning on the effective date of this section, judges shall be
35 appointed in accordance with section 201 of this act.

1 NEW SECTION. **Sec. 208.** A new section is added to chapter 2.06 RCW
2 to read as follows:

3 At the next general election following completion of each full or
4 partial term of office for any judge of the court of appeals seeking to
5 retain his or her position on the state court of appeals, the ballot to
6 be voted on by the voters in the district served by the judge shall
7 include the question:

8 "Shall ... be retained as a judge of the court of appeals of
9 the state of Washington for six years?"

10 **Sec. 209.** RCW 2.12.010 and 1982 1st ex.s. c 52 s 2 are each
11 amended to read as follows:

12 Any judge of the supreme court, court of appeals, or superior court
13 of the state of Washington who heretofore and/or hereafter shall have
14 served as a judge of any such courts for eighteen years in the
15 aggregate or who shall have served ten years in the aggregate and shall
16 have attained the age of seventy years or more may, during or at the
17 expiration of his term of office, in accordance with the provisions of
18 this chapter, be retired and receive the retirement pay herein provided
19 for. In computing such term of service, there shall be counted the
20 time spent by such judge in active service in the armed forces of the
21 United States of America, under leave of absence from his judicial
22 duties as provided for under chapter 201, Laws of 1941: PROVIDED,
23 HOWEVER, That in computing such credit for such service in the armed
24 forces of the United States of America no allowance shall be made for
25 service beyond the date of the expiration of the term for which such
26 judge was elected or appointed. Any judge desiring to retire under the
27 provisions of this section shall file with the director of retirement
28 systems, a notice in duplicate in writing, verified by his affidavit,
29 fixing a date when he desires his retirement to commence, one copy of
30 which the director shall forthwith file with the administrator for the
31 courts. The notice shall state his name, the court or courts of which
32 he has served as judge, the period of service thereon and the dates of
33 such service.

34 **Sec. 210.** RCW 29A.24.010 and 2003 c 111 s 601 are each amended to
35 read as follows:

36 Not less than thirty days before the first day for filing

1 declarations of candidacy under RCW 29A.24.050 for legislative,
2 judicial, county, city, town, or district office, where more than one
3 position with the same name, district number, or title will be voted
4 upon at the succeeding election, the filing officer shall designate the
5 positions to be filled by number.

6 The positions so designated shall be dealt with as separate offices
7 for all election purposes. (~~With the exception of the office of~~
8 ~~justice of the supreme court, the~~) Position numbers shall be assigned,
9 whenever possible, to reflect the position numbers that were used to
10 designate the same positions at the last full-term election for those
11 offices.

12 **Sec. 211.** RCW 29A.24.181 and 2006 c 344 s 8 are each amended to
13 read as follows:

14 Filings for a nonpartisan office (other than (~~judge of the supreme~~
15 ~~court or~~)) superintendent of public instruction) shall be reopened for
16 a period of three normal business days, such three-day period to be
17 fixed by the election officer with whom such declarations of candidacy
18 are filed and notice thereof given by notifying press, radio, and
19 television in the county and by such other means as may now or
20 hereafter be provided by law, when:

21 (1) A void in candidacy for such nonpartisan office occurs on or
22 after the eleventh Tuesday prior to a primary but prior to the eleventh
23 Tuesday before an election; or

24 (2) A nominee for judge of the superior court eligible after a
25 contested primary for a certificate of election by Article 4, section
26 29, Amendment 41 of the state Constitution, dies or is disqualified
27 within the ten-day period immediately following the last day allotted
28 for a candidate to withdraw; or

29 (3) A vacancy occurs in any nonpartisan office on or after the
30 eleventh Tuesday prior to a primary but prior to the eleventh Tuesday
31 before an election leaving an unexpired term to be filled by an
32 election for which filings have not been held.

33 The candidate receiving a plurality of the votes cast for that
34 office in the general election shall be deemed elected.

35 **Sec. 212.** RCW 29A.24.191 and 2006 c 344 s 9 are each amended to
36 read as follows:

1 A scheduled election shall be lapsed, the office deemed stricken
2 from the ballot, no purported write-in votes counted, and no candidate
3 certified as elected, when:

4 (1) In an election for (~~judge of the supreme court or~~)
5 superintendent of public instruction, a void in candidacy occurs on or
6 after the eleventh Tuesday prior to a primary, public filings and the
7 primary being an indispensable phase of the election process for such
8 offices;

9 (2) Except as otherwise specified in RCW 29A.24.181, a nominee for
10 judge of the superior court entitled to a certificate of election
11 pursuant to Article 4, section 29, Amendment 41 of the state
12 Constitution dies or is disqualified on or after the eleventh Tuesday
13 prior to a primary;

14 (3) In other elections for nonpartisan office a void in candidacy
15 occurs or a vacancy occurs involving an unexpired term to be filled on
16 or after the eleventh Tuesday prior to an election.

17 **Sec. 213.** RCW 29A.32.031 and 2004 c 271 s 121 are each amended to
18 read as follows:

19 The voters' pamphlet must contain:

20 (1) Information about each ballot measure initiated by or referred
21 to the voters for their approval or rejection as required by RCW
22 29A.32.070;

23 (2) In even-numbered years, statements, if submitted, advocating
24 the candidacies of nominees for the office of president and vice
25 president of the United States, United States senator, United States
26 representative, governor, lieutenant governor, secretary of state,
27 state treasurer, state auditor, attorney general, commissioner of
28 public lands, superintendent of public instruction, insurance
29 commissioner, state senator, state representative, (~~justice of the
30 supreme court, judge of the court of appeals,~~) or judge of the
31 superior court. Candidates may also submit a campaign mailing address
32 and telephone number and a photograph not more than five years old and
33 of a size and quality that the secretary of state determines to be
34 suitable for reproduction in the voters' pamphlet;

35 (3) In odd-numbered years, if any office voted upon statewide
36 appears on the ballot due to a vacancy, then statements and photographs

1 for candidates for any vacant office listed in subsection (2) of this
2 section must appear;

3 (4) In even-numbered years, a section explaining how voters may
4 participate in the election campaign process; the address and telephone
5 number of the public disclosure commission established under RCW
6 42.17.350; and a summary of the disclosure requirements that apply when
7 contributions are made to candidates and political committees;

8 (5) In even-numbered years the name, address, and telephone number
9 of each political party with nominees listed in the pamphlet, if filed
10 with the secretary of state by the state committee of a major political
11 party or the presiding officer of the convention of a minor political
12 party;

13 (6) In each odd-numbered year immediately before a year in which a
14 president of the United States is to be nominated and elected,
15 information explaining the precinct caucus and convention process used
16 by each major political party to elect delegates to its national
17 presidential candidate nominating convention. The pamphlet must also
18 provide a description of the statutory procedures by which minor
19 political parties are formed and the statutory methods used by the
20 parties to nominate candidates for president;

21 (7) In years when there are ballot questions regarding retention of
22 one or more justices of the supreme court or judges of the court of
23 appeals, a statement, if submitted, advocating the retention of each
24 such justice;

25 (8) An application form for an absentee ballot;

26 ~~((+8))~~ (9) A brief statement explaining the deletion and addition
27 of language for proposed measures under RCW 29A.32.080;

28 ~~((+9))~~ (10) Any additional information pertaining to elections as
29 may be required by law or in the judgment of the secretary of state is
30 deemed informative to the voters.

31 **Sec. 214.** RCW 29A.32.121 and 2004 c 271 s 168 are each amended to
32 read as follows:

33 (1) The maximum number of words for statements submitted by
34 candidates is as follows: State representative, one hundred words;
35 state senator, judge of the superior court, ~~((judge of the court of~~
36 ~~appeals, justice of the supreme court,))~~ and all state offices voted

1 upon throughout the state, except that of governor, two hundred words;
2 president and vice president, United States senator, United States
3 representative, and governor, three hundred words.

4 (2) The maximum number of words for statements to retain a justice
5 of the supreme court or judge of the court of appeals is two hundred
6 words.

7 (3) Arguments written by committees under RCW 29A.32.060 may not
8 exceed two hundred fifty words in length.

9 ((+3)) (4) Rebuttal arguments written by committees may not exceed
10 seventy-five words in length.

11 ((+4)) (5) The secretary of state shall allocate space in the
12 pamphlet based on the number of candidates or nominees for each office.

13 **Sec. 215.** RCW 29A.36.121 and 2004 c 271 s 129 are each amended to
14 read as follows:

15 (1)(a) The positions or offices on a primary consolidated ballot
16 shall be arranged in substantially the following order: United States
17 senator; United States representative; governor; lieutenant governor;
18 secretary of state; state treasurer; state auditor; attorney general;
19 commissioner of public lands; superintendent of public instruction;
20 insurance commissioner; state senator; state representative; county
21 officers; ~~((justices of the supreme court; judges of the court of~~
22 ~~appeals;))~~ judges of the superior court; and judges of the district
23 court. For all other jurisdictions on the primary consolidated ballot,
24 the offices in each jurisdiction shall be grouped together and be in
25 the order of the position numbers assigned to those offices, if any.

26 (b)(i) The positions or offices on a primary party ballot must be
27 arranged in substantially the following order: United States senator;
28 United States representative; governor; lieutenant governor; secretary
29 of state; state treasurer; state auditor; attorney general;
30 commissioner of public lands; insurance commissioner; state senator;
31 state representative; and partisan county officers. For all other
32 jurisdictions on the primary party ballot, the offices in each
33 jurisdiction must be grouped together and be in the order of the
34 position numbers assigned to those offices, if any.

35 (ii) The positions or offices on a primary nonpartisan ballot must
36 be arranged in substantially the following order: Superintendent of
37 public instruction; ~~((justices of the supreme court; judges of the~~

1 ~~court of appeals~~)) judges of the superior court; and judges of the
2 district court. For all other jurisdictions on the primary nonpartisan
3 ballot, the offices in each jurisdiction must be grouped together and
4 be in the order of the position numbers assigned to those offices, if
5 any.

6 (2) The order of the positions or offices on an election ballot
7 shall be substantially the same as on a primary consolidated ballot
8 except that state ballot issues must be placed before all offices,
9 except that questions of whether to retain justices of the supreme
10 court shall appear immediately before judges of the superior court and
11 judges of the court of appeals shall appear immediately after justices
12 of the supreme court. The offices of president and vice president of
13 the United States shall precede all other offices on a presidential
14 election ballot. The positions on a ballot to be assigned to ballot
15 measures regarding local units of government shall be established by
16 the secretary of state by rule.

17 (3) The political party or independent candidacy of each candidate
18 for partisan office shall be indicated next to the name of the
19 candidate on the primary and election ballot. A candidate shall file
20 a written notice with the filing officer within three business days
21 after the close of the filing period designating the political party to
22 be indicated next to the candidate's name on the ballot if either: (a)
23 The candidate has been nominated by two or more minor political parties
24 or independent conventions; or (b) the candidate has both filed a
25 declaration of candidacy declaring an affiliation with a major
26 political party and been nominated by a minor political party or
27 independent convention. If no written notice is filed the filing
28 officer shall give effect to the party designation shown upon the first
29 document filed. A candidate may be deemed nominated by a minor party
30 or independent convention only if all documentation required by chapter
31 29A.20 RCW has been timely filed.

32 **Sec. 216.** RCW 29A.36.171 and 2004 c 271 s 170 are each amended to
33 read as follows:

34 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of
35 this section, on the ballot at the general election for a nonpartisan
36 office for which a primary was held, only the names of the candidate
37 who received the greatest number of votes and the candidate who

1 received the next greatest number of votes for that office shall appear
2 under the title of that office, and the names shall appear in that
3 order. If a primary was conducted, no candidate's name may be printed
4 on the subsequent general election ballot unless he or she receives at
5 least one percent of the total votes cast for that office at the
6 preceding primary. On the ballot at the general election for any other
7 nonpartisan office for which no primary was held, the names of the
8 candidates shall be listed in the order determined under RCW
9 29A.36.131.

10 (2) On the ballot at the general election for the office of
11 (~~justice of the supreme court, judge of the court of appeals,~~) judge
12 of the superior court, judge of the district court, or state
13 superintendent of public instruction, if a candidate in a contested
14 primary receives a majority of all the votes cast for that office or
15 position, only the name of that candidate may be printed under the
16 title of the office for that position.

17 **Sec. 217.** RCW 29A.52.231 and 2004 c 271 s 174 are each amended to
18 read as follows:

19 The offices of superintendent of public instruction, (~~justice of~~
20 ~~the supreme court, judge of the court of appeals,~~) judge of the
21 superior court, and judge of the district court shall be nonpartisan
22 and the candidates therefor shall be nominated and elected as such.

23 All city, town, and special purpose district elective offices shall
24 be nonpartisan and the candidates therefor shall be nominated and
25 elected as such.

26 PART 3

27 MISCELLANEOUS PROVISIONS

28 NEW SECTION. **Sec. 301.** Captions and part headings used in this
29 act are not any part of the law.

30 NEW SECTION. **Sec. 302.** Sections 101 through 103, 201, and 202 of
31 this act constitute a new chapter in Title 2 RCW.

32 NEW SECTION. **Sec. 303.** This act takes effect if the proposed
33 amendment to Article IV, section 3 of the state Constitution providing

1 for the appointment of judges of the supreme court and the court of
2 appeals is validly submitted to and is approved and ratified by the
3 voters at the next general election. If the proposed amendment is not
4 approved and ratified, this act is void in its entirety.

--- END ---