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HOUSE JOINT RESOLUTION 4201

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Klippert and Shea

Prefiled 01/03/19. Read first time 01/14/19. Referred to Committee on Civil Rights & Judiciary.

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

3 THAT, At the next general election to be held in this state the  
4 secretary of state shall submit to the qualified voters of the state  
5 for their approval and ratification, or rejection, amendments to  
6 Article IV, sections 2 and 3 of the Constitution of the state of  
7 Washington to read as follows:

8 Article IV, section 2. The supreme court shall consist of five  
9 judges, a majority of whom shall be necessary to form a quorum, and  
10 pronounce a decision. The said court shall always be open for the  
11 transaction of business except on nonjudicial days. In the  
12 determination of causes all decisions of the court shall be given in  
13 writing and the grounds of the decision shall be stated. ((The  
14 legislature may increase the number of judges of the supreme court  
15 from time to time and may provide for separate departments of said  
16 court.))

17 Article IV, section 3. (1) The judges of the supreme court shall  
18 be elected by the qualified electors of the state at large at the  
19 general state election at the times and places at which state  
20 officers are elected, unless some other time be provided by the  
21 legislature. ((The first election of judges of the supreme court  
22 shall be at the election which shall be held upon the adoption of

1 ~~this Constitution and the judges elected thereat shall be classified~~  
2 ~~by lot, so that two shall hold their office for the term of three~~  
3 ~~years, two for the term of five years, and one for the term of seven~~  
4 ~~years. The lot shall be drawn by the judges who shall for that~~  
5 ~~purpose assemble at the seat of government, and they shall cause the~~  
6 ~~result thereof to be certified to the secretary of state, and filed~~  
7 ~~in his office.))~~

8 (2) From January 11, 2021, and thereafter, the state supreme  
9 court consists of five judges. Five judges are elected at the 2020  
10 general election, and upon certification of the election these judges  
11 are classified by lot, so that two hold their office for two years,  
12 two for four years, and one for six years. The lot is drawn by the  
13 judges who must for that purpose assemble at the seat of government,  
14 and they must certify the result to the secretary of state.

15 (3) Except as provided in subsection (2) of this section,  
16 beginning with the 2022 election, the terms of judges elected to the  
17 state supreme court are six years from and after the second Monday in  
18 January next following their election, and until their successors are  
19 elected and qualified.

20 (4) The supreme court shall select a chief justice from its own  
21 membership to serve for a four-year term at the pleasure of a  
22 majority of the court as prescribed by supreme court rule. The chief  
23 justice shall preside at all sessions of the supreme court. In case  
24 of the absence of the chief justice, the majority of the remaining  
25 court shall select one of their members to serve as acting chief  
26 justice. ((After the first election the terms of judges elected shall  
27 be six years from and after the second Monday in January next  
28 succeeding their election.))

29 (5) If a vacancy occurs in the office of a judge of the supreme  
30 court the governor shall only appoint a person to ensure the number  
31 of judges as specified by the legislature, to hold the office until  
32 the election and qualification of a judge to fill the vacancy, which  
33 election shall take place at the next succeeding general election,  
34 and the judge so elected shall hold the office for the remainder of  
35 the unexpired term. ((The term of office of the judges of the supreme  
36 court, first elected, shall commence as soon as the state shall have  
37 been admitted into the Union, and continue for the term herein  
38 provided, and until their successors are elected and qualified.))

39 (6) The sessions of the supreme court shall be held at the seat  
40 of government until otherwise provided by law.

1 BE IT FURTHER RESOLVED, That this amendment is a single amendment  
2 within the meaning of Article XXIII, section 1 of the state  
3 Constitution.

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

9 BE IT FURTHER RESOLVED, That the secretary of state shall cause  
10 notice of this constitutional amendment to be published at least four  
11 times during the four weeks next preceding the election in every  
12 legal newspaper in the state.

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