

SENATE BILL REPORT

SJR 8200

As of January 20, 2005

Brief Description: Requiring that supreme court vacancies be filled according to statute.

Sponsors: Senators Jacobsen and Deccio.

Brief History:

Committee Activity: Judiciary: 1/19/05.

SENATE COMMITTEE ON JUDICIARY

Staff: Lilah Amos (786-7429)

Background: Both the Washington State Constitution and statutory law authorize the governor to fill a vacancy on the supreme court by appointment. The person who is appointed will serve until the next general election. The elected individual will serve during the remainder of the unexpired term.

Summary of Bill: An amendment to Article IV, section 3 of the Washington State Constitution concerning the authority of the governor to fill a vacancy on the supreme court is submitted to the voters at the next general election. The amendment provides that the authority of the governor to appoint a person to fill a vacancy on the supreme court is limited by statute.

Details of the proposed statutory limitation are contained in SB 5015, and provide for the establishment of a nonpartisan judicial commission which will nominate three persons for each vacancy on the supreme court. The governor must appoint one of the three nominees to fill the vacancy. If the governor fails to make the appointment, the commission will appoint one of the three nominees to fill the vacancy. The nonpartisan judicial commission will consist of seven persons: a judge of the supreme court appointed by members of the court; three members of the state bar association selected by members of the bar association; and three persons who are not members of the state bar association selected by the governor.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: This constitutional amendment takes effect only upon approval by qualified voters at the next general election.

Testimony For: This constitutional amendment will allow the legislature to establish a process for nonpartisan merit-based selection of appellate court judges when a mid-term vacancy occurs.

Testimony Against: None.

Who Testified:PRO: Senator Ken Jacobsen, prime sponsor; Charles Wiggins.