

# HOUSE BILL REPORT

## HJR 4200

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*As Passed House  
March 13, 1991*

**Brief Description:** Amending the Constitution to remove the special procedures for nonpartisan elections.

**Sponsor(s):** Representatives Locke, Ballard, Appelwick, Peery, Ludwig, Belcher, Prince, H. Myers, Tate, Vance, D. Sommers, Morton, Wineberry, McLean, Edmondson, Chandler, P. Johnson, Moyer, Hochstatter, Lisk, Wood, Paris, Casada, Nealey, Brekke, Silver, May and Anderson.

**Brief History:**

Reported by House Committee on:  
State Government, January 30, 1991, DP;  
Passed House, March 13, 1991, 94-4.

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**HOUSE COMMITTEE ON  
STATE GOVERNMENT**

**Majority Report:** *Do pass.* Signed by 10 members: Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

**Staff:** Kenneth Hirst (786-7105).

**Background:** Article IV, Section 29 of the state's Constitution establishes procedures which apply only to the election of judges of the Superior Court. In a county with a population of 100,000 or more, if only one person has filed for a superior court position, no primary or election may be held for the position. The unopposed candidate is issued a certificate of election.

If, following a contested primary in any county, only one candidate is entitled to have his or her name printed on the general election ballot for a superior court position, no election may be held for the position and a certificate of election is issued to that candidate. However, such a certificate is not issued if, within 10 days after the primary, a write-in candidacy is filed for the position. The write-in candidacy must be accompanied by a petition signed by at least 100 registered voters of the county.

**Summary of Bill:** Article IV, Section 29 of the state's Constitution is repealed. The section provides special procedures which apply to the election of superior court judges.

**Fiscal Note:** Requested January 19, 1991.

**Effective Date:** Takes effect if ratified by the voters at the November general election.

**Testimony For:** (1) There should be more contact between the public and the judiciary; this change in judicial elections will foster that contact. (2) U.S. Senators and other elected officials manage to campaign for office while also conducting the important business of their offices; the same should be true for judges as well.

**Testimony Against:** (1) The current system works without significant problems; no one aspect of electing judges should be altered without studying the means by which change can be accomplished through the coordinated actions of both the legislative and judicial branches of government. (2) The Constitution should not be changed frequently; it should be changed only if necessary.

**Witnesses:** Representative Locke (in favor); Don Whiting, Office of the Secretary of State (in favor); Ron Gould, State Bar Association (opposed); and Michelle Radosevich (opposed).