

HOUSE BILL REPORT

HJR 4223

As Reported by House Committee On:
Judiciary

Brief Description: Providing for the appointment of justices of the supreme court.

Sponsors: Representatives B. Sullivan, Rodne, Appleton, Sommers and Ormsby.

Brief History:

Committee Activity:

Judiciary: 2/20/07, 2/26/07 [DPS].

Brief Summary of Substitute Bill

- Proposes a constitutional amendment to Article IV, Section 3 to change the method of selecting Supreme Court justices to appointment by the Governor with retention elections, as provided by law.
- Proposes a constitutional amendment to Article IV, Section 30 to replace a reference to the manner of election of Court of Appeals judges with a reference to their manner of selection.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Member; Ahern, Moeller and Pedersen.

Minority Report: Do not pass. Signed by 3 members: Representatives Kirby, Ross and Williams.

Staff: Edie Adams (786-7180).

Background:

Article IV, Section 3 of the Washington Constitution provides that justices of the Supreme Court are to be elected by the qualified voters of the state for a term of six years. If a vacancy occurs in a Supreme Court justice position, the Governor appoints a person to fill the vacancy

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until a justice is elected at the next general election to fill the vacancy for the remainder of the unexpired term.

Article IV, Section 30 of the Washington Constitution provides that the manner of election and terms of office of judges of the Court of Appeals are to be provided by statute. By statute, judges of the Court of Appeals also are elected to six-year terms and a vacancy in a Court of Appeals judge position is filled in the same manner as a vacancy in a Supreme Court justice position.

Summary of Substitute Bill:

An amendment is proposed to Article IV, Section 3 of the Washington Constitution that would change the method of selecting justices of the Supreme Court to appointment by the Governor with retention elections, as provided in law.

An amendment is proposed to Article IV, Section 30 of the Washington Constitution to replace a reference to the manner of election of Court of Appeals judges with a reference to their manner of selection.

Substitute Bill Compared to Original Bill:

The proposed substitute joint resolution clarifies that the appointment of Supreme Court justices by the Governor is as provided by law. The proposed substitute joint resolution also includes an amendment to Article IV, Section 30 of the State Constitution to provide that the manner of selection (rather than election) of Court of Appeals judges is as provided by statute.

Appropriation: None.

Fiscal Note: Not requested.

Staff Summary of Public Testimony:

(In support) The constitutional amendment is necessary in order to establish appointment of Supreme Court justices and Court of Appeals judges. The constitutional amendment should include the creation of the Judicial Nominating Commission so that the people know what type of system they are voting for when we ask them to change the State Constitution. There should also be an amendment to the constitutional provision relating to Court of Appeals judges.

(Opposed) The State Constitution should not be amended to do away with the longstanding policy in this state of providing accountability of judges through election.

Persons Testifying: (In support) Representative Rodne; Charlie Wiggins, American Judicature Society; Judge William Baker, Washington Court of Appeals; and William Andersen, University of Washington Law School.

(Opposed) Chief Justice Gerry Alexander and Vickie Churchill, Board for Judicial Administration.

Persons Signed In To Testify But Not Testifying: None.