

**SENATE BILL REPORT**

**SB 5029**

**AS OF FEBRUARY 1, 1991**

**Brief Description:** Revising procedures for judicial elections.

**SPONSORS:** Senators Nelson, Talmadge, Thorsness and Rasmussen.

**SENATE COMMITTEE ON LAW & JUSTICE**

**Staff:** Dick Armstrong (786-7460)

**Hearing Dates:** February 7, 1991

**BACKGROUND:**

Current statutory law provides that if a candidate for the Supreme Court, Court of Appeals, superior court, or Superintendent of Public Instruction receives a majority of all the votes cast for the position in the primary, only the name of the person receiving the highest vote total is printed on the general election ballot. However, in the case of candidates for superior court judge, Article IV, Section 29 of the Washington State Constitution supersedes the statute in two instances: (1) in counties containing a population of 100,00 or more, if only one candidate has filed as of the last day for withdrawals of candidacy, no primary or election is held and the candidate receives a certificate of election; and (2) if, in any county having a contested primary only one candidate is entitled to have his or her name printed on the general election ballot for any single position, there is no election for that position and the candidate receives a certificate of election.

It is suggested that candidates for the Supreme Court, Court of Appeals, superior court, or Superintendent of Public Instruction be elected in the same manner as other nonpartisan officials.

**SUMMARY:**

The election laws for candidates for justice of the Supreme Court, judge of the Court of Appeals, judge of the superior court, and Superintendent of Public Instruction are revised to provide that candidates for these nonpartisan offices will always be elected at the general election, and not at a primary election.

A primary election for a judicial position or Superintendent of Public Instruction is not held if, after the last day for candidates to withdraw, there are not more than two candidates for the position of justice of the Supreme Court, judge of the Court of Appeals, judge of the superior court, or

Superintendent of Public Instruction. The names of the candidates appear on the general election ballot.

If there are more than two candidates for a nonpartisan position, a primary election is held and the two candidates for the position who receive the highest vote totals in the primary appear on the general election ballot.

Statements are not to be printed in the voter's pamphlet for any person who is the sole nominee for any nonpartisan or judicial office.

The Judicial Council is to study methods used in other states, such as Missouri, which provide for the appointment of judges. The Judicial Council is to study existing restrictions governing judicial elections.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested