

SENATE BILL REPORT

SB 5835

As Reported By Senate Committee On:
Government Operations & Elections, March 4, 2003

Title: An act relating to comments by candidates for judicial offices.

Brief Description: Allowing judicial candidates freedom of speech.

Sponsors: Senators Roach, Horn, Winsley, Spanel, Rossi, Morton, Finkbeiner, Honeyford, Oke, Swecker, Schmidt, Zarelli, Benton, Parlette, Mulliken, McCaslin and Rasmussen.

Brief History:

Committee Activity: Government Operations & Elections: 2/26/03, 3/4/03 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

Staff: Mac Nicholson (786-7445)

Background: The appearance of fairness doctrine protects public confidence in judicial or quasi-judicial proceedings and limits certain communications made by members of decision-making bodies with respect to proposals that are the subject of current proceedings before that decision-maker.

Judges in the state must comply with the Code of Judicial Conduct (CJC), which establishes standards for ethical conduct. Canon 7 of the CJC prohibits judges or candidates for election to judicial office from making speeches for a political organization or nonjudicial candidate or publicly endorsing a nonjudicial candidate for public office; soliciting funds for or making a contribution to a political organization or nonjudicial candidate; attending political functions sponsored by political organizations (with limited exceptions); and identifying themselves as members of a political party.

Summary of Bill: Except for statements committing or appearing to commit the candidate with respect to cases likely to come before the court, public discussions and expressions of opinions by a person before declaring as a candidate or while campaigning for Supreme Court justice, appellate court judge, superior court judge, district court judge, or municipal judge are not violations of the appearance of fairness doctrine.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: People should not lose their freedom of speech rights simply because they are running for judge.

Testimony Against: None.

Testified: Senator Pam Roach.