
SENATE BILL 5488

State of Washington 61st Legislature 2009 Regular Session

By Senators Kline, Carrell, Eide, and Roach

Read first time 01/23/09. Referred to Committee on Judiciary.

1 AN ACT Relating to judicial elections; and amending RCW 29A.36.171,
2 29A.52.220, and 35.20.150.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 29A.36.171 and 2004 c 271 s 170 are each amended to
5 read as follows:

6 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of
7 this section, on the ballot at the general election for a nonpartisan
8 office for which a primary was held, only the names of the candidate
9 who received the greatest number of votes and the candidate who
10 received the next greatest number of votes for that office shall appear
11 under the title of that office, and the names shall appear in that
12 order. If a primary was conducted, no candidate's name may be printed
13 on the subsequent general election ballot unless he or she receives at
14 least one percent of the total votes cast for that office at the
15 preceding primary. On the ballot at the general election for any other
16 nonpartisan office for which no primary was held, the names of the
17 candidates shall be listed in the order determined under RCW
18 29A.36.131.

1 (2) On the ballot at the general election for the office of justice
2 of the supreme court, judge of the court of appeals, judge of the
3 superior court, judge of (~~the district~~) any court of limited
4 jurisdiction, or state superintendent of public instruction, if a
5 candidate in a contested primary receives a majority of all the votes
6 cast for that office or position, only the name of that candidate may
7 be printed under the title of the office for that position.

8 **Sec. 2.** RCW 29A.52.220 and 2005 c 153 s 10 are each amended to
9 read as follows:

10 (1) No primary may be held for any single position in any city,
11 town, or district, (~~or district court,~~) as required by RCW
12 29A.52.210, if, after the last day allowed for candidates to withdraw,
13 there are no more than two candidates filed for the position. The
14 county auditor shall, as soon as possible, notify all the candidates so
15 affected that the office for which they filed will not appear on the
16 primary ballot.

17 (2) No primary may be held for nonpartisan offices in any first-
18 class city if the city:

19 (a) Is a qualifying city that has been certified to participate in
20 the pilot project authorized by RCW 29A.53.020; and

21 (b) Is conducting an election using the instant runoff voting
22 method for the pilot project authorized by RCW 29A.53.020.

23 (c) This subsection (2) expires July 1, 2013.

24 (3) No primary may be held for the office of commissioner of a park
25 and recreation district or for the office of cemetery district
26 commissioner.

27 (4) Names of candidates for offices that do not appear on the
28 primary ballot shall be printed upon the general election ballot in the
29 manner specified by RCW 29A.36.131.

30 (5) This section does not apply to election of judges in courts of
31 limited jurisdiction.

32 **Sec. 3.** RCW 35.20.150 and 1975-'76 2nd ex.s. c 120 s 7 are each
33 amended to read as follows:

34 The municipal judges shall be elected on the first Tuesday after
35 the first Monday in November, 1958, and on the first Tuesday after the
36 first Monday of November every fourth year thereafter by the electorate

1 of the city in which the court is located. The auditor of the county
2 concerned shall designate by number each position to be filled in the
3 municipal court, and each candidate at the time of the filing of his
4 declaration of candidacy shall designate by number so assigned the
5 position for which he is a candidate, and the name of such candidate
6 shall appear on the ballot only for such position. The name of the
7 person who receives the greatest number of votes and of the person who
8 receives the next greatest number of votes at the primary for a single
9 nonpartisan position shall appear on the general election ballot under
10 the designation therefor. If a candidate in a contested primary
11 receives a majority of all the votes cast for that office or position,
12 only the name of that candidate may be printed under the title of the
13 office for that position. Elections for municipal judge shall be
14 nonpartisan. They shall hold office for a term of four years and until
15 their successors are elected and qualified. The term of office shall
16 start on the second Monday in January following such election. Any
17 vacancy in the municipal court due to a death, disability, or
18 resignation of a municipal court judge shall be filled by the mayor(~~to~~
19 ~~serve out the unexpired term~~). Such appointment shall be subject
20 to confirmation by the legislative body of the city. A judge appointed
21 to fill a vacancy must run in the next general election to fill the
22 balance of the original term of office.

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