AN ACT Relating to creating nonpartisan commissions for judicial nominees; amending RCW 2.04.100 and 2.06.080; adding new sections to chapter 2.04 RCW; and providing a contingent effective date.

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

Sec. 1. RCW 2.04.100 and 1971 c 81 s 3 are each amended to read as follows:

If a vacancy occurs in the office of a justice of the supreme court, the governor shall appoint one of the persons nominated by the supreme court nonpartisan commission under section 2 of this act to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election, and the justice so elected shall hold the office for the remainder of the unexpired term. If the governor fails to appoint a nominee within sixty days after the list of nominees is submitted, the supreme court nonpartisan commission shall appoint one of the nominees to fill the vacancy.

NEW SECTION. Sec. 2. A new section is added to chapter 2.04 RCW to read as follows:
A supreme court nonpartisan commission and three court of appeals nonpartisan commissions, one for each division of the court of appeals, are established. The commissions shall:

(a) If a vacancy occurs on the court for which a commission is responsible, nominate and submit to the governor three or more names of people qualified to fill the vacancy; and

(b) Before a primary or general election for the positions of justice of the supreme court or judge of the court of appeals, review the candidates who have filed for election and recommend one or more candidates for election by the public.

(2) The supreme court nonpartisan commission consists of nine lay members and six lawyer members as follows:

(a)(i) One lay member shall be selected from each of the court of appeals nonpartisan commissions by the membership of the respective commissions;

(ii) Four lay members shall be selected by the legislature on a nonpartisan basis; and

(iii) Two lay members shall be selected by the governor on a nonpartisan basis;

(b)(i) One lawyer member shall be selected from each of the court of appeals nonpartisan commissions by the membership of the respective commissions; and

(ii) Three lawyer members shall be selected on a nonpartisan basis by the Washington state bar association; and

(c) Membership shall, to the extent feasible, reflect the ethnic and geographic diversity of the state's population.

(3) Each court of appeals nonpartisan commission consists of seven lay members and four lawyer members as follows:

(a)(i) Four lay members shall be selected by the legislature on a nonpartisan basis;

(ii) Two lay members shall be selected by the governor on a nonpartisan basis; and

(iii) One lay member shall be selected by the chief justice of the supreme court;

(b)(i) One lawyer member shall be selected on a nonpartisan basis by the governor; and

(ii) Three lawyer members shall be selected by the Washington state bar association;
(c) Members of the court of appeals nonpartisan commission must have resided for at least one year within the division of the court of appeals for which the commission is responsible; and

(d) Membership shall, to the extent feasible, reflect the ethnic and geographic diversity of the state's population.

(4)(a) Attorney members of the supreme court nonpartisan commission and the court of appeals nonpartisan commissions must have resided in this state and been admitted to practice within the state by the supreme court for at least five years. They may not be appointed to any judicial office of this state until one year after their membership in the commission terminates.

(b) Nonattorney members must have resided in this state for at least five years, and may not be judges, retired judges, or admitted to practice before the supreme court.

(c) Commission members may not hold a government office, either elective or appointive, for profit, and may not hold an official position in a political party.

(5) Each commission shall select a chair from among the membership of that commission. Commission members shall be compensated in accordance with RCW 43.03.240 in addition to travel expenses provided by RCW 43.03.050 and 43.03.060. The supreme court may adopt rules to administer the commissions.

(6) Commission members shall serve six-year terms. The initial members shall have their terms staggered as follows:

(a) The six members of the supreme court nonpartisan commission selected from the court of appeals commissions shall determine that two members shall serve a two-year term, two members shall serve a four-year term, and two members shall serve a six-year term;

(b) The legislature shall designate that two of the four members appointed by the legislature to each commission shall serve two-year terms, one member a four-year term, and one member a six-year term;

(c) The governor shall designate that one of the governor's appointments to each commission shall serve a four-year term and one a six-year term;

(d) The Washington state bar association shall designate that one of its appointments to each commission shall serve a two-year term, one a four-year term, and one a six-year term; and
(e) The members appointed by the chief justice of the supreme court shall serve six-year terms.

**Sec. 3.** RCW 2.06.080 and 1969 ex.s. c 221 s 8 are each amended to read as follows:

If a vacancy occurs in the office of a judge of the court, the governor shall appoint one of the persons nominated by the court of appeals nonpartisan commission for the division in which the vacancy has occurred under section 2 of this act to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election and the judge so elected shall hold the office for the remainder of the unexpired term. If the governor fails to appoint a nominee within sixty days after the list of nominees is submitted, the court of appeals nonpartisan commission for the division in which the vacancy has occurred shall appoint one of the nominees to fill the vacancy.

**NEW SECTION.** Sec. 4. A new section is added to chapter 2.04 RCW to read as follows:

Before making recommendations to the governor, each commission shall conduct investigations, hold public hearings, and take public testimony. An executive session as prescribed by rule may be held upon a two-thirds vote of the members of the commission in a public hearing. Final decisions as to recommendations shall be made without regard to political affiliation in an impartial and objective manner. Each commission shall consider the diversity of the population and the geographical diversity of the residences of the applicants; the primary consideration, however, shall be merit. Voting shall be in a public hearing.

**NEW SECTION.** Sec. 5. This act takes effect if the proposed amendment to Article IV, section 3 of the state Constitution requiring the governor to fill vacancies in the supreme court in accordance with statute is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, this act is void in its entirety.

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