

# An Amendment to the State Constitution

To Be Submitted to the Qualified Electors of the State for Their Approval  
or Rejection at the

## GENERAL ELECTION

TO BE HELD ON

Tuesday, November 5, 1940

## CONCISE STATEMENT

A RESOLUTION amending the Constitution of the State of Washington by repealing section 7 of Article XI which section limits the tenure of county officers to two successive terms.

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### SENATE JOINT RESOLUTION NO. 1

*Be It Resolved*, By the Senate and the House of Representatives of the State of Washington, in legislative session assembled:

That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1940, there shall be submitted to the qualified voters of this state for their adoption, and approval or rejection, an amendment to the Constitution of the State of Washington, repealing Section 7 of Article XI.

*And Be It Further Resolved*, That the Secretary of State shall cause the foregoing constitutional amendment

to be published for at least three (3) months preceding the election, in a weekly newspaper in every county where a newspaper is published throughout the state.

Passed the Senate February 8, 1939.

VICTOR A. MEYERS,  
President of the Senate.

Passed the House March 5, 1939.

JOHN N. SYLVESTER,  
Speaker of the House.

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STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State, March 7, 1939.

BELLE REEVES,  
Secretary of State.

## ARGUMENT FOR CONSTITUTIONAL AMENDMENT

### ABOLISHING TWO-TERM LIMITATION UPON COUNTY OFFICIALS

This constitutional amendment seeks to amend the constitution by deleting Article XI, Section VII, which reads: "No county officer shall be eligible to hold his office more than two terms in succession."

**Origin of Limitation.** This limitation was placed in the constitution in 1889 by the framers of that document. There is no general agreement as to the reason for placing it there. One explanation is that it was a punitive attack upon certain county officials then holding office. Another reason assigned is that certain colonial charters had similar provisions.

**Undemocratic Nature.** Many officials are elected to represent the various governments in the State of Washington. All judges, city officials, school directors, federal officials and all state officials, save one, are permitted to run for office and succeed themselves as many times as the people see fit to reelect them. Only county officials have been selected for restriction as to tenure. There is no reason to place a limit upon these county officials and not place one upon offices of greater or lesser importance.

**The Recall and Direct Primary.** If there was any justification in imposing this limitation in 1889, it was that at that time, candidates were nominated in party conventions, often securing nomination by the employment of dubious methods, and the people were not armed with the recall. All this has been changed in this state, and since 1912, the people have been permitted to name the candidates in a direct primary and have been furnished an effective weapon for removal in the recall.

**Safeguards.** Some uninformed have attempted to argue that a limitation upon the tenure of county officials is necessary in order to rid the people of undesirable officials. Any incumbent county official must face the electorate both in the party primary and again in the general election. He also may be recalled; may be indicted by a grand jury; or the prosecuting attorney may file an informa-

tion against him. Therefore, there are at least five immediate remedies in the hands of the people in order to bring about removal of unworthy or discredited county officials.

**Loss of Efficiency.** No private industrial or labor or fraternal organization would discharge a successful president or other officer merely because he had served eight years. That is what Article XI, Section VII of the Washington constitution does. The result is that many men of integrity and education are loath to seek county official positions. The ousting of an official simply because his constitutional limitation has expired is accompanied by a wholesale turnover in the personnel employed in his office. It costs the taxpayers thousands of dollars to train a new set of employees. Furthermore, the man who has headed an office for eight years and has met with the approval of the electorate is usually far better prepared to carry on the duties of that office than some other individual who is not conversant with them. Another result of the limitation on the tenure of county officials, now imposed by the constitution, is a system of rotation in office commonly known as the "crown prince" system. This means that the man who has served two terms and is no longer eligible uses his power and resources to elect either a friend or one of his employees, usually his chief deputy. Should this "crown prince" be elected, as he usually is, he is only the titular head of the office. The policies are decided and the acts of the elected official dictated, to a great extent, by the retiring office holder, who has been ousted merely because his two terms have expired. This creates an undemocratic situation in which an official elected to the office is really not the head of the office, and is forced to accept the counsel of some other individual not then directly responsible to the people.

**Employee Protection.** Despite modern trends in civic procedure, the county government has remained the last great stronghold of the spoils system. Nearly all federal, many

## Argument for Constitutional Amendment

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state, and nearly all city employees are protected by suitable civil service laws and commissions. Several times the establishment of civil service for the employees of county officials has been proposed and has failed of adoption, both as an initiative and as attempted legislation in the state legislature. These employees are therefore subject to immediate dismissal upon the accession of a new official. The greatest safeguard to the employee and the most desirable protection to the electorate against violent overturn in the personnel manning these county offices is to make possible the retention of the office by the individual who has associated these employees with himself. Thus the body politic would be protected against sudden upheaval and overturn, the consequent loss of efficiency, while the employee himself would not have the constant shadow of approaching unemployment hanging over him.

**Career and Stability.** Many men who have held county official positions in the past, or now hold them, would like to make a career out of the work. They are prohibited from doing so, due to the constitutional limitation upon their tenure which this amendment seeks to abolish. Every eight years, they are ineligible to succeed themselves. Therefore, during the second term, many of them are compelled to neglect, to a certain degree, the duties and improvement of their offices in order to build their fences for a successful campaign for some other office. You will notice that an official whose tenure of office ends in 1942 will usually run for some state or federal office in 1940, and failing that, will become a candidate for some other office in 1942. The old system makes for a four-year period of unrest and uncertainty and tends to induce the official to have little regard for improvement and stability in the office which he then holds. The

adoption of this constitutional amendment would correct this undesirable practice.

**Recent Trend.** In recent years, New York, Ohio and Wisconsin have removed somewhat similar limitations. Idaho and California did so several years ago. Washington and Indiana are the only states with a blanket limitation upon all county officials. The Indiana constitution was framed in 1816.

**Remember** that there are at least five ways to retire unwanted officials —by elimination in the primary and general elections, by recall, by information filed by the prosecuting attorney, or by grand jury action.

The two-term limitation keeps good men from serving you faithfully. The present amendment does not guarantee continuity of officials in office; it merely permits you to continue them if you want them.

**Vote "For" this constitutional amendment.**

RUFUS WOODS,

Publisher, Wenatchee,

THOMAS W. MORRIS,

Vice-President, Washington State Federation of Labor, Spokane,

NATHAN ECKSTEIN,

President, Schwabacher Bros. & Company, Seattle,

DEWEY G. BENNETT,

Sec. Local 1-19, International Longshoremen's and Warehousemen's Union, Seattle,

BEN KIZER,

Attorney, Spokane,

GEORGE DONWORTH,

Lawyer, Seattle.

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STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State, September 11, 1939, by Earl Millikin, King County Auditor.

BELLE REEVES,  
Secretary of State.