

Proposed Constitutional Amendment

*OFFICIAL BALLOT TITLE

HOUSE JOINT RESOLUTION NO. 6

TEMPORARY PERFORMANCE OF JUDICIAL DUTIES

Shall Article IV of the State Constitution be amended by adding a new section providing that when necessary for the prompt and orderly administration of justice a majority of the supreme court is empowered to authorize judges or retired judges of courts of record in this state to perform, temporarily, judicial duties in the supreme court, and to authorize any superior court judge to perform judicial duties in any superior court of this state?

* Ballot Title issued by John J. O'Connell, Attorney General.

Vote cast by 1961 Legislature on final passage of House Joint Resolution No. 6: HOUSE OF REPRESENTATIVES: 99 Members—74 Yeas; 0 Nays; 25 Absent or not voting. STATE SENATE: 49 Members—45 Yeas; 0 Nays; 4 Absent or not voting.

OFFICIAL ARGUMENT **FOR** HOUSE JOINT RESOLUTION NO. 6

**A "YES" VOTE
FOR H. J. R. 6
WILL**

**Reduce delays in the courts—Clear overcrowded dockets—
Avoid 4 to 4 deadlocks in the State Supreme Court—
Improve the administration of justice in Washington—
By permitting temporary assignment of Judges where needed.**

Legislators Voting UNANIMOUSLY APPROVED H.J.R. 6 On Final Passage

**A "YES" VOTE
FOR H. J. R. 6
IS URGED BY**

Chairmen of both Republican and Democratic parties, Washington State Bar Association, State Judicial Council composed of lawyers, legislators, Superior and Supreme Court judges, the Attorney General; the Deans of University of Washington and Gonzaga Law Schools, and many civic leaders.

In 1909 there were 35 Superior Court Judges. Today there are 71. The number of cases appealed to the Supreme Court has increased tremendously. Today, as in 1909, the Supreme Court consists of nine judges. The docket is OVERLOADED.

HJR 6 WILL ELIMINATE DELAYS AND ENABLE FULL USE TO BE MADE OF EXISTING JUDICIAL MANPOWER BY ALLOWING a majority of Supreme Court judges to select qualified Superior

Court judges, active and retired, and retired Supreme Court judges to serve temporarily on the Supreme Court whenever a judge disqualifies himself, is ill, or the docket is **OVERCROWDED**.

JUDICIAL SYSTEMS SIMILAR TO HJR 6 are working efficiently in 23 other states. Oregon adopted a system like HJR 6 in 1959. A TWENTY-MONTH DELAY existed then. Today the Oregon Supreme Court is UP-TO-DATE in hearing cases.

Justice Delayed Is Justice Denied. Vote "YES" on HJR 6 to Reduce Delays in Courts

COMMITTEE APPOINTED TO COMPOSE ARGUMENT FOR HOUSE JOINT RESOLUTION NO. 6

FRED H. DORE
State Senator
1429 Washington Bldg., Seattle, Wash.

MARK LITCHMAN, JR.
State Representative
917 Logan Bldg., Seattle, Wash.

PAUL P. ASHLEY, Retiring Pres.
Washington State Bar Association
1725 Exchange Bldg., Seattle, Wash.

ADVISORY COMMITTEE

R. MORT FRAYN, State Chairman
Republican Party
2518 Western Ave., Seattle, Wash.

FRANK W. RYAN, Retiring Pres.-Judge
Superior Court Judges' Association
Port Orchard, Wash.

HERB LEGG, State Chairman
Democratic Party
Governor Hotel, Olympia, Wash.

DOROTHY S. BULLITT, Civic Leader
320 Aurora Ave., Seattle, Wash.

LEO WEISFIELD, Civic Leader
800 S. Michigan St., Seattle 8, Wash.

EXPLANATORY COMMENT ISSUED BY THE ATTORNEY GENERAL AS REQUIRED BY LAW

The Law As It Now Exists:

Our State Supreme Court is composed of nine judges who are the only persons authorized to perform judicial duties in the Supreme Court.

Under the constitution, any Superior Court judge may hold a Superior Court in any county of the state at the request of the judge of the Superior Court of such county, and, upon the request of the governor, it shall be his duty to do so. In addition, by statute, the Chief Justice of the State Supreme Court is authorized to direct any Superior Court judge to hold Superior Court in any county of the state.

Effect of House Joint Resolution No. 6 If Approved Into Law:

The proposed constitutional amendment would add to our constitution a provision empowering the State Supreme Court, by the approval of a majority of its members, to:

- (a) Authorize any judge or retired judge of a Superior Court or any retired judge of the Supreme Court to perform judicial duties on a temporary basis in the State Supreme Court whenever it is necessary for the prompt and orderly administration of justice.
- (b) Authorize any Superior Court judge to perform judicial duties in any Superior Court of this state.

NOTE: Complete text of House Joint Resolution No. 6 appears on Page 44.

OFFICIAL ARGUMENT AGAINST HOUSE JOINT RESOLUTION NO. 6

This proposed constitutional amendment was approved by both the State Senate and House of Representatives of the 1961 Legislature without a single dissenting vote. Further, the proposal has been endorsed by the Washington State Bar Association.

Since no member of the 1961 Legislature opposed this constitutional amendment and no responsible person or organization could be found to sponsor an opposing statement, it was not possible to present an official argument against House Joint Resolution No. 6 in the space reserved for this purpose.

VICTOR A. MEYERS, *Secretary of State.*

Article 7, section 2, subsection (). By any city or town, for the purposes and in the manner in this subsection provided. The tax levy or levies at a specified maximum rate for each year may be authorized at any single election for a specified number of years not in excess of four years for a levy for capital outlay when the proposition therefor has been approved by a majority of at least three-fifths of the electors voting thereon at which election the number of persons voting on the proposition shall constitute not less than forty percentum of the total number of votes cast at the last preceding general election in such city or town. If any tax levy is authorized pursuant to the provisions of this subsection, the governing body of the city or town shall determine annually thereafter the amount of funds required from the authorized levy or levies of the city or town for capital purposes, and within the limits of each tax levy so authorized a levy shall be made at the rate required to produce the amount of funds determined as aforesaid.

The proposition or propositions to authorize additional tax levies for capital outlays may be submitted to the electors of a city or town at any election, whether called specially for this purpose, or called for any other purpose, but may be submitted not more than twice in any one year.

No city or town shall submit to the electorate upon authority of this subsection a proposition to authorize additional levies for capital outlays for any year for which such electors have previously approved a levy under the authority of this subsection for the same purpose. A city or town may however at any time submit to the electorate a proposition to substitute for any prior authorization, a new authorization for the same purpose: PROVIDED, That (1) the levy authorized by the substituted authorization will be adequate to fulfill all contractual obligations of the city or town incurred by reason of the prior authorization, and (2) the substitute proposition shall by its terms supersede the prior authorization and by its terms shall not become effective until the first tax levy year following the date of the election at which it was authorized and then be in lieu of any tax levy authorized by the superseded authorization.

The procedures specified in this subsection shall be deemed cumulative to the other procedures specified in this section.

AND BE IT RESOLVED, That the secretary of state shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly newspaper in every county in the state in which such a newspaper is published.

Passed the House Mar. 30, 1961.

JOHN L. O'BRIEN,
Speaker of the House.

Passed the Senate Mar. 29, 1961.

JOHN A. CHERBERG,
President of the Senate.

EXPLANATORY COMMENT SUB. H.J.R. NO. 1:

All words underscored do not appear in the Constitution as it is now written but will be put in if this amendment is adopted.

VICTOR A. MEYERS, Secretary of State

COMPLETE TEXT OF

House Joint Resolution No. 6

BE IT RESOLVED, *By the Senate and 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, 1962, there shall be submitted to the qualified voters of this state, for their approval and ratification, or rejection, an amendment to Article IV of the Constitution of the State of Washington, by adding thereto a **new section** to be numbered section 2(a) of Article IV, which shall read as follows:

Section 2(a). When necessary for the prompt and orderly administration of justice a majority of the Supreme Court is empowered to authorize judges or retired judges of courts of record of this state, to perform, temporarily, judicial duties in the Supreme Court, and to authorize any superior court judge to perform judicial duties in any superior court of this state.

BE IT FURTHER RESOLVED, That the secretary of state shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election, in some weekly newspaper, in every county where a newspaper is published throughout the state.

Passed the House Mar. 9, 1961.

JOHN L. O'BRIEN,
Speaker of the House.

Passed the Senate Mar. 9, 1961.

JOHN A. CHERBERG,
President of the Senate.

EXPLANATORY COMMENT H.J.R. NO. 6:

All words underscored do not appear in the Constitution as it is now written but will be put in if this amendment is adopted.

VICTOR A. MEYERS, Secretary of State

COMPLETE TEXT OF

House Joint Resolution No. 9

BE IT RESOLVED, *By the Senate and 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, 1962, there shall be submitted to the qualified electors of the state, for their approval and ratification, or rejection, an amendment to the State Constitution by the addition thereto of a **new section** to read as follows:

NEW SECTION. Article II, section 42. The legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices of whatever nature and whether filled by election or appointment, the incumbents and legal successors of which may become unavailable for carrying on the powers and duties