



# Senate Joint Resolution 101

Proposed Constitutional Amendment

## Ballot Title:

Shall the existing constitutional provisions relating to the judiciary be replaced by a new and revised judicial article?

Vote cast by the members of the 1975 Legislature on final passage:  
HOUSE [98 members]: Yeas, 84; Nays, 2; Absent or not voting, 12.  
SENATE [49 members]: Yeas, 45; Nays, 1; Absent or not voting, 3.

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Senate Joint Resolution 101 begins on Page 21.

## Statement for

### MODERNIZATION OF OUR COURT SYSTEM

Our present judicial article was largely written in 1889 and is primarily designed to deal with the kind and amount of litigation that existed in 1889. Times have drastically changed. SJR 101 will modernize our judicial article and provide us with better tools to deal with contemporary problems.

### FOR YOUR BEST INTERESTS

SJR 101 will result in our courts being operated in a more efficient business-like manner. It is supported by and in part results from the recommendations of the blue ribbon Citizens Committee on Washington Courts.

### MAJOR IMPROVEMENTS WHICH WOULD BE MADE BY SJR 101

SJR 101 would make the following major improvements:

- (1) *Coordinated administration of all courts in the state.* You may have experienced some of the frustration and delay which has led thousands of people to decide that such coordination is badly needed. Passage of SJR 101 will enable Washington to have a true statewide system of courts for the first time.
- (2) *Judicial Qualifications Commission for the discipline and removal of errant, inefficient, or arbitrary judges.* The Commission members will be three (3) judges, two (2) lawyers, and four (4) nonlawyer members of the general public.

- (3) *Upgrading of district courts.* The quality of district courts will be upgraded by (a) requiring that eventually all of the judges be qualified as attorneys, (b) giving constitutional status to district courts, (c) providing for flexibility and coordination in such matters as sharing of workload and uniformity of procedures, and (d) allowing district courts to become courts of record by later legislative enactment.

## Rebuttal of Statement against

SJR 101 removes no constitutional protections for taxpayers. Our basic protection against unwanted changes in the state constitution is the fact that all such changes must be submitted to a vote of the people. Nothing in SJR 101 changes that. There will be only one change, and that is to reform our judicial system. Other arguments against SJR 101 are deceptive. Merit selection is "prohibited" only in that the people will keep the right to vote for judges.

### Voters' Pamphlet Statement Prepared by:

PETE FRANCIS, State Senator, Democrat; and ED SEEBERGER, State Representative, Democrat.

Advisory Committee: KEN BILLINGTON, Chairman, Citizens' Committee on the Courts; MAXINE KRULL; JOHN McCLELLAND, JR.; IRVINE RABEL, Co-Director, Citizens for Court Reform — SJR 101; and WILFRED WOODS, Co-Director, Citizens for Court Reform — SJR 101.

## The Law as it now exists:

The judicial branch of state government is established and governed by Article IV of the Washington State Constitution, as amended.

The state courts established by Article IV of the Constitution, in descending order of authority, are the State Supreme Court, the Court of Appeals, and the Superior Courts. Additionally, other inferior courts are created by statute, such as the various district and municipal courts.

The State Supreme Court has original jurisdiction in *habeas corpus*, *quo warranto*, and *mandamus* as to state officers. It also has the authority to review decisions of lower courts, except in some civil actions when the money or property involved is worth less than \$200. Although the Court of Appeals is created by the Constitution, its jurisdiction is defined by statute and court rule. The Superior Courts have original jurisdiction of controversies in excess of \$1,000, probate, divorce, real property, validity of taxes, felony crimes, and all matters not exclusively vested in another court.

When a vacancy occurs on the Supreme Court, Court of Appeals or the Superior Courts, the Governor fills such vacancy by appointment, and the person so appointed holds office until the next regular election.

Justices of the Supreme Court, and judges of the Court of Appeals and the Superior Courts can only be removed from office by a joint resolution of the legislature for cause concurred in by three-fourths of the members.

The Chief Justice of the State Supreme Court is selected by the members of the court for a two-year term from among those justices who have the shortest remaining terms to serve. Although the Constitution is silent on the administrative control of the state's court system, a court administrator's office with limited powers is established by statute.

## The effect of Senate Joint Resolution 101, if approved into Law:

SJR 101 if approved by the voters will repeal Article IV of the Washington State Constitution as amended and replace it with a new Article IVA. Although the new article would be, in many respects, quite similar to the former article, there are significant changes.

The method by which the Chief Justice is selected is changed from one involving his seniority on the court to an election by a majority vote of the members of the court. In addition, the Chief Justice is made the chief administrative officer for the judicial system of the state, and empowered to supervise and direct the performance of the management and administrative duties of the judicial system. The Supreme Court is also empowered to divide the state into judicial regions for administrative purposes, and the judges of each region shall select a chief judge to serve as an administrative judge.

(Continued on Page 29.)

## Statement against

### Vote Against SJR 101

SJR 101 could remove taxpayer's constitutional protections. It violates the constitutional requirement that amendments be so submitted that the people may vote for or against them separately. SJR 101 contains over forty separately identifiable constitutional changes. If the Supreme Court upholds this method of submission, a damaging re-write of the Constitution's taxation and public indebtedness articles could follow.

#### It violates the doctrine of separation of powers by

- allowing legislators to decide whether to fund the courts;
- surrendering to legislative determination the general jurisdiction of trial courts;
- authorizing legislature to reduce Supreme Court at will;
- placing judicial branch under constitutional supervision of state auditor;
- placing Governor in de facto control of judicial qualifications commission.

If Watergate taught us anything, it is the need for an independent judiciary, unfettered by the executive or legislature.

#### It is a backward step in judicial reform, by

- constitutionally prohibiting merit selection and merit retention of judges, the two chief goals motivating judicial reform throughout the country.

#### It deprives citizens of valuable rights

It repeals constitutional requirement that Superior Courts decide cases within 90 days. It repeals requirement that Supreme Court give written reasons for its decisions.

### SJR 101 raises state costs, moves power to Olympia

It places all trial court operations under administrative supervision of Supreme Court. This court has so managed the appellate court system that in seven years the appellate backlog has risen by over 50% even after the legislature created 12 new positions on the intermediate court of appeals. **SJR 101 is not judicial reform.**

## Rebuttal of Statement for

**MODERNIZATION?** Is shotgun legislative tampering with our Constitution the way to modernize? Shouldn't wholesale revision be done properly — by other means? **EFFICIENCY?** With daily trial court operations supervised by Supreme Court unable to handle Appellate Court backlog? **STATEWIDE SYSTEM?** Without assured state funding? **JUDICIAL DISCIPLINE?** By Commission substantially controlled by Governor appointing almost half its membership? **WARNING!** SJR 101 **does not** implement Citizens' Committee's recommendations. Be careful — you have much to lose! Vote against SJR 101.

### Voters' Pamphlet Statement Prepared by:

KENT E. PULLEN, State Senator, Republican; HAL ZIMMERMAN, State Representative, Republican; and BILL SCHUMAKER, State Representative, Republican.

Advisory Committee: FRANK HALE, Former Chief Justice, State Supreme Court; ALFRED J. SCHWEPPE, Attorney, Seattle; FRANCIS E. HOLMAN, Judge of the Superior Court.



**EXISTING  
CONSTITUTIONAL  
PROVISIONS**

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**THESE CONSTITUTIONAL PROVISIONS WOULD BE  
REPEALED BY SENATE JOINT RESOLUTION 101:**

**ARTICLE IV**

Section 1. Judicial power, where vested. The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide.

Sec. 2. Supreme court. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum, and pronounce a decision. The said court shall always be open for the transaction of business except on nonjudicial days. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decision shall be stated. The legislature may increase the number of judges of the supreme court from time to time and may provide for separate departments of said court.

Sec. 2(a). Temporary performance of judicial duties. 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.

Sec. 3. Election and terms of supreme judges. The judges of the supreme court shall be elected by the qualified electors of the state at large at the general state election at the times and places at which state officers are elected, unless some other time be provided by the legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this Constitution and the judges elected thereat shall be classified by lot, so that two shall hold their office for the term of three years, two for the term of five years, and one for the term of seven years. The lot shall be drawn by the judges who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of state, and filed in his office. The judge having the shortest term to serve not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all sessions of the supreme court, and in case there shall be two judges having in like manner the same short term, the other judges of the supreme court shall determine which of them shall be chief justice. In case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occurs in the office of a judge of the supreme court the governor shall appoint a person 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. The term of office of the judges of the supreme court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the supreme court shall be held at the seat of government until otherwise provided by law.

Sec. 3(a). Retirement of supreme court and superior court judges. A judge of the supreme court or the superior court shall retire from judicial office at the end of the calendar year in which he attains the age of seventy-five years. The legislature may, from time to time, fix a lesser age for mandatory retirement, not earlier than the end of the calendar year in which any such judge attains the age of seventy years, as the legislature deems proper. This provision shall not affect the term to which any such judge shall have been elected or ap-



COMPLETE TEXT OF

**Senate Joint  
Resolution 101**

Proposed Constitutional Amendment

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in the state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the Constitution of the state of Washington repealing all of Article IV as amended by Amendment 25, Amendment 28, Amendment 38, Amendment 41, and Amendment 50, and adopting in lieu thereof as Article IVA the following:

**ARTICLE IVA  
THE JUDICIAL SYSTEM**

Article IVA, section 1. JUDICIAL SYSTEM. (1) Court System. The judicial power of the state shall be vested in a judicial system which shall be divided into one supreme court, a court of appeals, a superior court, a district court and such other courts as may be established by law.

(2) Court of Record. The supreme court, the court of appeals, and the superior court shall be courts of record. Any other court may be made a court of record by law.

(3) Right of Review. All parties shall be entitled to at least one review, except in civil cases of minor significance as designated by law. A trial de novo, as authorized by law, does not constitute a review.

(4) Operations. When necessary for the effective administration of justice, justices and judges may, pursuant to law, be directed or permitted to perform, temporarily, judicial duties in any court of record. Any justice or judge may also, upon request and at his discretion, temporarily perform judicial duties in any court not of record. Retired justices or judges may, upon request and at their discretion, temporarily perform judicial duties in any court as provided by law.

(5) Decisions. All determinations of causes by any court shall be documented as required by law or rule.

(6) Decision Time Limits. The legislature, by law, shall prescribe time limits from the time of the submission of the cause within which decisions shall be rendered. The time limits shall not be less than six months for the supreme court, not less than four months for the court of appeals, and not less than three months for the superior court.

(7) Funding. The legislature shall provide the method of funding the operations of the courts to the extent it deems necessary.

(8) The judicial branch of the government of the state shall be subject to fiscal post-audit by the state auditor of receipts and expenditures of public funds within its control to the extent provided by law.

Article IVA, section 2. SUPREME COURT. (1) Number. The supreme court shall be not less than five nor more than nine justices as may be provided by law.

(2) Writs and Process. The supreme court shall have discretionary jurisdiction in habeas corpus, quo warranto, mandamus, certiorari, review and prohibition. It shall also have the power to issue writs, including such writs as the legislature may ordain, and process necessary or appropriate to secure justice to the parties and in aid of its jurisdiction.

(3) Appellate Jurisdiction. The supreme court shall have appellate jurisdiction over all judgments imposing a sentence of death or life





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pointed prior to, or at the time of approval and ratification of this provision. Notwithstanding the limitations of this section, the legislature may by general law authorize or require the retirement of judges for physical or mental disability, or any cause rendering judges incapable of performing their judicial duties.

Sec. 4. Jurisdiction. The supreme court shall have original jurisdiction in habeas corpus, and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property does not exceed the sum of two hundred dollars (\$200) unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the supreme court, or before any superior court of the state or any judge thereof.

Sec. 5. Superior court—Election of judges, terms of, etc. There shall be in each of the organized counties of this state a superior court for which at least one judge shall be elected by the qualified electors of the county at the general state election: PROVIDED, That until otherwise directed by the legislature one judge only shall be elected for the counties of Spokane and Stevens; one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas and Adams; one judge for the counties of Walla Walla and Franklin; one judge for the counties of Columbia, Garfield and Asotin; one judge for the counties of Kittitas, Yakima and Klickitat; one judge for the counties of Clark, Skamania, Pacific, Cowlitz and Wahkiakum; one judge for the counties of Thurston, Chehalis, Mason and Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Island, Kitsap, San Juan and Clallam; and one judge for the counties of Whatcom, Skagit and Snohomish. In any county where there shall be more than one superior judge, there may be as many sessions of the superior court at the same time as there are judges thereof, and whenever the governor shall direct a superior judge to hold court in any county other than that for which he has been elected, there may be as many sessions of the superior court in said county at the same time as there are judges therein or assigned to duty therein by the governor, and the business of the court shall be so distributed and assigned by law or in the absence of legislation therefor, by such rules and orders of court as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders and proceedings of any session of the superior court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first superior judges elected under this Constitution shall hold their offices for the period of three years, and until their successors shall be elected and qualified, and thereafter the term of office of all superior judges in this state shall be for four years from the second Monday in January next succeeding their election and until their successors are elected and qualified. The first election of judges of the superior court shall be at the election held for the adoption of this Constitution. If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

Sec. 6. Jurisdiction of superior courts. The superior court shall

imprisonment and shall have power to assume appellate jurisdiction over any other court decision. Appellate jurisdiction of decisions of other courts or administrative agencies shall be exercised as provided by law or by rule authorized by law.

Article IVA, section 3. COURT OF APPEALS. (1) Number. The number of judges of the court of appeals shall be as provided by law.

(2) Jurisdiction. The jurisdiction of the court of appeals shall be as provided by law or rule authorized by law.

Article IVA, section 4. SUPERIOR COURT. (1) Number. The number of judges of the superior court shall be as provided by law.

(2) Jurisdiction. The superior court shall have original jurisdiction in all cases except as to any limited original or concurrent jurisdiction as may be assigned to other courts by the legislature. The superior court shall also have such appellate jurisdiction as may be assigned by law. Judges of the superior court shall have the power to issue writs, including such writs as the legislature may ordain, and process necessary or appropriate to secure justice to parties and in aid of its jurisdiction.

Article IVA, section 5. DISTRICT COURTS. (1) Number. The number of judges of the district court shall be as provided by law.

(2) Jurisdiction. The district court shall have such jurisdiction as may be assigned by the legislature, provided, such courts shall not have jurisdiction of felonies or in civil cases where the boundaries or title to real property shall be in question.

Article IVA, section 6. JUDGES PRO TEMPORE. A case in the superior court or district court may be tried by a judge, pro tempore, who must be admitted to the practice of law in the state of Washington, agreed upon by the parties litigant or their attorneys of record, approved by the court and sworn to try the case. Such service shall not preclude such person from holding another public office during or after his service as a judge pro tempore.

Article IVA, section 7. ELIGIBILITY OF JUSTICES AND JUDGES. To be eligible for appointment or election to a judicial position in a court of record, the person must be domiciled within the state, a citizen of the United States, and admitted to the practice of law in the state of Washington. To be eligible for appointment or election to a judicial position in a district court, the person must meet all of the requirements of a judge sitting in a court of record except that a person who has been elected and has served as a justice of the peace or as a district court judge in Washington shall not be required to be admitted to the practice of law in the state of Washington.

Article IVA, section 8. ELECTION, APPOINTMENT AND TERMS OF JUSTICES AND JUDGES. (1) Method. Justices and judges shall be elected by the electorate as provided by law: PROVIDED, No person who meets the qualifications in Article IVA, section 7, other than a judge removed from office pursuant to Article IVA, section 13(3), shall be precluded from filing as a candidate for election to a judicial position.

(2) Term of Office. The term of office for justices of the supreme court and for judges of the court of appeals shall be six years and for judges of the superior court and the district court four years commencing on the second Monday in January following the election of the justice or judge. The term of office for judges of any other courts as may be established by the legislature shall be as provided by law.

(3) Vacancies in Judicial Positions. If a vacancy occurs in the office of a justice of the supreme court or a judge of the court of appeals or the superior court, the governor shall appoint a person residing in the electoral area served by such court to hold the office until the election and qualification of a justice or judge to fill the vacancy, which election shall take place at the next succeeding general election, and the justice or judge so elected shall hold office for the remainder of the unexpired term. A vacancy in the office of a judge of a district court or of a judge of any other courts as may be estab-



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have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to one thousand dollars, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

Sec. 7. Exchange of judges—Judge pro tempore. The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his duty to do so. A case in the superior court may be tried by a judge, pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case.

Sec. 8. Absence of judicial officer. Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office: PROVIDED, That in cases of extreme necessity the governor may extend the leave of absence such time as the necessity therefor shall exist.

Sec. 9. Removal of judges, attorney general, etc. Any judge of any court of record, the attorney general, or any prosecuting attorney may be removed from office by joint resolution of the legislature, in which three-fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution. But no removal shall be made unless the officer complained of shall have been served with a copy of the charges against him as the ground of removal, and shall have an opportunity of being heard in his defense. Such resolution shall be entered at length on the journal of both houses and on the question of removal the ayes and nays shall also be entered on the journal.

Sec. 10. Justices of the peace. The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: PROVIDED, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. Justices of the peace shall have original jurisdiction in cases where the demand or value of the property in controversy is less than three hundred dollars or such greater sum, not to exceed one thousand dollars, as shall be prescribed by the legislature. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

Sec. 11. Courts of record. The supreme court and the superior

lished by the legislature shall be filled as provided by law.

(4) Electorate. The electorate of the entire state shall vote on justices of the supreme court. The electorate for other judges shall be as provided by law.

(5) Times of Voting. Justices and judges shall be voted on at general elections unless provided otherwise by law.

(6) Nonpartisan. All judicial elections shall be nonpartisan.

Article IVA, section 9. OATHS. Every justice and judge shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitutions of the United States and of the state of Washington, and will faithfully and impartially discharge his judicial duties to the best of his ability, which oath shall be filed in the office of the secretary of state.

Article IVA, section 10. COMPENSATION. Compensation for justices and judges shall be fixed and paid as provided by law but shall not be diminished during the term of a justice or judge.

Article IVA, section 11. RESTRICTION. (1) Practice of Law and Other Employment. No justice or judge of a court of record or full time district court judge shall engage in the practice of law or hold other employment inconsistent with canons of judicial conduct during the time in which he holds office.

(2) Politics. Any justice or judge shall, during his tenure in office, be ineligible to hold any other office or public employment other than a judicial office; nor shall he make contributions for the election of any public official nor engage in any political activities inconsistent with canons of judicial conduct.

Article IVA, section 12. RETIREMENT. Any justice or judge shall retire from office at the end of the calendar year in which the age of seventy-five years is attained. The legislature may provide for a lesser age for mandatory retirement, not earlier than the end of the calendar year in which any justice or judge attains the age of seventy years.

Article IVA, section 13. DISCIPLINE AND REMOVAL. (1) Judicial Qualifications Commission. There shall be a commission on judicial qualifications. The commission shall be composed of an appellate court judge, appointed by the chief justice, a superior court judge, selected by the superior court judges, a district court judge, selected by the district court judges, two lawyers admitted to the practice of law in the state of Washington appointed by the bar association of the state and four lay citizens selected by the governor. Procedures of the commission and the terms of office of its members shall be prescribed by law.

(2) Powers of Commission. The judicial qualifications commission for cause may recommend to the supreme court that any justice or judge be suspended, removed or otherwise disciplined for misconduct in office or for willful or persistent failure to perform his duties or for conduct prejudicial to the administration of justice that brings the judicial office into disrepute. The commission may also recommend to the supreme court that a justice or judge be retired for disability seriously interfering with the performance of his duties which is of a permanent character.

(3) Supreme Court Review. Upon a recommendation for disciplinary action by the judicial qualifications commission, the supreme court shall hold a hearing to review the records of the proceedings of the commission on the law and facts, and in its discretion, may order retirement, suspension, removal, or any other appropriate discipline as it finds just and proper. Upon an order for involuntary retirement for a permanent disability, the justice or judge shall thereby be retired with the same rights and privileges as if he retired pursuant to law. Upon an order for removal, the justice or judge shall thereby be removed from office and his salary shall cease from the date of such order. On the entry of an order for retirement or for removal, the office shall be deemed vacant.

Article IVA, section 14. THE CHIEF JUSTICE. (1) Selection and Term. The chief justice shall be selected from the elected member-





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courts shall be courts of record, and the legislature shall have power to provide that any of the courts of this state, excepting justices of the peace, shall be courts of record.

Sec. 12. Inferior courts. The legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this Constitution.\*

Sec. 13. Salaries of judicial officers—How paid, etc. No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or prerequisites of office. The judges of the supreme court and judges of the superior courts shall severally at stated times, during their continuance in office, receive for their services the salaries prescribed by law therefor, which shall not be increased after their election, nor during the term for which they shall have been elected. The salaries of the judges of the supreme court shall be paid by the state. One-half of the salary of each of the superior court judges shall be paid by the state, and the other one-half by the county or counties for which he is elected. In cases where a judge is provided for more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the assessed value of their taxable property, to be determined by the assessment next preceding the time for which such salary is to be paid.

Sec. 14. Salaries of supreme and superior court judges. Each of the judges of the supreme court shall receive an annual salary of four thousand dollars (\$4,000); each of the superior court judges shall receive an annual salary of three thousand dollars (\$3,000), which said salaries shall be payable quarterly. The legislature may increase the salaries of judges herein provided.

Sec. 15. Ineligibility of judges. The judges of the supreme court and the judges of the superior court shall be ineligible to any other office or public employment than a judicial office, or employment, during the term for which they shall have been elected.

Sec. 16. Charging juries. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

Sec. 17. Eligibility of judges. No person shall be eligible to the office of judge of the supreme court, or judge of a superior court, unless he shall have been admitted to practice in the courts of record of this state, or of the Territory of Washington.

Sec. 18. Supreme court reporter. The judges of the supreme court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.

Sec. 19. Judges may not practice law. No judge of a court of record shall practice law in any court of this state during his continuance in office.

Sec. 20. Decisions, when to be made. Every cause submitted to a judge of a superior court for his decision shall be decided by him within ninety days from the submission thereof; PROVIDED, That if within said period of ninety days a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a hearing.

Sec. 21. Publication of opinions. The legislature shall provide for the speedy publication of opinions of the supreme court, and all opinions shall be free for publication by any person.

Sec. 22. Clerk of the supreme court. The judges of the supreme court shall appoint a clerk of that court who shall be removable at their pleasure, but the legislature may provide for the election of the clerk of the supreme court, and prescribe the term of his office. The clerk of the supreme court shall receive such compensation by salary only as shall be provided by law.

Sec. 23. Court commissioners. There may be appointed in each county, by the judge of the superior court having jurisdiction therein, one or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the

ship of the supreme court by a majority vote of the court for a term of four years and shall serve at the pleasure of the court. He may be selected to not more than two consecutive terms as chief justice upon a majority vote of the court, but no such selection shall extend the term of a justice. The term of the chief justice first selected shall commence on the effective date of this article and continue for the term herein provided and until his successor is selected by the court.

(2) Administrative Role. The chief justice shall be the chief administrative officer of the judicial system of the state of Washington and shall supervise and direct the performance of the management and administrative duties of the judicial system and shall preside at sessions of the supreme court. The supreme court may select an acting chief justice from the membership of the supreme court pursuant to rule to perform the duties of the chief justice in his absence.

Article IVA, section 15. PROCEDURE. The supreme court shall have authority to adopt rules for the procedure of all courts.

Article IVA, section 16. MANAGEMENT AND ADMINISTRATION.

(1) Responsibility. Responsibility for the management and administration of the judicial system shall be vested in the supreme court and exercised pursuant to supreme court rule unless provided otherwise by law.

(2) Court Administrator. The supreme court shall appoint a court administrator and such other personnel as the court may deem necessary to aid the administration of the courts.

(3) Administrative Regions. The state may be divided into judicial regions for administrative purposes pursuant to supreme court rule. A region may embrace one or more trial court levels and one or more counties.

(4) Chief Judge. The judges of such administrative regions as shall be created by supreme court rule shall select one of their members to serve as chief administrative judge. Such chief administrative judge shall serve for such period of time as may be provided by supreme court rule. Subject to rules of the supreme court, the chief administrative judge of a region shall have general administrative authority over all courts within his region.

Article IVA, section 17. COURT COMMISSIONERS. The legislature may, by law, provide for court commissioners for each trial court level.

Article IVA, section 18. CHARGING JURIES. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

Article IVA, section 19. CLERK OF THE SUPERIOR COURT. The county clerk shall be, by virtue of his office, clerk of the superior court.

Article IVA, section 20. TRANSITION AND SAVINGS. The adoption of this article shall not be construed to affect any existing right acquired under any statute, rule, regulation, resolution, ordinance, or order promulgated pursuant to and taking its validity from such superseded constitutional provision; nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor the term of office, or appointment or employment of any person appointed or elected thereunder. All rights coming into existence and occurring on or after the effective date of this article shall be governed by the provisions of this article as though the article superseded hereby never existed.

Article IVA, section 21. EFFECTIVE DATE. This article, if approved by the voters, will become effective on the tenth day of January, 1977.

Article IVA, section 22. NEW ARTICLE. Sections 1 through 20 of this joint resolution shall constitute a new article number IVA in the Constitution of the state of Washington.

Article IVA, section 23. REPEALER. The following article of the Constitution of the state of Washington, or parts thereof, or amendments thereto, are each hereby repealed:



**EXISTING  
CONSTITUTIONAL  
PROVISIONS**

**NOTE: The proposed constitutional amendment which appears on this page repeals or modifies the effect of other provisions of the state constitution. These affected provisions are printed in the left-hand column of the page so that voters may readily compare them to the proposed changes, in the right-hand column of the page, and determine how the existing constitutional language would be affected.**

**PROPOSED  
CONSTITUTIONAL  
AMENDMENT**



superior court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

Sec. 24. Rules for superior courts. The judges of the superior courts, shall from time to time, establish uniform rules for the government of the superior courts.

Sec. 25. Reports of superior court judges. Superior judges, shall on or before the first day of November in each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may suggest, and the judges of the supreme court shall on or before the first day of January in each year report in writing to the governor such defects and omissions in the laws as they may believe to exist.

Sec. 26. Clerk of the superior court. The county clerk shall be by virtue of his office, clerk of the superior court.

Sec. 27. Style of process. The style of all process shall be, "The State of Washington," and all prosecutions shall be conducted in its name and by its authority.

Sec. 28. Oath of judges. Every judge of the supreme court, and every judge of a superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the State of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the secretary of state.

Sec. 29. Election of superior court judges. Notwithstanding any provision of this Constitution to the contrary, if, after the last day as provided by law for the withdrawal of declarations of candidacy has expired, only one candidate has filed for any single position of superior court judge in any county containing a population of one hundred thousand or more, no primary or election shall be held as to such position, and a certificate of election shall be issued to such candidate. If, after any contested primary for superior court judge in any county, only one candidate is entitled to have his name printed on the general election ballot for any single position, no election shall be held as to such position, and a certificate of election shall be issued to such candidate: PROVIDED, That in the event that there is filed with the county auditor within ten days after the date of the primary, a petition indicating that a write in campaign will be conducted for such single position and signed by one hundred registered voters qualified to vote with respect of the office, then such single position shall be subject to the general election. Provisions for the contingency of the death or disqualification of a sole candidate between the last date for withdrawal and the time when the election would be held but for the provisions of this section and such other provisions as may be deemed necessary to implement the provisions of this section, may be enacted by the legislature.

Sec. 30. Court of appeals. (1) AUTHORIZATION. In addition to the courts authorized in section 1 of this article, judicial power is vested in a court of appeals, which shall be established by statute.

(2) JURISDICTION. The jurisdiction of the court of appeals shall be as provided by statute or by rules authorized by statute.

(3) REVIEW OF SUPERIOR COURT. Superior court actions may be reviewed by the court of appeals or by the supreme court as provided by statute or by rule authorized by statute.

(4) JUDGES. The number, manner of election, compensation, terms of office, removal and retirement of judges of the court of appeals shall be as provided by statute.

(5) ADMINISTRATION AND PROCEDURE. The administration and procedures of the court of appeals shall be as provided by rules issued by the supreme court.

(6) CONFLICTS. The provisions of this section shall supersede any conflicting provisions in prior sections of this article.

(1) Article IV, sections 1 through 30.

(2) Amendment 25.

(3) Amendment 28.

(4) Amendment 38.

(5) Amendment 41.

(6) Amendment 50.

BE IT FURTHER RESOLVED, That the secretary of state shall cause the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Explanatory Statement for Senate Joint Resolution  
101, continued from Page 11:

The new judicial article would provide a new method for removing a judge or justice from office. A commission on judicial qualifications is established, to be composed of an Appellate Court Judge, a Superior Court Judge, a District Court Judge, all of whom are selected by judges, two lawyers selected by the Bar Association and four lay citizens selected by the Governor. The commission is authorized to recommend to the State Supreme Court the removal, suspension, retirement, or other appropriate discipline for a judge whom they find has failed to perform his duties, has been involved in conduct which brings the judicial office into disrepute, or is disabled. Upon receipt of the recommendation, the Supreme Court is empowered to order retirement, suspension, removal, or any other appropriate discipline it finds just and proper.

The new article provides that all parties have a right to at least one review, except in civil cases of minor significance.

District Courts not referred to in the present Constitution would have jurisdiction over any cases permitted by statute except those involving the commission of a felony or in civil cases where the title to real property is in question.

The authority of the legislature to permit the appointment of court commissioners is expanded to include courts other than the Superior Courts, and the present constitutional restrictions on the authority of commissioners are eliminated.

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# Official Candidates Pamphlet

## General Election, Tuesday, November 4, 1975

Because of the statewide election for the position of Secretary of State, a Candidates' Pamphlet section containing the statements and photographs of the two nominees is included in this official Voters' Pamphlet. Under a new law approved by the Legislature, only statewide offices are covered in the Candidates' Pamphlet in an odd-numbered year. The office of the Secretary of State has no authority to comment on the accuracy of any statements made by the candidates in this pamphlet or to alter their content in any way.