

Alaska State Legislature

Senator Pete Kelly

Interim

1292 Sadler Way Ste. 308
Fairbanks, Alaska 99701
Phone - (907) 451-4347
Fax - (907) 451-4348



Session

State Capitol, Rm 516
Juneau, AK 99801
Phone - (907) 465-3709
Fax - (907) 465-4714

Sen.Pete.Kelly@akleg.gov

Sponsor Statement – SJR 21

“Proposing amendments to the Constitution of the State of Alaska to increase the number of members on the judicial council and relating to the initial terms of new members appointed to the judicial council.”

Senate Joint Resolution 21 would place a constitutional amendment on the next general election ballot that would allow the voters to decide whether the membership of the Alaska Judicial Council should be expanded to include 10 public members and 5 attorney members.

Expanding the council to 10 public members and 5 attorney members with the Chief Justice serving at the 16th and ex-officio member would have Alaska follow a model used in several other states where a majority of the nominating committee consists of public “non-attorney” members. SJR 21 would increase the public’s voice on the Judicial Council through the addition of more members who are selected by democratically accountable officials, i.e., the Governor and the Legislature. In contrast, the attorney members are selected by the Board of Governors of the Bar Association, and are not subject to legislative confirmation, as they would be in many other states.

More importantly, this model would expand the number of highly qualified Alaskans who are involved in vetting an ever-growing number of judicial applicants for a court system that is much larger than at the time of statehood. This split retains solid representation by Alaska Bar Association members while ensuring the public voice in this process is strengthened along with regional diversity. According to the Alaska Constitution, the Governor and the ABA are tasked with making appointments to the council based on regional diversity. Three public members and three attorney cannot begin to offer adequate diversity for a state with as many regional interests and vast differences as Alaska. Offering 7 more public members and 2 more attorney members will allow for a more diverse body, and the ability to allocate representation to more than just traditional urban centers.

SJR 21 will also reduce the likelihood of tie votes occurring and requiring the chief justice to vote since it will move the council from 6 to 15 regular voting members. The Judicial Council bylaws state that the Chief Justice “shall only vote when to do so could change the result.” These changes will greatly lower the likelihood of the Chief Justice voting since there will be an odd number of regular voting members. The Chief Justice will also be protected from the appearance of a conflict of interest with a reduced likelihood of tie votes.

I urge your support for SJR 21 and the strengthening it would provide to the Judicial Council.