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MEMORANDUM

February 3, 2021

SUBJECT: Sectional Summary
(SB 14; Work Order No. 32-LS0171\A)

TO: Senator Mike Shower
Attn: Scott Ogan

FROM: Sandon M. Fisher
Legislative Counsel *Sandon M. Fisher*

You requested a sectional summary of SB 14. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill, and the bill itself is the best statement of its contents.

Section 1. Amends AS 15.15.030(10) by adding magistrates to the nonpartisan ballot designed for each judicial district in which a justice, judge, or magistrate is seeking retention.

Section 2. Amends AS 15.35.100 by making magistrates subject to retention election.

Section 3. Amends AS 15.35.110 by requiring a magistrate seeking retention to file a declaration of candidacy for retention.

Section 4. Amends AS 15.35.120 by requiring a magistrate seeking retention to pay a \$30 filing fee.

Section 5. Amends AS 15.35.130 by requiring the director of elections to place the name of a magistrate who has properly filed a declaration of candidacy on the ballot in the judicial district designated in the declaration of candidacy.

Section 6. Amends AS 15.35.135 by permitting a magistrate to withdraw from candidacy for retention in writing unless the notice of withdrawal is received less than 64 days before the date of the election.

Section 7. Amends AS 15.58.050 by requiring that the Commission on Judicial Conduct, rather than the Judicial Council, file a statement with the lieutenant governor that includes information about each supreme court justice, court of appeals judge, superior court judge, district court judge, and magistrate who will be subject to a retention election.

Section 8. Amends AS 15.58.060(a) by requiring magistrate judges seeking retention to pay a \$150 fee to the lieutenant governor at the time of filing under AS 15.58.

Sections 9 and 10. Amends AS 15.58.060(c) and AS 22.05.100 by replacing "Judicial Council" with "Commission on Judicial Conduct."

Section 11. Amends AS 22.07.060 by authorizing the Commission on Judicial Conduct, rather than the Judicial Council, to conduct an evaluation and provide information and a recommendation regarding a court of appeals judge subject to retention election. Adds magistrate to the positions a judge may not be appointed to for four years following rejection of the judge's candidacy.

Section 12. Amends AS 22.07.070(b) by allowing the Judicial Council to submit the name of a judicial candidate to the governor for consideration for the court of appeals only if the council determines that the candidate understands and is committed to strict constitutional interpretation of statutes and regulations and adhering to legislative intent. Amends AS 22.07.070(a) by allowing the governor to appoint a person who was not nominated by the council, but is qualified under AS 22.07.040, requiring confirmation by a majority of the members of the legislature meeting in joint session, and making an appointment effective upon the later of either legislative confirmation or actual vacancy.

Section 13. Amends AS 22.10.150 by authorizing the Commission on Judicial Conduct, rather than the Judicial Council, to conduct an evaluation and provide information and a recommendation regarding a superior court judge subject to retention election.

Section 14. Amends AS 22.15.170(a) by allowing the governor to appoint a person to a district court or magistrate vacancy who was not nominated by the Judicial Council, but is qualified under AS 22.15.160, requiring confirmation by a majority of the members of the legislature meeting in joint session, and making an appointment effective upon the later of either legislative confirmation or actual vacancy.

Section 15. Amends AS 22.15.170(e) by allowing the Judicial Council to submit the name of a judicial candidate to the governor for a district court or magistrate position only if the council determines the judicial candidate understands and is committed to strict constitutional interpretation of statutes and regulations and adhering to legislative intent.

Section 16. Amends AS 22.15.195 by authorizing the Commission on Judicial Conduct, rather than the Judicial Council, to conduct an evaluation and provide information and a recommendation regarding district court and magistrate judges subject to retention election.

Section 17. Amends AS 22.15.205 to allow the impeachment of magistrates.

Section 18. Amends AS 22.30.011(a) to allow an inquiry into the potential misconduct of a magistrate.

Section 19. Amends AS 22.30.011(b) to allow the Commission on Judicial Conduct to exonerate or admonish a magistrate or recommend counseling and to hold a disciplinary hearing to consider potential misconduct of a magistrate.

Section 20. Amends AS 22.30.011(c) to entitle a magistrate to counsel at a hearing before the Commission on Judicial Conduct.

Section 21. Amends AS 22.30.011(d) to allow for the exoneration or discipline of a magistrate after a hearing described in AS 22.30.011(b).

Section 22. Amends AS 22.30.011(g) to allow an exonerated magistrate to request that the Commission on Judicial Conduct's proceedings and report be made public.

Section 23. Amends AS 22.30.070 to provide for the disqualification, suspension, removal, retirement, and censure of a magistrate.

Section 24. Amends AS 22.35 by adding a new section prohibiting the use of state funds to support or oppose the retention or rejection of a judicial officer in an election under AS 15. This section does not apply to the duties of the Commission on Judicial Conduct under AS 15.58.050, AS 22.05.100, AS 22.07.060, AS 22.10.150, and AS 22.15.195.

Section 25. Repeals AS 22.15.170(c), AS 22.15.170(d), and AS 22.30.011(h).

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