

ALASKA STATE LEGISLATURE

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REPRESENTATIVE WES KELLER DISTRICT 7

SPONSOR STATEMENT HJR 33

“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.”

House Joint Resolution (HJR) 33 proposes to amend the Constitution of the State of Alaska at the next general election ballot by giving Alaskans the option to increase the non-attorney membership of the Alaska Judicial Council from three to six members. The Judicial Council’s regular voting membership would increase from six to nine members with the chief justice of the Alaska Supreme Court serving as the tenth and ex-officio member. Voters would also decide whether to allow the Council to act based on a majority vote of the members present rather than the existing requirement of a majority vote of the total membership.

HJR 33’s expansion of the non-attorney membership improves Alaska’s judicial selection and retention process in two important ways. First, the Judicial Council’s current membership is ill-suited to properly meet its constitutional mandate of reflecting Alaska’s diverse geographic and cultural makeup. The number of qualified judicial applicants has increased since Statehood and Alaskans are more interconnected than ever before. It is therefore reasonable and prudent to increase the Council’s membership to better reflect a 21st century Alaska.

Secondly, HJR 33 resolves an apparent conflict of interest caused by the Judicial Council’s current membership. The Council’s bylaws state that the Chief Justice “shall only vote when to do so could change the result.” Should there be, for example, a split vote between the attorney and non-attorney members, and the Chief Justice breaks the tie in favor of the attorney members, he or she is likely to be subjected to partisan accusations of having a conflict of interest due to their being attorneys themselves and voting for or against potential fellow AK judges and justices. Changing the number of regular voting members from an even six to an odd nine greatly reduces the need for the Chief Justice to cast a deciding vote and thereby unfairly subjects their personal and professional honor to partisan attack.

I urge your support for HJR 33 and join me in enhancing the able work the Alaska Judicial Council has and continues to do.

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