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## **House Bill 82 – Selection and Review of Judges**

### **Sectional Analysis**

*“An Act relating to the selection, retention, and rejection of judicial officers for the court of appeals and the district court and of magistrates; relating to the duties of the judicial council; and relating to the duties of the Commission on Judicial Conduct.”*

**Section 1:** Amends AS 15.15.030 (10) by adding magistrates to the nonpartisan ballot design for each judicial district in which the 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, file a declaration of candidacy for retention.

**Section 4:** Amends AS 15.35.120 by requiring a magistrate, seeking retention, to pay a \$30.00 filing fee.

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

**Section 6:** Amends AS 15.35.135 by permitting the magistrate to withdrawal 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 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 will be subject to a retention election.

**Section 8:** Amends AS 15.58.060(a) by requiring the magistrate judge seeking retention to pay \$150.00 fee to the lieutenant governor at the time with filing under AS 15.58.

**Section 9:** Amends AS 22.07.060 by authorizing the Judicial Council to conduct an evaluation and provide information and recommendation regarding a Court of Appeals judge subject to retention election and adds magistrates to the positions a judge may not be appointed to for four years following rejection of a judge's candidacy.

**Section 10:** Amends AS 22.07.070(a) by allowing the governor to receive nominations and recommendations from the Judicial Council to the Court of Appeals submitted after AS 22.07. 070 (b) review process.

If the governor declines to appoint a person to the court of appeals from the first round of nominations in AS 22.07.070(a), the governor can submit two additional persons for evaluation by the Judicial Council, and the Judicial Council can submit to the governor at least two, and no more than four, names for round two.

Authorizes legislative confirmation in joint session.

Amends AS 22.07.070(b) by allowing the governor to receive nominations and recommendations from the Judicial Council for district judge or magistrate submitted after the AS 22.15.170(e) review process.

If the governor declines to appoint a person as a district judge or magistrate under AS 22.07.070(a), the governor can submit two additional persons for evaluation and the Judicial Council can submit to the governor at least two, and no more than four, names for round two.

**Section 11:** Amends AS 15.20.170(a) to incorporate the same process in AS 22.07.070(a) (Section 10) for Court of Appeals to magistrates and authorizes confirmation by the legislature.

**Section 12:** Amends AS 22.15.170(e) to add magistrates to the district court appointment process and/or a decision on the governor to appoint a person under (a) of this section. Outlines the same process of nomination described in the previous two sections of this bill.

**Section 13:** Amends AS 22.15.195 to add magistrates to the Judicial Council evaluation when recommending approval or rejection by the voters.

**Section 14:** Amends AS 22.15.205 to allow the impeachment of magistrates.

**Section 15:** Amends AS 22.20 to add a new section, AS 22.20.230, stipulating that the Judicial Council prepare an annual report summarizing the responses to questions asked of all the standing courts in Alaska. The Judicial Council shall submit the report to the legislature.

**Section 16:** Amends AS 22.30.011(a) to allow the Commission on Judicial Conduct to include magistrates in the evaluation of misconduct or other performance measures.

**Section 17:** Amends AS 22.30.011(b) to allow the Commission on Judicial Conduct to exonerate or admonish a magistrate or recommend counseling and hold a disciplinary hearing to consider potential misconduct of a magistrate.

**Section 18:** Amends AS 22.30.011(c) to entitle a magistrate to council at a hearing before the Commission on Judicial Conduct.

**Section 19:** Amends AS 22.30.011(d) to allow for the exoneration for discipline of a magistrate after a hearing described in AS 22. 30.011(b).

**Section 20:** Amends AS 22.30.011(g) to allow an exonerated magistrate to request that the Commission on Judicial Conduct proceedings and report be made public.

**Section 21:** AS 22.30.011(h) adds magistrates to the list of disclosures about disciplinary measures if said magistrate has filed a declaration of candidacy.

**Section 22:** Amends AS 22.30.070 to provide for the disqualification, suspension, removal, retirement, and censure of a magistrate.

**Section 23:** 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 24:** AS 22.15.170(c) and AS 22.15.170(d) are repealed.