

SENATE JOINT RESOLUTION NO. 34

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY SENATOR WARD

Introduced: 1/20/98

Referred: Judiciary, Finance

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska relating to the**
2 **nomination, selection, appointment, and public approval or rejection of justices of**
3 **the supreme court and of judges of courts established by the legislature that have**
4 **as an exclusive purpose the exercise of appellate jurisdiction over judicial acts and**
5 **proceedings, and requiring legislative confirmation of those justices and judges and**
6 **of the appointed members of the judicial council.**

7 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section. 1.** Article IV, sec. 5, Constitution of the State of Alaska, is amended to read:

9 **Section 5. Nomination and Appointment; Legislative Confirmation of**
10 **Justices and of Judges in Courts of Record Exercising Appellate Jurisdiction. (a)**
11 **The governor shall fill any vacancy in an office of supreme court justice or in an**
12 **office of judge in a court that is established by the legislature as a court of record**
13 **having as its exclusive purpose the exercise of appellate jurisdiction in judicial**
14 **actions and proceedings by selecting one of two or more persons nominated by the**
15 **judicial council. However, the governor's selection of a supreme court justice or**

1 of a judge for a vacancy in a court described in this subsection is subject to
 2 presentation to the legislature and to confirmation by a majority of the members
 3 of the legislature in joint session. A person selected to fill a vacancy in an office
 4 of supreme court justice or in an office of judge in a court described in this
 5 subsection does not qualify to take and subscribe the oath of office prescribed for
 6 and to assume the duties of the office until confirmed by a majority of the
 7 members of the legislature in joint session. If, at the regular or special session at
 8 which the person's name is presented, the legislature fails or refuses to confirm
 9 a person selected by the governor to fill a vacancy in an office of supreme court
 10 justice or in an office of judge in a court described in this subsection, the person
 11 may not thereafter be selected by the governor for a vacancy in an office of
 12 supreme court justice or in an office of judge in a court described in this
 13 subsection until the legislature that is chosen at the next general election has first
 14 convened.

15 (b) The governor shall fill any vacancy in an office of superior court judge
 16 or in an office of judge in a court that is established by law other than a court
 17 described in (a) of this section by appointing one of two or more persons nominated
 18 by the judicial council.

19 * **Sec. 2.** Article IV, sec. 6, Constitution of the State of Alaska, is amended to read:

20 **Section 6. Public Approval or Rejection of Justices and Judges.** Each
 21 supreme court justice and each judge of a court described in Section 5(a) of this
 22 article shall, in the manner provided by law, be subject to approval or rejection
 23 on a nonpartisan ballot at the first general election held more than three years
 24 after taking and subscribing the oath of office as a justice or judge. Each [AND]
 25 superior court judge shall, in the manner provided by law, be subject to approval or
 26 rejection on a nonpartisan ballot at the first general election held more than three years
 27 after [HIS] appointment. Thereafter, each supreme court justice shall be subject to
 28 approval or rejection in a like manner every tenth year, and each superior court judge,
 29 every sixth year.

30 * **Sec. 3.** Article IV, sec. 8, Constitution of the State of Alaska, is amended to read:

31 **Section 8. Judicial Council.** The judicial council shall consist of seven

1 members. Three attorney members shall be appointed for six-year terms by the
2 governing body of the organized state bar. Three non-attorney members shall be
3 appointed for six-year terms by the governor. **Appointments under this section shall**
4 **be** subject to confirmation by a majority of the members of the legislature in joint
5 session. Vacancies shall be filled for the unexpired term in like manner.
6 Appointments shall be made with due consideration to area representation and without
7 regard to political affiliation. The chief justice of the supreme court shall be ex-officio
8 the seventh member and **chair** [CHAIRMAN] of the judicial council. No member of
9 the judicial council, except the chief justice, may hold any other office or position of
10 profit under the United States or the State. The judicial council shall act by
11 concurrence of four or more members and according to rules **that** [WHICH] it adopts.

12 * **Sec. 4.** The amendments proposed by this resolution shall be placed before the voters of
13 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
14 State of Alaska, and the election laws of the state.