

**HOUSE JOINT RESOLUTION NO. 17**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE COGHILL

Introduced: 2/22/99

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.**

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

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

8 **Section 5. Nomination and Appointment; Legislative Confirmation of**  
9 **Justices and of Judges in Courts of Record Exercising Appellate Jurisdiction. (a)**

10 The governor shall fill any vacancy in an office of supreme court justice or **in an**  
11 **office of judge in a court that is established by the legislature as a court of record**  
12 **having as its exclusive purpose the exercise of appellate jurisdiction in judicial**  
13 **actions and proceedings by selecting one of two or more persons nominated by the**  
14 **judicial council. However, the governor's selection of a supreme court justice or**  
15 **of a judge for a vacancy in a court described in this subsection is subject to**

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

14 (b) The governor shall fill any vacancy in an office of superior court judge  
 15 by appointing one of two or more persons nominated by the judicial council.

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

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

27 \* **Sec. 3.** The amendments proposed by this resolution shall be placed before the voters of  
 28 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the  
 29 State of Alaska, and the election laws of the state.