

SENATE BILL NO. 76

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY SENATOR KELLY

Introduced: 3/11/13
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska Judicial Council and to judicial retention elections."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 15.13.145(a) is amended to read:

4 (a) Except as provided in (b) and (c) of this section, each of the following may
5 not use money held by the entity to influence the outcome of the election of a
6 candidate to a state or municipal office **or to make a recommendation relating to a**
7 **judge or justice seeking retention:**

8 (1) the state, its agencies, and its corporations;

9 (2) the University of Alaska and its Board of Regents;

10 (3) municipalities, school districts, and regional educational attendance
11 areas, or another political subdivision of the state; [AND]

12 (4) **the Alaska Judicial Council; and**

13 **(5)** an officer or employee of an entity identified in (1) - **(4)** [(3)] of
14 this subsection.

15 *** Sec. 2.** AS 15.58.020(a) is amended to read:

- 1 (a) Each general election pamphlet must contain
- 2 (1) photographs and campaign statements submitted by eligible
- 3 candidates for elective office in the region;
- 4 (2) information [AND RECOMMENDATIONS] filed under
- 5 AS 15.58.050 on judicial officers subject to a retention election in the region;
- 6 (3) a map of the house district or districts of the region;
- 7 (4) sample ballots for house districts of the region;
- 8 (5) an absentee ballot application;
- 9 (6) for each ballot proposition submitted to the voters by initiative or
- 10 referendum petition or by the legislature,
- 11 (A) the full text of the proposition specifying constitutional or
- 12 statutory provisions proposed to be affected;
- 13 (B) the ballot title and the summary of the proposition prepared
- 14 by the director or by the lieutenant governor;
- 15 (C) a statement of the costs to the state of implementing the law
- 16 proposed in an initiative, or of voter approval or rejection of the act that is the
- 17 subject of a referendum;
- 18 (D) a neutral summary of the proposition prepared by the
- 19 Legislative Affairs Agency;
- 20 (E) statements submitted that advocate voter approval or
- 21 rejection of the proposition not to exceed 500 words;
- 22 (7) for each bond question, a statement of the scope of each project as
- 23 it appears in the bond authorization;
- 24 (8) a maximum of two pages of material submitted by each political
- 25 party;
- 26 (9) additional information on voting procedures that the lieutenant
- 27 governor considers necessary;
- 28 (10) for the question whether a constitutional convention shall be
- 29 called,
- 30 (A) a full statement of the question placed on the ballot;
- 31 (B) statements not to exceed 500 words that advocate voter

1 approval or rejection of the question;

2 (11) under AS 37.13.170, the Alaska permanent fund annual income
3 statement and balance sheet for the two fiscal years preceding the publication of the
4 election pamphlet;

5 (12) under AS 15.10.090, notice of

6 (A) the establishment or abolition of a precinct;

7 (B) the designation, abolition, or modification of precinct
8 boundaries; and

9 (C) a change in the location of a polling place.

10 * **Sec. 3.** AS 15.58.050 is amended to read:

11 **Sec. 15.58.050. Information [AND RECOMMENDATIONS] on judicial**
12 **officers. Not [NO]** later than August 7 of the year in which the state general election
13 will be held, the judicial council shall file with the lieutenant governor a statement
14 **containing impartial and objective [INCLUDING]** information about each supreme
15 court justice, court of appeals judge, superior court judge, and district court judge who
16 will be subject to a retention election. The statement shall reflect the evaluation of
17 each justice or judge conducted by the judicial council according to law and shall
18 contain a brief statement describing each public reprimand, public censure, or
19 suspension received by the judge under AS 22.30.011(d) during the period covered in
20 the evaluation. **The judicial council may not make a recommendation relating to**
21 **the retention or rejection of a judge or justice.** A statement may not exceed 600
22 words.

23 * **Sec. 4.** AS 22.05.100 is amended to read:

24 **Sec. 22.05.100. Approval or rejection.** Each supreme court justice is subject
25 to approval or rejection as provided in AS 15 (Alaska Election Code). The judicial
26 council shall conduct an evaluation of each justice before the retention election and
27 shall provide **impartial and objective information** to the public [INFORMATION]
28 about that justice [AND MAY PROVIDE A RECOMMENDATION REGARDING
29 RETENTION OR REJECTION]. The information [AND ANY
30 RECOMMENDATION] shall be made public at least 60 days before the retention
31 election. The judicial council shall also provide the information [AND ANY

1 RECOMMENDATION] to the office of the lieutenant governor in time for
 2 publication in the election pamphlet under AS 15.58.050. **The judicial council may**
 3 **not make a recommendation relating to the retention or rejection of a justice.** If a
 4 majority of those voting on the question rejects the candidacy, the rejected justice may
 5 not be appointed to fill any vacancy in the supreme court, court of appeals, superior
 6 court, or district courts of the state for a period of four years thereafter.

7 * **Sec. 5.** AS 22.07.060 is amended to read:

8 **Sec. 22.07.060. Approval or rejection.** Each judge of the court of appeals is
 9 subject to approval or rejection as provided in AS 15 (Alaska Election Code). The
 10 judicial council shall conduct an evaluation of each judge before the retention election
 11 and shall provide **impartial and objective** information to the public about the judge
 12 [AND MAY PROVIDE A RECOMMENDATION REGARDING RETENTION OR
 13 REJECTION]. The information [AND ANY RECOMMENDATION] shall be made
 14 public at least 60 days before the election. The judicial council shall also provide the
 15 information [AND ANY RECOMMENDATION] to the office of the lieutenant
 16 governor in time for publication in the election pamphlet as required by AS 15.58.050.
 17 **The judicial council may not make a recommendation relating to the retention or**
 18 **rejection of a judge.** If a majority of those voting on the question rejects the
 19 candidacy of a judge, the rejected judge may not for a period of four years thereafter
 20 be appointed to fill a vacancy in the supreme court, the court of appeals, the superior
 21 court, or the district court of the state.

22 * **Sec. 6.** AS 22.10.150 is amended to read:

23 **Sec. 22.10.150. Approval or rejection.** Each superior court judge is subject to
 24 approval or rejection as provided in AS 15 (Alaska Election Code). The judicial
 25 council shall conduct an evaluation of each judge before the retention election and
 26 shall provide **impartial and objective information** to the public [INFORMATION]
 27 about the judge [AND MAY PROVIDE A RECOMMENDATION REGARDING
 28 RETENTION OR REJECTION]. The information [AND ANY
 29 RECOMMENDATION] shall be made public at least 60 days before the retention
 30 election. The judicial council shall also provide the information [AND ANY
 31 RECOMMENDATION] to the office of the lieutenant governor in time for

1 publication in the election pamphlet under AS 15.58.050. **The judicial council may**
 2 **not make a recommendation relating to the retention or rejection of a judge.** If a
 3 majority of those voting on the question rejects the candidacy of a judge, the rejected
 4 judge may not for a period of four years thereafter be appointed to fill any vacancy in
 5 the supreme court, court of appeals, superior court, or district courts of the state.

6 * **Sec. 7.** AS 22.15.195 is amended to read:

7 **Sec. 22.15.195. Approval or rejection.** Each district court judge is subject to
 8 approval or rejection as provided in AS 15 (Alaska Election Code). The judicial
 9 council shall conduct an evaluation of each judge before the retention election and
 10 shall provide **impartial and objective information** to the public [INFORMATION]
 11 about the judge [AND MAY PROVIDE A RECOMMENDATION REGARDING
 12 RETENTION OR REJECTION]. The information [AND THE
 13 RECOMMENDATION] shall be made public at least 60 days before the election. The
 14 judicial council shall also provide the information [AND ANY
 15 RECOMMENDATION] to the office of the lieutenant governor in time for
 16 publication in the election pamphlet under AS 15.58.050. **The judicial council may**
 17 **not make a recommendation relating to the retention or rejection of a judge.** If a
 18 majority of those voting on the question rejects the candidacy of a judge, the rejected
 19 judge may not for a period of four years thereafter be appointed to fill any vacancy in
 20 the supreme court, court of appeals, superior court, or district courts of the state.