

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL

2 HOUSE BILL NO. 258

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the supreme and superior  
7 courts of the state; amending Ch. 50, SLA  
8 1959."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 Section 1. Sec. 10, Ch. 50, SLA 1959 is amended to read as  
11 follows:

12 Sec. 10. APPROVAL OR REJECTION. [(1)] Each supreme  
13 court justice shall be subject to approval or rejection as  
14 provided in the Alaska Election Code. [ON A SEPARATE NON-  
15 PARTISAN STATEWIDE BALLOT AT THE FIRST GENERAL ELECTION HELD  
16 MORE THAN THREE YEARS AFTER HIS APPOINTMENT, AND IF APPROVED  
17 BY A MAJORITY OF THE ELECTORS VOTING ON HIS CANDIDACY, HE  
18 SHALL BE RETAINED IN OFFICE. HE SHALL THEREAFTER BE SUBJECT  
19 TO APPROVAL OR REJECTION IN A LIKE MANNER EVERY TENTH YEAR.]  
20 If a majority of those voting on the question rejects [HIS  
21 CANDIDACY REJECT] his candidacy, he shall not for a period of  
22 four years thereafter be appointed to fill any vacancy in  
23 the supreme or superior courts of the State.

24 [(2) EACH JUSTICE SEEKING TO SUCCEED HIMSELF TO OFFICE  
25 SHALL FILE WITH THE SECRETARY OF STATE A DECLARATION OF SUCH  
26 CANDIDACY NOT LESS THAN NINETY DAYS BEFORE THE DATE FIXED  
27 FOR THE GENERAL ELECTION AT WHICH APPROVAL OR REJECTION IS  
28 REQUISITE. THE SECRETARY OF STATE SHALL PROMPTLY CERTIFY  
29 SUCH CANDIDACY TO THE ELECTION OFFICIALS OF THE STATE, WHO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

SHALL PREPARE, AND HAVE AVAILABLE AT THE POLLS, A SEPARATE STATEWIDE BALLOT UPON WHICH THERE SHALL BE STATED THE PROPOSITION: "SHALL .....BE RETAINED AS JUSTICE OF THE SUPREME COURT FOR TEN YEARS?", WITH PROPER PROVISION FOR THE MARKING OF SUCH PROPOSITIONS AS "YES" AND "NO". THE BALLOTS SHALL BE COUNTED, RETURNED, CANVASSED AND CERTIFIED IN THE MANNER PROVIDED BY LAW FOR ELECTIVE OFFICES.]

Sec. 2. Sec. 26, Ch. 50, SLA 1959 is amended to read as follows:

Sec. 26. APPROVAL OR REJECTION. [(1)] Each superior court judge shall be subject to approval or rejection as provided in the Alaska Election Code. [ON A SEPARATE NON-PARTISAN BALLOT AT THE FIRST GENERAL ELECTION HELD MORE THAN THREE YEARS AFTER HIS APPOINTMENT, AND IF APPROVED BY A MAJORITY OF THE ELECTORS VOTING ON HIS CANDIDACY HE SHALL BE RETAINED IN OFFICE. HE SHALL THEREAFTER BE SUBJECT TO APPROVAL OR REJECTION IN A LIKE MANNER EVERY SIXTH YEAR.] If a majority of those voting on the question rejects [HIS CANDIDACY REJECT] his candidacy, he shall not for a period of four years thereafter be appointed to fill any vacancy in the supreme or superior courts of the State.

[(2) EACH JUDGE SEEKING TO SUCCEED HIMSELF TO OFFICE SHALL FILE WITH THE SECRETARY OF STATE A DECLARATION OF SUCH CANDIDACY NOT LESS THAN NINETY DAYS BEFORE THE DATE FIXED FOR THE GENERAL ELECTION AT WHICH APPROVAL OR REJECTION IS REQUISITE. THE JUDGE SHALL SEEK APPROVAL IN THE JUDICIAL DISTRICT TO WHICH HE WAS ORIGINALLY APPOINTED, EXCEPT IN CASE OF ASSIGNMENTS AND TRANSFERS WITH THE JUDGE'S CONSENT,

1 IN WHICH CASE HE SHALL SEEK APPROVAL IN THE DISTRICT WHERE  
2 HE HAS SERVED THE MAJOR PORTION OF HIS TERM, OR WHERE HE LAST  
3 STOOD FOR ELECTION. THE SECRETARY OF STATE SHALL PROMPTLY  
4 CERTIFY SUCH CANDIDACY TO THE ELECTION OFFICIALS OF THE  
5 STATE, WHO SHALL PREPARE, AND HAVE AVAILABLE AT THE POLLS, A  
6 SEPARATE JUDICIAL DISTRICT-WIDE BALLOT UPON WHICH THERE SHALL  
7 BE STATED THE PROPOSITION: "SHALL .....  
8 BE RETAINED AS JUDGE OF THE SUPERIOR COURT FOR SIX YEARS?",  
9 WITH PROPER PROVISION FOR THE MARKING OF SUCH PROPOSITION AS  
10 "YES" OR "NO". THE BALLOTS SHALL BE COUNTED, RETURNED,  
11 CANVASSED AND CERTIFIED IN THE MANNER PROVIDED BY LAW FOR  
12 ELECTIVE OFFICERS.]

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29