

Original sponsor: Judiciary Committee

Offered: 4/19/76  
Referred: Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 673

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to judicial appointments."

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

8 \* Section 1. AS 22.15.170(a) and (d) are amended to read:

9 (a) The governor shall fill a vacancy or appoint a successor to  
10 fill an impending vacancy in an office of district judge within 45 days  
11 after receiving nominations from the judicial council by appointing one  
12 of two or more persons nominated by the [JUDICIAL] council for each  
13 actual or impending vacancy. The appointment to fill an impending  
14 vacancy becomes effective upon the actual occurrence of such vacancy.

15 [THE JUDICIAL COUNCIL SHALL DETERMINE THE CITY WITHIN A JUDICIAL DISTRICT  
16 WHERE THE DISTRICT JUDGE IS TO SIT.]

17 (d) Vacancies for [JUDGES AND] magistrates shall be filled in the  
18 same manner as appointments.

19 \* Sec. 2. AS 22.15.170 is amended by adding a new subsection to read:

20 (e) The office of a district court judge becomes vacant 90 days  
21 after the election at which he is rejected by a majority of those voting  
22 on the question or, if he fails to file his declaration of candidacy to  
23 succeed himself, 90 days after the filing deadline. Upon the occurrence  
24 of (1) an actual vacancy; (2) the certification of rejection following  
25 an election; or (3) the failure of a judge to file a declaration of  
26 candidacy to succeed himself, the judicial council shall meet within 45  
27 days and submit to the governor the names of two or more persons quali-  
28 fied for the judicial office; except that this 45-day period may be  
29 extended by the council with the concurrence of the supreme court. In

1 the event of an impending vacancy other than by reason of rejection or  
2 failure to file a declaration of candidacy, the council may meet at any  
3 time within the 90-day period immediately preceding the effective date  
4 of the vacancy and submit to the governor the names of two or more  
5 persons qualified for the judicial office.

6 \* Sec. 3. AS 22.10.100(a) is amended to read:

7 (a) The governor shall fill a vacancy or appoint a successor to  
8 fill an impending vacancy in the office of superior court judge within  
9 45 days after receiving nominations from the judicial council, by  
10 appointing one of two or more persons nominated by the council for each  
11 actual or impending vacancy. An appointment to fill an impending  
12 vacancy becomes effective upon the actual occurrence of the vacancy  
13 [VACANT POSITION].

14 \* Sec. 4. AS 22.10.100(b) is repealed and re-enacted to read:

15 (b) The office of a superior court judge becomes vacant 90 days  
16 after the election at which he is rejected by a majority of those voting  
17 on the question or, if he fails to file his declaration of candidacy to  
18 succeed himself, 90 days after the filing deadline. Upon the occurrence  
19 of (1) an actual vacancy; (2) the certification of rejection following  
20 an election; or (3) the failure of a judge to file a declaration of  
21 candidacy to succeed himself, the Judicial Council shall meet within 45  
22 days and submit to the governor the names of two or more persons quali-  
23 fied for the judicial office; except that this 45-day period may be  
24 extended by the council with the concurrence of the supreme court. In  
25 the event of an impending vacancy other than by reason of rejection or  
26 failure to file a declaration of candidacy, the council may meet at any  
27 time within the 90-day period immediately preceding the effective date  
28 of the vacancy and submit to the governor the names of two or more  
29 persons qualified for the judicial office.

1 \* Sec. 5. AS 22.05.080(a) is amended to read:

2 (a) The governor shall fill a vacancy or appoint a successor to  
3 fill an impending vacancy in the office of supreme court justice within  
4 45 days after receiving nominations from the Judicial Council, by  
5 appointing one of two or more persons nominated by the Judicial Council  
6 for each actual or impending vacancy. An appointment to fill an impend-  
7 ing vacancy becomes effective upon the actual occurrence of the vacancy  
8 [VACANT POSITION].

9 \* Sec. 6. AS 22.05.080(b) is repealed and re-enacted to read:

10 (b) The office of a supreme court justice, including the office of  
11 chief justice, becomes vacant 90 days after the election at which he is  
12 rejected by a majority of those voting on the question or, if he fails  
13 to file his declaration of candidacy to succeed himself, 90 days after  
14 the filing deadline. Upon the occurrence of (1) an actual vacancy; (2)  
15 the certification of rejection following an election; or (3) the failure  
16 of a judge to file a declaration of candidacy to succeed himself, the  
17 judicial council shall meet within 45 days and submit to the governor  
18 the names of two or more persons qualified for the judicial office;  
19 except that this 45-day period may be extended by the council with the  
20 concurrence of the supreme court. In the event of an impending vacancy  
21 other than by reason of rejection or failure to file a declaration of  
22 candidacy, the council may meet at any time within the 90-day period  
23 immediately preceding the effective date of the vacancy and submit to  
24 the governor the names of two or more persons qualified for the judicial  
25 office.