

Original sponsors: Judiciary Committee

Offered: 5/14/82  
Referred: Rules

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 693 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the numbers of superior court  
7 judges and judicial elections; and providing for an  
8 effective date."

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

10 \* Section 1. AS 22.10.120 is amended to read:

11 Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists of  
12 27 [26] judges, five of whom shall be judges in the first judicial dis-  
13 trict, three of whom shall be judges in the second judicial district, 14  
14 of whom shall be judges in the third judicial district, and five of whom  
15 shall be judges in the fourth judicial district. At the time of submit-  
16 ting the names of nominees to the governor to fill a vacancy on the  
17 superior court bench, the judicial council shall also designate the  
18 district in which the appointee is to reside and serve.

19 \* Sec. 2. The Alaska Court System may enter into negotiations for lease  
20 or rental space in Valdez for the use of the superior court.

21 \* Sec. 3. AS 22 is amended by adding a new chapter to read:

22 CHAPTER 18. RETENTION ELECTIONS.

23 Sec. 22.18.010. APPROVAL OR REJECTION OF SUPREME COURT JUSTICES.  
24 Each supreme court justice is subject to approval or rejection as pro-  
25 vided in the Alaska Election Code (AS 15). The judicial council shall  
26 conduct an evaluation of each justice before his retention election and  
27 shall provide to the public information about that justice and may  
28 provide a recommendation regarding his retention or rejection. The  
29 information and any recommendation shall be made public at least 60 days

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1 before the retention election. The judicial council shall also provide  
2 the information and any recommendation to the office of the lieutenant  
3 governor in time for publication in the election pamphlet under AS 15.-  
4 58.050. If the majority of those voting on the question rejects his  
5 candidacy, the former justice may not be appointed to fill a vacancy in  
6 the supreme court, court of appeals, superior court, or district courts  
7 of the state for a period of four years after the rejection.

8 Sec. 22.18.020. APPROVAL OR REJECTION OF COURT OF APPEALS JUDGES.

9 Each judge of the court of appeals is subject to approval or rejection  
10 as provided in the Alaska Election Code (AS 15). The judicial council  
11 shall conduct an evaluation of each judge before his retention election  
12 and shall provide to the public information about the judge and may  
13 provide a recommendation regarding his retention or rejection. The  
14 information and any recommendation shall be made public at least 60 days  
15 before the retention election. The judicial council shall also provide  
16 the information and any recommendation to the office of the lieutenant  
17 governor in time for publication in the election pamphlet under AS 15.-  
18 58.050. If a majority of those voting on the question rejects his  
19 candidacy, the former judge may not for a period of four years after the  
20 rejection be appointed to fill a vacancy in the supreme court, court of  
21 appeals, superior court, or district courts of the state.

22 Sec. 22.18.030. APPROVAL OR REJECTION OF SUPERIOR COURT JUDGES.

23 Each superior court judge is subject to approval or rejection as pro-  
24 vided in AS 22.18.050 and the Alaska Election Code (AS 15). The judi-  
25 cial council shall conduct an evaluation of each judge before his  
26 retention election and shall provide to the public information about the  
27 judge and may provide a recommendation regarding his retention or rejec-  
28 tion. The information and any recommendation shall be made public at  
29 least 60 days before the retention election. The judicial council shall

1 also provide the information and any recommendation to the office of the  
2 lieutenant governor in time for publication in the election pamphlet  
3 under AS 15.58.050. If a majority of those voting on the question  
4 rejects his candidacy, the former judge may not for a period of four  
5 years after the rejection be appointed to fill a vacancy in the supreme  
6 court, court of appeals, superior court, or district courts of the  
7 state.

8 Sec. 22.18.040. APPROVAL OR REJECTION OF DISTRICT COURT JUDGES.  
9 Each district court judge is subject to approval or rejection as pro-  
10 vided in AS 22.18.050 and the Alaska Election Code (AS 15). The judi-  
11 cial council shall conduct an evaluation of each judge before his  
12 retention election and shall provide to the public information about the  
13 judge and may provide a recommendation regarding his retention or rejec-  
14 tion. The information and and any recommendation shall be made public at  
15 least 60 days before the retention election. The judicial council shall  
16 also provide the information and any recommendation to the office of the  
17 lieutenant governor in time for publication in the election pamphlet  
18 under AS 15.58.050. If a majority of those voting on the question  
19 rejects his candidacy, the former district court judge may not for a  
20 period of four years after the rejection be appointed to fill a vacancy  
21 in the supreme court, court of appeals, superior court, or district  
22 courts of the state.

23 Sec. 22.18.050. JUDICIAL RETENTION ELECTION DISTRICTS FOR THE  
24 SUPERIOR AND DISTRICT COURTS. (a) Except as provided in (c) and (d)  
25 of this section, if a judge of the superior or district court seeks  
26 retention in office, the judge shall be voted on by the voters in the  
27 judicial retention election district in which the judge is a resident.

28 (b) For purposes of this section, the judicial retention election  
29 districts of the state are the election districts as they are described

1 in art. XIV of the state constitution as it existed on March 19, 1959.

2 (c) If the judicial council certifies to the director of elections  
3 that the judge seeking retention has routinely and frequently heard  
4 cases that arise in a district outside of the district in which the  
5 judge is resident, the judge will also be voted on for retention by the  
6 voters in that district.

7 (d) If the judicial council certifies to the director of elections  
8 that most of the cases heard by as judge seeking retention in office do  
9 not arise in the district in which the judge is resident, then the judge  
10 shall be voted on for retention only by the voters in the district or  
11 districts in which he routinely and frequently hears cases.

12 \* Sec. 4. AS 15.35.090 is amended to read:

13 Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.  
14 The director shall place the name of a superior court judge who has  
15 properly filled a declaration of candidacy for retention on the judicial  
16 ballot in the [JUDICIAL] district or districts as provided under AS 22.-  
17 18.050 [DESIGNATED IN HIS DECLARATION OF CANDIDACY FOR THE GENERAL  
18 ELECTION AT WHICH APPROVAL IS SOUGHT].

19 \* Sec. 5. AS 15.35.130 is amended to read:

20 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The  
21 director shall place the name of a district judge who has properly filed  
22 a declaration of candidacy for retention on the judicial ballot in the  
23 [JUDICIAL] district or districts as provided under AS 22.18.050 [DESIG-  
24 NATED IN HIS DECLARATION OF CANDIDACY FOR THE GENERAL ELECTION AT WHICH  
25 APPROVAL IS SOUGHT].

26 \* Sec. 6. AS 22.05.100, AS 22.07.060, AS 22.10.150, and AS 22.15.195 are  
27 repealed.

28 \* Sec. 7. This Act takes effect immediately in accordance with AS 01.10-  
29 070(c).