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Referred: State Affairs, Judiciary
and Finance

1 IN THE SENATE

BY PETTYJOHN AND KELLY

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SENATE BILL NO. 84

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

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A BILL

6 For an Act entitled: "An Act relating to judicial retention elections; and
7 providing for an effective date."

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

9 * Section 1. AS 22 is amended by adding a new chapter to read:

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CHAPTER 18. RETENTION ELECTIONS.

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Sec. 22.18.010. APPROVAL OR REJECTION OF SUPREME COURT JUSTICES.

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Each supreme court justice is subject to approval or rejection as provided in the Alaska Election Code (AS 15). The judicial council shall conduct an evaluation of each justice before the retention election and shall provide to the public information about that justice and may provide a recommendation regarding retention or rejection. The information and any recommendation shall be made public at least 60 days before the retention election. The judicial council shall also provide the information and any recommendation to the office of the lieutenant governor in time for publication in the election pamphlet under AS 15.58.050. If a majority of those voting on the question rejects the candidacy of the justice, the rejected justice may not be appointed to fill a vacancy in the supreme court, court of appeals, superior court, or district courts of the state for a period of four years after the rejection.

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14 Sec. 22.18.020. APPROVAL OR REJECTION OF COURT OF APPEALS
15 JUDGES. Each judge of the court of appeals is subject to approval or
16 rejection as provided in the Alaska Election Code (AS 15). The judicial
17 council shall conduct an evaluation of each judge before the

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1 retention election and shall provide to the public information about
2 the judge and may provide a recommendation regarding retention or
3 rejection. The information and any recommendation shall be made
4 public at least 60 days before the retention election. The judicial
5 council shall also provide the information and any recommendation to
6 the office of the lieutenant governor in time for publication in the
7 election pamphlet under AS 15.58.050. If a majority of those voting
8 on the question rejects the candidacy of the judge, the rejected judge
9 may not for a period of four years after the rejection be appointed to
10 fill a vacancy in the supreme court, court of appeals, superior court,
11 or district courts of the state.

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

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

27 Sec. 22.18.040. APPROVAL OR REJECTION OF DISTRICT COURT JUDGES.

28 Each district court judge is subject to approval or rejection as pro-
29 vided in AS 22.18.050 and the Alaska Election Code (AS 15). The

1 judicial council shall conduct an evaluation of each judge before the
2 retention election and shall provide to the public information about
3 the judge and may provide a recommendation regarding retention or
4 rejection. The information and any recommendation shall be made
5 public at least 60 days before the retention election. The judicial
6 council shall also provide the information and any recommendation to
7 the office of the lieutenant governor in time for publication in the
8 election pamphlet under AS 15.58.050. If a majority of those voting
9 on the question rejects the candidacy of the judge, the rejected
10 district judge may not for a period of four years after the rejection
11 be appointed to fill a vacancy in the supreme court, court of appeals,
12 superior court, or district courts of the state.

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

18 (b) For purposes of this section, the judicial retention elec-
19 tion districts of the state are the election districts as they are
20 described in art. XIV of the state constitution as it existed on
21 March 19, 1959.

22 (c) If the judicial council certifies to the director of elec-
23 tions that the judge seeking retention has routinely and frequently
24 heard cases that arise in a district outside of the district in which
25 the judge is resident, the judge will also be voted on for retention
26 by the voters in that district.

27 (d) If the judicial council certifies to the director of elec-
28 tions that most of the cases heard by a judge seeking retention in
29 office do not arise in the district in which the judge is resident,

1 then the judge shall be voted on for retention only by the voters in
2 the district or districts in which the judge routinely and frequently
3 hears cases.

4 * Sec. 2. AS 15.35.090 is amended to read:

5 Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.
6 The director shall place the name of a superior court judge who has
7 properly filed a declaration of candidacy for retention on the judi-
8 cial ballot in the [JUDICIAL] district or districts as provided under
9 AS 22.18.050 [DESIGNATED IN HIS DECLARATION OF CANDIDACY FOR THE
10 GENERAL ELECTION AT WHICH APPROVAL IS SOUGHT].

11 * Sec. 3. AS 15.35.130 is amended to read:

12 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The
13 director shall place the name of a district judge who has properly
14 filed a declaration of candidacy for retention on the judicial ballot
15 in the [JUDICIAL] district or districts as provided under AS 22.18.050
16 [DESIGNATED IN HIS DECLARATION OF CANDIDACY FOR THE GENERAL ELECTION
17 AT WHICH APPROVAL IS SOUGHT].

18 * Sec. 4. AS 22.05.100, AS 22.07.060, AS 22.10.150, and AS 22.15.195
19 are repealed.

20 * Sec. 5. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).