

Introduced: 1/25/85
Referred: Judiciary

BY THE JUDICIARY COMMITTEE
(For the Chief Justice of
the Alaska Supreme Court)

1 IN THE HOUSE

2

HOUSE BILL NO. 116

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

9 * Section 1. AS 22.05.080(b) is amended to read:

10 (b) The office of a supreme court justice, including the office
11 of chief justice, becomes vacant 90 days after the election at [IN]
12 which the justice is rejected by a majority of those voting on the
13 question or for which the justice fails to file a declaration of
14 candidacy [, IF THE JUSTICE FAILS TO FILE A DECLARATION OF CANDIDACY,
15 90 DAYS AFTER THE FILING DEADLINE]. Upon the occurrence of (1) an
16 actual vacancy; (2) the certification of rejection following an elec-
17 tion; or (3) the election following failure of a justice to file a
18 declaration of candidacy, the judicial council shall meet within 45
19 days and submit to the governor the names of two or more persons
20 qualified for the judicial office; except that this 45-day period may
21 be extended by the council with the concurrence of the supreme court.
22 In the event of an impending vacancy other than by reason of rejection
23 or failure to file a declaration of candidacy, the council may meet at
24 any time within the 90-day period immediately preceding the effective
25 date of the vacancy and submit to the governor the names of two or
26 more persons qualified for the judicial office.

27 * Sec. 2. AS 22.07.070(b) is amended to read:

28 (b) The office of a judge of the court of appeals becomes vacant
29 90 days after the election at which the judge is rejected by a

1 majority of those voting on the question or for which the judge fails
2 to file a declaration of candidacy. Upon the occurrence of (1) an
3 actual vacancy; (2) the certification of rejection following an elec-
4 tion; or (3) the election following failure of a judge to file a
5 declaration of candidacy, [TO SUCCEED] the judicial council shall meet
6 within 45 days and submit to the governor the names of two or more
7 persons qualified for the judicial office; however, the 45-day period
8 may be extended by the judicial council with the concurrence of the
9 supreme court. In the event of an impending vacancy other than by
10 reason of rejection or failure to file a declaration of candidacy, the
11 judicial council may meet at any time within the 90-day period immedi-
12 ately preceding the effective date of the vacancy and submit to the
13 governor the names of two or more persons qualified for the judicial
14 office.

15 * Sec. 3. AS 22.10.100(b) is amended to read:

16 (b) The office of a superior court judge becomes vacant 90 days
17 after the election at which the judge is rejected by a majority of
18 those voting on the question or for which the judge fails to file a
19 declaration of candidacy [, IF A JUDGE FAILS TO FILE A DECLARATION OF
20 CANDIDACY, 90 DAYS AFTER THE FILING DEADLINE]. Upon the occurrence of
21 (1) an actual vacancy; (2) the certification of rejection following an
22 election; or (3) the election following failure of a judge to file a
23 declaration of candidacy, the judicial council shall meet within 45
24 days and submit to the governor the names of two or more persons
25 qualified for the judicial office; except that this 45-day period may
26 be extended by the council with the concurrence of the supreme court.
27 In the event of an impending vacancy other than by reason of rejection
28 or failure to file a declaration of candidacy, the council may meet at
29 any time within the 90-day period immediately preceding the effective

1 date of the vacancy and submit to the governor the names of two or
2 more persons qualified for the judicial office.

3 * Sec. 4. AS 22.15.170(e) is amended to read:

4 (e) The office of a district court judge becomes vacant 90 days
5 after the election at which the judge is rejected by a majority of
6 those voting on the question or for which the judge fails to file a
7 declaration of candidacy [, IF A JUDGE FAILS TO FILE A DECLARATION OF
8 CANDIDACY, 90 DAYS AFTER THE FILING DEADLINE]. Upon the occurrence of
9 (1) an actual vacancy; (2) the certification of rejection following an
10 election; or (3) the election following failure of a judge to file a
11 declaration of candidacy, the judicial council shall meet within 45
12 days and submit to the governor the names of two or more persons
13 qualified for the judicial office; except that this 45-day period may
14 be extended by the council with the concurrence of the supreme court.
15 In the event of an impending vacancy other than by reason of rejection
16 or failure to file a declaration of candidacy, the council may meet at
17 any time within the 90-day period immediately preceding the effective
18 date of the vacancy and submit to the governor the names of two or
19 more persons qualified for the judicial office.

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