

Offered: 2/8/85  
Referred: Rules

Original sponsor: Judiciary/Chief Justice  
of Alaska Supreme Court

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 116 (Judiciary)

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 the occurrence of judicial vacan-  
7 cy and the procedure for replacement of judicial  
8 officials in case of vacancy; and providing for an  
9 effective date."

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

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

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

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

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

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

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

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

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

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

22 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-  
23 10.070(c).