

Introduced: 2/4/85
Referred: Judiciary

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

SENATE BILL NO. 124

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 90
19 [45] days and submit to the governor the names of two or more persons
20 qualified for the judicial office; except that this 90-day [45-DAY]
21 period may be extended by the council with the concurrence of the
22 supreme court. In the event of an impending vacancy other than by
23 reason of rejection or failure to file a declaration of candidacy, the
24 council may meet at any time within the 90-day period immediately
25 preceding the effective date of the vacancy and submit to the governor
26 the names of two or 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 90 [45] days and submit to the governor the names of two or
7 more persons qualified for the judicial office; however, the 90-day
8 [45-DAY] period may be extended by the judicial council with the
9 concurrence of the supreme court. In the event of an impending
10 vacancy other than by reason of rejection or failure to file a decla-
11 ration of candidacy, the judicial council may meet at any time within
12 the 90-day period immediately preceding the effective date of the
13 vacancy and submit to the governor the names of two or more persons
14 qualified for the judicial 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 90
24 [45] days and submit to the governor the names of two or more persons
25 qualified for the judicial office; except that this 90-day [45-DAY]
26 period may be extended by the council with the concurrence of the
27 supreme court. In the event of an impending vacancy other than by
28 reason of rejection or failure to file a declaration of candidacy, the
29 council may meet at any time within the 90-day period immediately

1 preceding the effective date of the vacancy and submit to the governor
2 the names of two or 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 90
12 [45] days and submit to the governor the names of two or more persons
13 qualified for the judicial office; except that this 90-day [45-DAY]
14 period may be extended by the council with the concurrence of the
15 supreme court. In the event of an impending vacancy other than by
16 reason of rejection or failure to file a declaration of candidacy, the
17 council may meet at any time within the 90-day period immediately
18 preceding the effective date of the vacancy and submit to the governor
19 the names of two or more persons qualified for the judicial office.

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