

HB

2017

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House District 39

Lower Kuskokwim and Upper Bristol Bay

Aktachak

Akiak

Aleknagik

Atmauthak

Bethel

Cheforak

Clarks Point

Dillingham

Eek

Eluk

Eluvok

Goodnews Bay

Kasigtuk

Kipnuk

Koliqunuk

Kongiganak

Kwethluk

Kwigillingok

Manokotak

Napakiaak

Napaskiak

New Stuyahok

Nunapitchuk

Oscarville

Platinum

Portage Creek

Quinhagak

Togiak

Tununaliak

Twin Hills

HB 207

Realignment of Judicial Districts

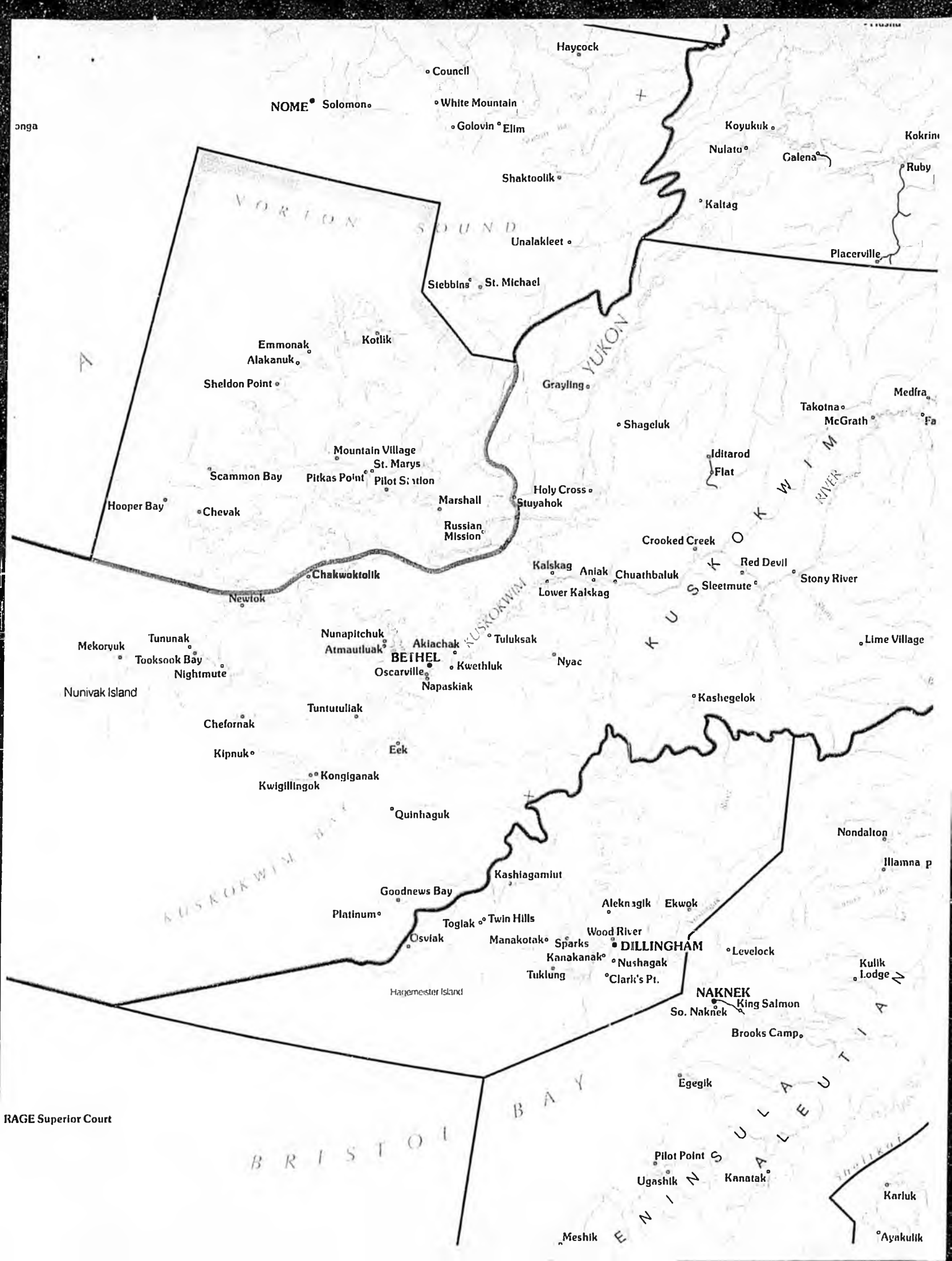
Sponsor Statement

Judicial district boundaries were established at Statehood. They were based on the boundaries of the established election districts and reflected commerce and communication systems of the time. Since that time the state has been reapportioned numerous times, and development in the Lower Yukon has changed the region in substantial ways. The result for communities in the region serviced out of the Bethel Venue District is an arbitrary judicial district line that no longer conforms to social, political, and economic structure of the region.

HB 207 addresses the specific circumstance in which villages in the Lower Yukon find themselves aligned with the Second Judicial District but serviced out of the Bethel Venue within the Fourth Judicial District. The bill simply moves jurisdiction of those 13 villages into the Third Judicial District.

The movement provides a natural alignment with boundaries recognized under existing cultural and political divisions. The population of these communities is predominantly Yupik. The regional Native corporation is Calista, and most health and safety services are provided by the Association of Village Council Presidents and Yukon-Kuskokwim Health Corporation. Bethel is the transportation hub for communities in the Lower Yukon, and the alignment for the court system in servicing the Lower Yukon villages out of the Bethel court has been natural. The alternative, for citizens to be tried out of the Nome court, would require a complicated travel web from Nome to Anchorage to Bethel to the community, or visa versa.

An important additional benefit of moving the villages in this region into the Bethel Court venue is that citizens of these 13 communities would for the first time have the benefit of voting on the question of retention of the judges who preside over cases involving them. It speaks to one of the basic principles of our democracy, citizen participation in governmental processes.



onga

NOME Solomon

Council
White Mountain
Golovin Ellm

Haycock

Koyukuk

Nulato

Galena

Kokrin

Ruby

Shaktolik

Kaltag

Placerville

NORTON SOUND

Unalakleet

Stebbins St. Michael

YUKON

Emmonak Alakanuk

Kotlik

Grayling

Sheldon Point

Shageluk

Takotna

Medfra

Mountain Village
St. Marys

Iditarod Flat

Scammon Bay

Pitkas Point Pilot Station

Holy Cross Stuyahok

Hooper Bay

Chevak

Marshall
Russian Mission

Crooked Creek

Red Devil

Stony River

Chakwotlik

Newtok

Kalskag Aniak
Lower Kalskag

Chuathbaluk

Sleetmute

Lime Village

Mekoryuk

Tununak

Tooksook Bay

Nightmute

Nunivak Island

Nunapitchuk
Atmautluak

Akiachak

Tuluksak

Oscarville

BETHEL
Kwethluk

Nyac

Napaskiak

Kashegelo

Chefornak

Tuntutuliak

Kipnuk

Eek

Kwigillingok
Kongiganak

Quinhagak

Nondalton

Illamna p

KUSKOKWIM BAY

Goodnews Bay

Kashitagamlut

Platinum

Aleknagik Ekwo

Toglak Twin Hills

Wood River
DILLINGHAM

Levelock

Osvlak

Manakotak Sparks

Kanakanak Nushagak

Tuklung

Clarke's Pt.

Kullik Lodge

Hagemester Island

NAKNEK
So. Naknek King Salmon

Brooks Camp

Egegik

BRISTOL BAY

Pilot Point
Ugashik

Kanatak

Meshik

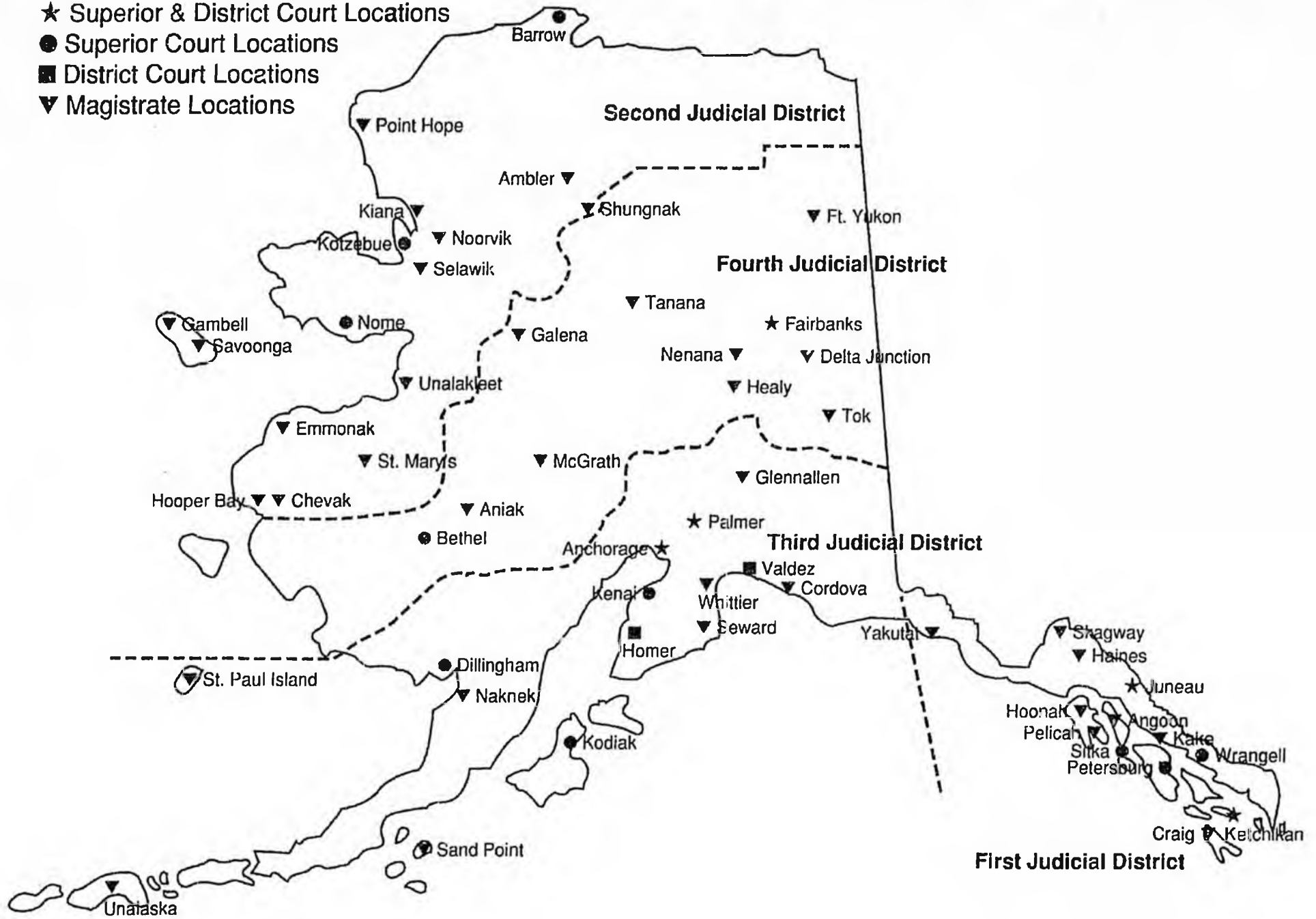
Karluk

Ayakulik

RAGE Superior Court

ALASKA COURT LOCATIONS

- ★ Superior & District Court Locations
- Superior Court Locations
- District Court Locations
- ▼ Magistrate Locations



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APR 27 2001

To: House Judiciary Committee
From: Jennifer Rudinger, Executive Director 
Date: April 26, 2001

Statement in Support of House Bill 207

Dear Chairman Rokeberg and Honorable Members of the House Judiciary Committee:

Thank you very much for scheduling HB 207 ("An act relating to judicial districts of the state") for a hearing on Friday, April 27th. Unfortunately, I will be unavailable to testify on Friday, so I wish to make this statement in support of HB 207 available to the Committee. Here, in a nutshell, is why it is critical that HB 207 pass as quickly as possible:

THE PROBLEM:

Through two anomalies of boundary lines, the rights of some Alaskans to vote in judicial retention elections have been infringed. The two affected areas are the thirteen villages in the Wade Hampton Census Area (Lower Yukon) and a small area around Nabesna (north of the Wrangells). In these two areas of the state, residents are not permitted to vote for or against the retention of the superior and district court judges that serve them. In Wade Hampton, voters are given judicial retention ballots for judges serving in the Second Judicial District (Nome, Kotzebue, and Barrow). But the court venue district for the Wade Hampton villages is Bethel. That is, when Wade Hampton residents go to court they appear before Bethel judges, who only stand for retention on ballots in the Fourth Judicial District. Similarly, Nabesna is located in the Fourth Judicial District, but its venue district is Glennallen, which is in the Third Judicial District.

The problem is that in these two areas the Judicial District boundaries are not congruent with the court system's venue district boundaries; residents live in one judicial district and access the court system in another judicial district. Since superior and district court judges stand for retention only in the judicial district to which they were appointed, pursuant to Alaska Statutes 15.35.080 & .090, voters in Wade Hampton and Nabesna do not get to approve the judges that are assigned to interpret their legal rights.

THE CONSTITUTIONAL VIOLATION:

Residents of these two areas are the only voters in the state that are deprived of their right to vote for the retention of the judges who serve them. It is clear that the right to vote is fundamental. *Vogler v. Miller*, 651 P.2d 1, 3 (Alaska 1982). The Alaska Supreme Court has noted a significant constitutional interest in protecting "a voter's right to an equally geographically effective or powerful vote." *Kenai Peninsula Borough v. State*, 743 P.2d 1352, 1372 (Alaska 1987). The court stated that "it is implicit in our constitutional structure that similarly situated communities be treated in a similar

manner." Id. The current judicial retention balloting scheme clearly deprives the residents of Wade Hampton and Nabesna of their right to fair and effective voting. There is no legitimate justification for the disparate treatment of these Alaskans. Their voting rights have been deprived through historical anomalies of line drawing. Residents of the Wade Hampton villages have requested the assistance of the Legislature and the Alaska Civil Liberties Union in vindicating their voting rights. Their legal claim is absolute and would prevail in court, but HB 207 can fix the problem and avoid unnecessary litigation.

THE SOLUTION:

This problem is solved by making the judicial district boundaries conform to the court system's venue district boundaries. The venue districts are drawn based on important socio-economic considerations, including transportation and commerce routes. For example, the nearest supply center for the Wade Hampton area is Bethel, and for Nabesna, it is Glennallen. It is logical that these areas are served by the courts in their nearest hub cities, so the judicial venue district boundaries should remain unchanged. In contrast, the judicial district boundaries are historical rather than practical, created by Alaska Statute 22.10.010 by combining areas within election districts as they were described in art XIV of the state constitution on March 19, 1959. (These original, statehood, election districts are nothing like the legislative districts today, since they have been redrawn at least once every decade. The current legislative redistricting will similarly not affect the boundaries of the judicial districts, which remain fixed in AS 22.10.010.)

HOUSE BILL NO. 207:

This bill is a simple and elegant fix to the problem of the Wade Hampton area residents. As it happens, the Wade Hampton Census Area was election district 24 on March 19, 1959. So amending AS 22.10.010 to move election district 24 from the Second Judicial District to the Fourth Judicial District will solve the problem for these residents. Bethel is in the Fourth Judicial District, so henceforth the Wade Hampton villages would get ballots that include the Bethel judges that serve them. The current version of HB 207 does exactly this and no more. Since 99% of the affected voters live in Wade Hampton, this solution goes a long way toward correcting the constitutional problem. A complete fix, however, would also alter the boundary line of the Third Judicial District to include Nabesna. The court system should be able to provide language describing its venue district line in that area that could be used to make the boundary lines congruent around Nabesna as well. There has been one prior change to AS 22.10.010, in 1974, to conform the boundary of the Second Judicial District to that of the North Slope Borough, so altering judicial district lines is not unprecedented. Further, the 1974 amendment provides a model of how to impose another geographic description on the described election districts in AS 22.10.010 - a potential way to fix the problem of Nabesna. But since only three voters are registered in Nabesna, with perhaps a dozen more along the Nabesna Road within the Fourth Judicial District, this bill should be passed, even if it cannot easily be amended to help Nabesna.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

BILL NO. HB 207

Revision Date/Time (Note if correction) _____ Dept. Affected _____
 Title Judicial District Lines BRU Alaska Court System
 Component Trial Courts
 Sponsor Representative Kapsner
 Requester House Judiciary Component No. 768

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 207.

Prepared by: Douglas Wooliver *[Signature]* Phone 463-4750
 Division Alaska Court System Date/Time 4/19/01 3:30 p.m.
 Approved by: Stephanie Cole *[Signature]* Date _____
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office