



LAWS OF ALASKA

1976

Source

HCSSB 673

Chapter No.

194

AN ACT

Relating to judicial appointments.

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

* Section 1. AS 22.15.170(a) and (d) are amended to read:

(a) The governor shall fill a vacancy or appoint a successor to fill an impending vacancy in an office of district judge within 45 days after receiving nominations from the judicial council by appointing one of two or more persons nominated by the council for each actual or impending vacancy. The appointment to fill an impending vacancy becomes effective upon the actual occurrence of the vacancy.

(d) Vacancies for magistrates shall be filled in the same manner as appointments.

* Sec. 2. AS 22.15.170 is amended by adding a new subsection to read:

(e) The office of a district court judge becomes vacant 90 days after the election at which he is rejected by a majority of those voting on the question or, if he fails to file his declaration of candidacy to succeed himself, 90 days after the filing deadline. Upon the occurrence of (1) an actual vacancy; (2) the certification of rejection following an election; or (3) the failure of a judge to file a declaration of candidacy to succeed himself, the judicial council shall meet within 45 days and submit to the governor the names of two or more persons qualified for the judicial office; except that this 45-day period may be extended by the council with the concurrence of the supreme court. In the event of an impending vacancy other than by reason of rejection or failure to file a declaration of candidacy,

the council may meet at any time within the 90-day period immediately preceding the effective date of the vacancy and submit to the governor the names of two or more persons qualified for the judicial office.

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

(a) The governor shall fill a vacancy or appoint a successor to fill an impending vacancy in the office of superior court judge within 45 days after receiving nominations from the judicial council, by appointing one of two or more persons nominated by the council for each actual or impending vacancy. An appointment to fill an impending vacancy becomes effective upon the actual occurrence of the vacancy.

* Sec. 4. AS 22.10.100(b) is repealed and re-enacted to read:

(b) The office of a superior court judge becomes vacant 90 days after the election at which he is rejected by a majority of those voting on the question or, if he fails to file his declaration of candidacy to succeed himself, 90 days after the filing deadline. Upon the occurrence of (1) an actual vacancy; (2) the certification of rejection following an election; or (3) the failure of a judge to file a declaration of candidacy to succeed himself, the judicial council shall meet within 45 days and submit to the governor the names of two or more persons qualified for the judicial office; except that this 45-day period may be extended by the council with the concurrence of the supreme court. In the event of an impending vacancy other than by reason of rejection or failure to file a declaration of candidacy, the council may meet at any time within the 90-day period immediately preceding the effective date of the vacancy and submit to the governor the names of two or more persons qualified for the judicial office.

* Sec. 5. AS 22.05.080(a) is amended to read:

(a) The governor shall fill a vacancy or appoint a successor to fill an impending vacancy in the office of supreme court justice within 45 days after receiving nominations from the judicial council, by appointing one of two or more persons nominated by the judicial council for each actual or impending vacancy. An appointment to fill an impending vacancy becomes effective upon the actual occurrence of the vacancy.

* Sec. 6. AS 22.05.080(b) is repealed and re-enacted to read:

(b) The office of a supreme court justice, including the office of chief justice, becomes vacant 90 days after the election at which he is rejected by a majority of those voting on the question or, if he fails to file his declaration of candidacy to succeed himself, 90 days after the filing deadline. Upon the occurrence of (1) an actual vacancy; (2) the certification of rejection following an election; or (3) the failure of a judge to file a declaration of candidacy to succeed himself, the judicial council shall meet within 45 days and submit to the governor the names of two or more persons qualified for the judicial office; except that this 45-day period may be extended by

the council with the concurrence of the supreme court. In the event of an impending vacancy other than by reason of rejection or failure to file a declaration of candidacy, the council may meet at any time within the 90-day period immediately preceding the effective date of the vacancy and submit to the governor the names of two or more persons qualified for the judicial office.