

Judicial Retention Elections: Be An Informed Voter

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Frequently Asked Questions:

1. What role do Alaska's citizens have in deciding whether judges should remain on the bench?

Alaska's citizens have the right to vote whether judges of the state courts of Alaska should remain in office. These are called "judicial retention elections" and give the public the right to decide if a judge is doing a good job or should be replaced. In the words of our constitution, they must "be subject to approval or rejection on a nonpartisan ballot" at the first general election held more than three years after their appointments.

2. What is the role of the Alaska Judicial Council in the judicial retention process?

The Alaska Judicial Council does a careful, thorough investigation of every judge standing for retention and makes recommendations to the public about whether a judge should be allowed to remain in office or should be replaced.

3. What information about judges is available to help voters make their decisions?

The Alaska Judicial Council makes the results of its investigations and its recommendations available on its website: www.ajc.state.ak.us. In addition, the Alaska Court System provides information on its website about each of the judges who serve in the Alaska courts: <http://courts.alaska.gov/ak-judges.htm>. Finally, information about each judge standing for retention is included in the State of Alaska's Voter Pamphlet that is mailed to each registered voter in Alaska. As a result of all these efforts and the constitutional structure of Alaska's judicial selection and retention process, Alaskans have the opportunity and ability to know more

4. Once the Alaska Judicial Council makes its recommendations which judges should be retained or removed from office, what things are done to make sure the voters of Alaska know about those recommendations before the election?

The Alaska Judicial Council's recommendations are posted on its website: www.ajc.state.ak.us. The Council also sends out press releases that newspapers, radio and television stations can use in their news broadcasts and places advertisements in the major newspapers of Alaska informing voters of its recommendations on each judge who is standing for retention. In addition, the regular staff members of the Council make the recommendations known when they are asked to give talks to community organizations and or appear on radio or television programs to discuss the work of the Alaska Judicial Council. All these efforts help make sure that the voters of Alaska are well-informed about each judge before the election in which they vote to retain or replace a judge.

5. In what ways is a judicial retention election different from, and in what ways is it similar to, a traditional popular election?

A judicial retention election is different from a traditional popular election in several ways:

- because unlike most political candidates, judges do not run against anyone and are prohibited from campaigning by the Alaska Code of Judicial Conduct unless and until some person or organization does something to try to convince the voters to vote for the removal of the judge from office.
- because unlike in a political race, there is no deadline for declaring an intent to oppose a judge's retention. Combined with the ethical restrictions on judicial campaigning, this makes judges vulnerable to last-minute, unfair opposition campaigns.
- because judges don't take political positions in the retention process or campaign on issues other than their fitness as a judge.

A judicial retention election is also similar to a traditional popular election in a number of ways:

- because voters have a choice: YES or NO
- because judges can state their case to the public—through advertising or other means--
IF THEIR RETENTION IS ACTIVELY OPPOSED
- and mostly, because....
- YOUR VOTE MAKES A DIFFERENCE