



Political Activity of the Judicial Council

In 1975, the Alaska Judicial Council asked the Legislature for statutory authority to make recommendations on how people should vote in judicial retention elections. This led to the introduction of HB 384 by the House Judiciary Committee. The bill was passed by both houses of the Legislature in just 26 days – offering precious little time for public input, or even serious deliberation on the part of lawmakers. It was signed into law by former Governor Jay Hammond. As a result, according to the American Judicature Society, Alaska became the very first state to use public funds to “advise” voters on how they should cast their ballots.

Most Alaskans take it for granted that public funds could never be used, legally, to pay for campaign advocacy messages on behalf of a candidate for Governor, or a legislative candidate. Yet when it comes to judicial retention elections, there is not even a pretense of neutrality regarding the process. The state government, through the Alaska Judicial Council and the Division of Elections, spends untold thousands of dollars in every election cycle to promote a specific vote on judges and justices on the ballot. This has included not only “vote yes” and “vote no” statements printed in the Official Election Pamphlet, but also newspaper and radio advertisements that actually have campaigned for judges whenever their retention was challenged by any organized public opposition.

Legislation was introduced in 2013 – HB 200 & SB 76 – that would prohibit the Alaska Judicial Council from using public funds to campaign for or against judges or justices who are standing in retention elections. Alaska Family Council believes that passage of such legislation is a crucial step for preserving what was the original intent in our Constitution for having retention elections in the first place.

The retention election is the *only* opportunity for the public to directly engage in the process of determining who will serve them in the 3rd branch of government. The public has a right to evaluate judges without state government exercising a coercive influence by “advising” the public on how they should cast their ballots.

The Alaska Constitution, at Article 9, Section 6, says that no public funds can be appropriated except for a public purpose. Alaska Family Council believes there can be no valid *public* purpose for using the public’s money to tell the public how they ought to vote – in *any* election.