

**NOTICE OF PROPOSED CONSTITUTIONAL AMENDMENTS TO
THE CONSTITUTION OF THE STATE OF HAWAII**

During the Regular Session of 2024, Thirty-Second Legislature, TWO (2) measures containing proposed constitutional amendments were adopted in conformance with the requirements of Article XVII, Section 3 of the Hawai'i State Constitution.

H.B. No. 2802, H.D. 1

PROPOSING AN AMENDMENT TO ARTICLE 1, SECTION 23, OF THE HAWAII CONSTITUTION RELATING TO MARRIAGE.

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

SECTION 1. The purpose of this Act is to repeal article I, section 23, of the Constitution of the State of Hawaii to repeal the legislature's authority to reserve marriage to opposite-sex couples.

SECTION 2. Article I, section 23, of the Constitution of the State of Hawaii is repealed.

["MARRIAGE

~~**Section 23.** The legislature shall have the power to reserve marriage to opposite-sex couples."~~

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the state constitution be amended to repeal the legislature's authority to reserve marriage to opposite-sex couples?"

SECTION 4. Constitutional material to be repealed is bracketed and stricken.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Note: H.B. No. 2802, HD 1 passed Third Reading in the House of Representatives on March 5, 2024 with 43 members voting in the affirmative, and Third Reading in the Senate on April 9, 2024 with 24 members voting in the affirmative. Written notice of the final form of the proposed amendment was given to the Governor on March 7, 2024.

S.B. No. 2927, S.D. 1, H.D. 1, C.D. 1

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3 OF THE HAWAII CONSTITUTION TO MAKE THE SENATE CONFIRMATION PROCESS FOR JUDICIAL APPOINTMENTS MORE UNIFORM.

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

SECTION 1. Article VI, section 3, of the Constitution of the State of Hawaii is amended to read as follows:

"APPOINTMENT OF JUSTICES AND JUDGES

Section 3. The governor, with the consent of the senate, shall fill a vacancy in the office of the chief justice, supreme court, intermediate appellate court and circuit courts[.] by appointing a person from a list of not less than four, and not more than six[.] nominees for the vacancy[.] presented to the governor by the judicial selection commission.

If the governor fails to make any appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. If the senate fails to reject any appointment within thirty days thereof, [it] the senate shall be deemed to have [given its consent] consented to [such] that appointment. If the senate [shall reject] rejects any appointment, the governor shall make another appointment from the list within ten days thereof. The same appointment and consent procedure shall be followed until a valid appointment has been made, or failing this, the judicial selection

commission shall make the appointment from the list, without senate consent.

The chief justice, with the consent of the senate, shall fill a vacancy in the district courts by appointing a person from a list of not less than four and not more than six nominees for the vacancy presented to the chief justice by the judicial selection commission. If the chief justice fails to make [the] any appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. [~~The senate shall hold a public hearing and vote on each appointment within thirty days of any appointment.~~] If the senate fails to [~~do so, the nomination shall be returned to the commission and the commission shall make the appointment from the list without senate consent.~~] reject any appointment within thirty days thereof, the senate shall be deemed to have consented to that appointment. If the senate rejects any appointment, the chief justice shall make another appointment from the list within ten days thereof. The same appointment and consent procedure shall be followed until a valid appointment has been made, or failing this, the judicial selection commission shall make the appointment from the list, without senate consent. The chief justice shall appoint per diem district court judges as provided by law.

The judicial selection commission shall disclose to the public the list of nominees for each vacancy concurrently with the presentation of each list to the governor or the chief justice, as applicable.

QUALIFICATIONS FOR APPOINTMENT

Justices and judges shall be residents and citizens of the State and of the United States, and licensed to practice law by the supreme court. A justice of the supreme court, [a] judge of the intermediate appellate court and [a] judge of the circuit court shall have been so licensed for a period of not less than ten years preceding nomination. A judge of the district court shall have been so licensed for a period of not less than five years preceding nomination.

No justice or judge shall, during the term of office, engage in the practice of law, or run for or hold any other office or position of profit under the United States, the State or its political subdivisions.

TENURE; RETIREMENT

The term of office of justices and judges of the supreme court, intermediate appellate court and circuit courts shall be ten years. Judges of district courts shall hold office for the periods as provided by law. At least six months [~~prior to~~] before the expiration of a justice's or judge's term of office, every justice and judge shall petition the judicial selection commission to be retained in office or shall inform the commission of an intention to retire. If the judicial selection commission determines that the justice or judge should be retained in office, the commission shall renew the term of office of the justice or judge for the period provided by this section or by law.

Justices and judges shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State."

SECTION 2. The question to be printed on the ballot shall be as follows:

"Shall the Constitution of the State of Hawaii be amended to make the appointment and confirmation process for district court judges the same as the appointment and confirmation process for supreme court justices and intermediate court of appeals and circuit court judges, which would require:

- (1) The Judicial Selection Commission to present the Chief Justice with a list of not less than four and not more than six nominees for a vacancy;
- (2) A district court appointee to be automatically considered appointed if the Senate fails to reject the appointment within thirty days of receiving the appointment notice;

- (3) The Chief Justice to make another appointment from the list of district court nominees within ten days if the Senate rejects an appointment; and
- (4) The appointment and consent procedure to be followed until a valid appointment is made, or failing this, the Judicial Selection Commission to make the appointment from the list of nominees, without Senate consent?"

SECTION 3. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 4. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Note: S.B. No. 2927, SD 1, HD 1, CD 1 passed Final Reading in the Senate on May 1, 2024 with 25 members voting in the affirmative, and Final Reading in the House of Representatives on May 1, 2024 with 48 members voting in the affirmative. Written notice of the final form of the proposed amendment was given to the Governor on April 19, 2024.