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# A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO REDUCE THE  
NUMBER OF NOMINEES FOR JUDICIAL VACANCIES.

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

1           SECTION 1. The purpose of this Act is to propose an  
2 amendment to article VI, section 3, of the Constitution of the  
3 State of Hawaii to reduce the number of nominees presented to  
4 the governor for vacancies in the office of the chief justice,  
5 supreme court, intermediate appellate court, and circuit courts  
6 from not less than four and not more than six nominees to not  
7 less than three nominees; and to reduce the number of nominees  
8 presented to the chief justice for vacancies in the district  
9 court from six to three nominees.

10           SECTION 2. Article VI, section 3, of the Constitution of  
11 the State of Hawaii is amended to read as follows:

12                           **"APPOINTMENT OF JUSTICES AND JUDGES**

13           Section 3. The governor, with the consent of the senate,  
14 shall fill a vacancy in the office of the chief justice, supreme  
15 court, intermediate appellate court and circuit courts, by  
16 appointing a person from a list of not less than [~~four, and not~~



1 ~~more than six,~~] three nominees for the vacancy, presented to the  
2 governor by the judicial selection commission.

3       If the governor fails to make any appointment within thirty  
4 days of presentation, or within ten days of the senate's  
5 rejection of any previous appointment, the appointment shall be  
6 made by the judicial selection commission from the list with the  
7 consent of the senate. If the senate fails to reject any  
8 appointment within thirty days thereof, it shall be deemed to  
9 have given its consent to such appointment. If the senate shall  
10 reject any appointment, the governor shall make another  
11 appointment from the list within ten days thereof. The same  
12 appointment and consent procedure shall be followed until a  
13 valid appointment has been made, or failing this, the commission  
14 shall make the appointment from the list, without senate  
15 consent.

16       The chief justice, with the consent of the senate, shall  
17 fill a vacancy in the district courts by appointing a person  
18 from a list of not less than [~~six~~] three nominees for the  
19 vacancy presented by the judicial selection commission. If the  
20 chief justice fails to make the appointment within thirty days  
21 of presentation, or within ten days of the senate's rejection of  
22 any previous appointment, the appointment shall be made by the



1 judicial selection commission from the list with the consent of  
 2 the senate. The senate shall hold a public hearing and vote on  
 3 each appointment within thirty days of any appointment. If the  
 4 senate fails to do so, the nomination shall be returned to the  
 5 commission and the commission shall make the appointment from  
 6 the list without senate consent. The chief justice shall  
 7 appoint per diem district court judges as provided by law.

**8 QUALIFICATIONS FOR APPOINTMENT**

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

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

**21 TENURE; RETIREMENT**



1           The term of office of justices and judges of the supreme  
2 court, intermediate appellate court and circuit courts shall be  
3 ten years. Judges of district courts shall hold office for the  
4 periods as provided by law. At least six months prior to the  
5 expiration of a justice's or judge's term of office, every  
6 justice and judge shall petition the judicial selection  
7 commission to be retained in office or shall inform the  
8 commission of an intention to retire. If the judicial selection  
9 commission determines that the justice or judge should be  
10 retained in office, the commission shall renew the term of  
11 office of the justice or judge for the period provided by this  
12 section or by law.

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

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

18           "Shall the number of nominees sent by the judicial  
19 selection commission to the governor for vacancies in the  
20 office of the chief justice, supreme court, intermediate  
21 appellate court, and circuit courts be reduced from not  
22 less than four and not more than six nominees to three



1 nominees; and shall the number of nominees sent by the  
 2 judicial selection commission to the chief justice for  
 3 vacancies in the district court, be reduced from six  
 4 nominees to three nominees?"

5 SECTION 4. Constitutional material to be repealed is  
 6 bracketed and stricken. New constitutional material is  
 7 underscored.

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

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INTRODUCED BY:

*[Handwritten signature: Clayton Hee]*  
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*[Handwritten signature: Russell Koh]*  
*[Handwritten signature: Clarence K. Kishida]*



**Report Title:**

Constitutional Amendment; Judicial Selection Commission

**Description:**

Reduces the number of nominees presented to the governor and chief justice for various judicial vacancies from four to six nominees to not less than three nominees.

