
A BILL FOR AN ACT

RELATING TO DISCLOSURE.

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 require the governor to publicly disclose the
4 names of the judicial nominees forwarded by the judicial
5 selection commission upon receipt of the names.

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

8 **"APPOINTMENT OF JUSTICES AND JUDGES**

9 **Section 3.** The governor, with the consent of the senate,
10 shall fill a vacancy in the office of the chief justice, supreme
11 court, intermediate appellate court and circuit courts, by
12 appointing a person from a list of not less than four, and not
13 more than six, nominees for the vacancy, presented to the
14 governor by the judicial selection commission. Upon receipt of
15 the list of nominees presented by the judicial selection
16 commission, the governor shall publicly disclose the names of
17 the nominees.



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

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



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

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QUALIFICATIONS FOR APPOINTMENT

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

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

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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 constitution of the state be amended to provide
19 that upon receipt of the list of judicial nominees by the
20 judicial selection commission, the Governor must publicly
21 disclose the names of judicial nominees?"

22 SECTION 4. New constitutional material is underscored.



1 SECTION 5. This amendment shall take effect upon
 2 compliance with Article XVII, section 3, of the Constitution of
 3 the State of Hawaii.
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Report Title:

Disclosure

Description:

Proposes a constitutional amendment to provide for disclosure of the list of judicial nominees by the Governor upon receipt of the names from the judicial selection commission.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

