
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3 OF THE HAWAII
CONSTITUTION REQUIRING THAT THE GOVERNOR AND CHIEF JUSTICE
DISCLOSE NAMES OF JUDICIAL NOMINEES IMMEDIATELY UPON
RECEIPT OF THOSE NAMES FROM THE JUDICIAL SELECTION
COMMISSION.

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

1 SECTION 1. The legislature finds that Hawaii's citizens
2 have been demanding more government transparency in recent
3 years. At the state and national levels, governments have
4 increasingly enacted "sunshine laws" to promote greater openness
5 and transparency in government processes, and to restore public
6 confidence in the integrity of government. The legislature also
7 finds that increased transparency in the filling of judicial
8 vacancies is consistent with these general principles. The
9 purpose of this Act is to propose an amendment to article VI,
10 section 3 of the Constitution of the State of Hawaii requiring
11 that the governor and chief justice publicly disclose the names
12 of judicial nominees submitted to them by the judicial selection
13 commission, immediately upon their respective receipt of those
14 names.

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



1 "APPOINTMENT OF JUSTICES AND JUDGES

2 **Section 3.** The governor, with the consent of the senate,
3 shall fill a vacancy in the office of the chief justice, supreme
4 court, intermediate appellate court and circuit courts, by
5 appointing a person from a list of not less than four, and not
6 more than six, nominees for the vacancy, presented to the
7 governor by the judicial selection commission. Immediately upon
8 receipt of the list of nominees presented by the judicial
9 selection commission, the governor shall publicly announce the
10 names of the nominees.

11 If the governor fails to make any appointment within thirty
12 days of presentation, or within ten days of the senate's
13 rejection of any previous appointment, the appointment shall be
14 made by the judicial selection commission from the list with the
15 consent of the senate. If the senate fails to reject any
16 appointment within thirty days thereof, it shall be deemed to
17 have given its consent to such appointment. If the senate shall
18 reject any appointment, the governor shall make another
19 appointment from the list within ten days thereof. The same
20 appointment and consent procedure shall be followed until a
21 valid appointment has been made, or failing this, the commission



1 shall make the appointment from the list, without senate
2 consent.

3 The chief justice, with the consent of the senate, shall
4 fill a vacancy in the district courts by appointing a person
5 from a list of not less than six nominees for the vacancy
6 presented by the judicial selection commission. Immediately
7 upon receipt of the list of nominees presented by the judicial
8 selection commission, the chief justice shall publicly announce
9 the names of the nominees. If the chief justice fails to make
10 the appointment within thirty days of presentation, or within
11 ten days of the senate's rejection of any previous appointment,
12 the appointment shall be made by the judicial selection
13 commission from the list with the consent of the senate. The
14 senate shall hold a public hearing and vote on each appointment
15 within thirty days of any appointment. If the senate fails to
16 do so, the nomination shall be returned to the commission and
17 the commission shall make the appointment from the list without
18 senate consent. The chief justice shall appoint per diem
19 district court judges as provided by law.

20 **QUALIFICATIONS FOR APPOINTMENT**

21 Justices and judges shall be residents and citizens of the
22 State and of the United States, and licensed to practice law by



1 the supreme court. A justice of the supreme court, a judge of
2 the intermediate appellate court and a judge of the circuit
3 court shall have been so licensed for a period of not less than
4 ten years preceding nomination. A judge of the district court
5 shall have been so licensed for a period of not less than five
6 years preceding nomination.

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

11 **TENURE; RETIREMENT**

12 The term of office of justices and judges of the supreme
13 court, intermediate appellate court and circuit courts shall be
14 ten years. Judges of district courts shall hold office for the
15 periods as provided by law. At least six months prior to the
16 expiration of a justice's or judge's term of office, every
17 justice and judge shall petition the judicial selection
18 commission to be retained in office or shall inform the
19 commission of an intention to retire. If the judicial selection
20 commission determines that the justice or judge should be
21 retained in office, the commission shall renew the term of



1 office of the justice or judge for the period provided by this
2 section or by law.

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

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

8 "Shall the Governor and Chief Justice be required to
9 publicly announce the names of persons nominated by the
10 Judicial Selection Commission to fill a judicial vacancy,
11 immediately upon their respective receipt of the lists of
12 names submitted to them by Judicial Selection Commission?"

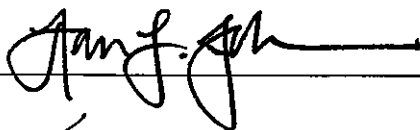
13 SECTION 4. New constitutional material is underscored.

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

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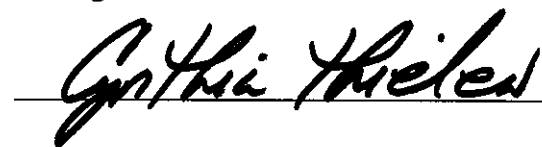
INTRODUCED BY:













H.B. NO. 2213

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MS

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JAN 20 2012



H.B. NO. 2213

Report Title:

Constitutional amendment; Disclosure of judicial nominee names

Description:

Proposes amending article VI, section 3 of the State Constitution to require that the governor and chief justice disclose names of judicial nominees immediately upon receipt of those 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.

