

JAN 20 2012

S.B. NO. 2209

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 4, OF THE HAWAII STATE CONSTITUTION TO REQUIRE THE JUDICIAL SELECTION COMMISSION TO DISCLOSE THE NAMES OF AND CERTAIN INFORMATION REGARDING ACTIVE NOMINEES AND APPLICANTS TO FILL JUSTICE AND JUDGE 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 4, of the Constitution of the
3 State of Hawaii to require the judicial selection commission to
4 disclose the names of and certain statistical information
5 regarding active nominees and applicants to fill justice and
6 judge vacancies.

7 SECTION 2. Article VI, section 4, of the Constitution of
8 the State of Hawaii is amended to read as follows:

9 **"JUDICIAL SELECTION COMMISSION**

10 **Section 4.** There shall be a judicial selection commission
11 that shall consist of nine members. The governor shall appoint
12 two members to the commission. No more than one of the two
13 members shall be a licensed attorney. The president of the
14 senate and the speaker of the house of representatives shall
15 each respectively appoint two members to the commission. The
16 chief justice of the supreme court shall appoint one member to



1 the commission. Members in good standing of the bar of the
2 State shall elect two of their number to the commission in an
3 election conducted by the supreme court or its delegate. No
4 more than four members of the commission shall be licensed
5 attorneys. At all times, at least one member of the commission
6 shall be a resident of a county other than the City and County
7 of Honolulu.

8 The commission shall be selected and shall operate in a
9 wholly nonpartisan manner. After the initial formation of the
10 commission, elections and appointments to the commission shall
11 be for staggered terms of six years each. Notwithstanding the
12 foregoing, no member of the commission shall serve for more than
13 six years on the commission.

14 Each member of the judicial selection commission shall be a
15 resident of the State and a citizen of the United States. No
16 member shall run for or hold any other elected office under the
17 United States, the State or its political subdivisions. No
18 member shall take an active part in political management or in
19 political campaigns. No member shall be eligible for
20 appointment to the judicial office of the State so long as the
21 person is a member of the judicial commission and for a period
22 of three years thereafter.



1 No act of the judicial selection commission shall be valid
2 except by concurrence of the majority of its voting members.

3 The judicial selection commission shall select one of its
4 members to serve as chairperson. The commission shall adopt
5 rules which shall have the force and effect of law. The
6 deliberations of the commission shall be confidential[-] with
7 the exception of disclosing the names of nominees and the names
8 of applicants to fill any justice or judge vacancies. The
9 commission shall disclose the names of active applicants to fill
10 a justice or judge vacancy at the close of each application
11 period as well as statistical information that serves the public
12 interest, including but not limited to the total number, gender,
13 and experience of applicants.

14 The legislature shall provide for the staff and operating
15 expenses of the judicial selection commission in a separate
16 budget. No member of the judicial selection commission shall
17 receive any compensation for commission services, but shall be
18 allowed necessary expenses for travel, board and lodging
19 incurred in the performance of commission duties.

20 The judicial selection commission shall be attached to the
21 judiciary branch of the state government for purposes of
22 administration."



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

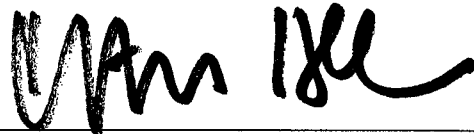
3 "Shall the judicial selection commission be required to
4 disclose the names of nominees and applicants to fill
5 justice or judge vacancies and other statistical information
6 that serves the public interest regarding the nominees and
7 applicants?"

8 SECTION 4. Constitutional material to be repealed is
9 bracketed and stricken. New constitutional material is
10 underscored.

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

14

INTRODUCED BY:



S.B. NO. 2209

Report Title:

Judicial Selection Commission; Judicial Nominees and Applicants;
Constitutional Amendment

Description:

Requires the judicial selection commission to disclose the names of and other statistical information regarding active nominees and applicants to fill justice and judge vacancies.

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

