
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 active nominees and applicants to fill
5 justice and judge vacancies to the governor and the chief
6 justice, and disclose the names of active nominees to fill
7 justice and judge vacancies and certain statistical information
8 regarding applicants to the public.

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

11 **"JUDICIAL SELECTION COMMISSION**

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



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

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

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



1 person is a member of the judicial commission and for a period
2 of three years thereafter.

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

5 The judicial selection commission shall select one of its
6 members to serve as chairperson. The commission shall adopt
7 rules which shall have the force and effect of law. The
8 deliberations of the commission shall be confidential[-] with
9 the exception of disclosing:

10 1. To the governor, the names of active nominees and
11 applicants to fill a vacancy in the office of the chief justice,
12 the supreme court, the intermediate appellate court, and the
13 circuit court.

14 2. To the chief justice, the names of active nominees and
15 applicants to fill a vacancy in the district court.

16 Additionally, the commission shall disclose to the public
17 the names of active nominees to fill any justice or judge
18 vacancies, as well as statistical information relative to each
19 vacancy consisting of the total number of applicants, the gender
20 of the applicants, and the number of years of licensure for the
21 applicants.



1 The legislature shall provide for the staff and operating
2 expenses of the judicial selection commission in a separate
3 budget. No member of the judicial selection commission shall
4 receive any compensation for commission services, but shall be
5 allowed necessary expenses for travel, board and lodging
6 incurred in the performance of commission duties.

7 The judicial selection commission shall be attached to the
8 judiciary branch of the state government for purposes of
9 administration."

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

12 "Shall the judicial selection commission be required to
13 disclose to the governor and the chief justice the names of
14 active nominees and applicants to fill justice or judge
15 vacancies and also to disclose to the public the names of
16 the active nominees and other statistical information
17 involving the number and gender of the applicants and the
18 applicants' years of licensure?"

19 SECTION 4. Constitutional material to be repealed is
20 bracketed and stricken. New constitutional material is
21 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.



Report Title:

Judicial Selection Commission; Judicial Nominees and Applicants;
Constitutional Amendment

Description:

Requires the Judicial Selection Commission to disclose the names of active nominees and other statistical information regarding applicants to fill justice and judge vacancies. (SB2209 HD1)

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