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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION TO  
REQUIRE DISCLOSURE OF THE NAMES OF JUDICIAL NOMINEES.

**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 judicial selection commission to  
4 publicly disclose the names of all nominees to fill a vacancy in  
5 the office of the chief justice, supreme court, intermediate  
6 appellate court, circuit courts, or district courts when  
7 presenting those names to the governor or the chief justice.

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

10                                   **"APPOINTMENT OF JUSTICES AND JUDGES**

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



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.

6 The judicial selection commission shall disclose to the  
7 public the list of nominees for each vacancy concurrently with  
8 the presentation of each list to the governor or the chief  
9 justice, as applicable.

10 **QUALIFICATIONS FOR APPOINTMENT**

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

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





1 district courts, be required to concurrently disclose that  
2 list to the public?"

3 SECTION 4. New constitutional material is underscored.

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

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*Clara*

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# H.B. NO. 420

**Report Title:**

Constitutional Amendment; Disclosure of Judicial Nominees

**Description:**

Amends the Constitution of the State of Hawaii to require the judicial selection commission to publicly disclose its list of nominees for appointment to the office of the chief justice, supreme court, intermediate appellate court, circuit courts, or district courts concurrently with its presentation of that list to the governor or the chief justice.

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