
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.



TENURE; RETIREMENT

1
2 The term of office of justices and judges of the supreme
3 court, intermediate appellate court and circuit courts shall be
4 ten years. Judges of district courts shall hold office for the
5 periods as provided by law. At least six months prior to the
6 expiration of a justice's or judge's term of office, every
7 justice and judge shall petition the judicial selection
8 commission to be retained in office or shall inform the
9 commission of an intention to retire. If the judicial selection
10 commission determines that the justice or judge should be
11 retained in office, the commission shall renew the term of
12 office of the justice or judge for the period provided by this
13 section or by law.

14 Justices and judges shall be retired upon attaining the age
15 of seventy years. They shall be included in any retirement law
16 of the State."

17 SECTION 3. The question to be printed on the ballot shall
18 be as follows:

19 "Shall the judicial selection commission, when presenting a
20 list of nominees to the governor or the chief justice to
21 fill a vacancy in the office of the chief justice, supreme
22 court, intermediate appellate court, circuit courts or



1 district courts, be required, at the same time, to disclose
2 that 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.



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 at the same time as its presentation of that list to the Governor or the Chief Justice. (HB420 HD1)

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

