

COMMITTEE ON JUDICIARY

Friday, March 20, 2015, 2:00 p.m., Room 325

SB615, SD1 PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3,  
OF THE CONSTITUTION OF THE STATE OF HAWAII.  
PROPOSES A CONSTITUTIONAL AMENDMENT TO PROVIDE THAT THE SENATE RECEIVES  
WRITTEN NOTICE OF THE GOVERNOR'S OR THE CHIEF JUSTICE'S APPOINTMENTS, AS  
APPLICABLE, TO FILL A VACANCY IN THE OFFICE OF CHIEF JUSTICE, SUPREME COURT,  
INTERMEDIATE APPELLATE COURT, CIRCUIT COURTS, AND DISTRICT COURTS  
CONCURRENTLY WITH THE APPOINTMENT.

TESTIMONY

Joan Platz, Legislative Committee, League of Women Voters

Chair Keith Agaran, Vice-Chair Shimabukuro, and Committee Members:

**The League of Women Voters of Hawaii supports SB615, SD1.** This bill proposes a constitutional amendment to provide that the Senate receives written notice of the governor's or the chief justice's appointments to fill a vacancy in the office of chief justice, supreme court, intermediate appellate court, circuit courts, and district courts concurrently with the appointment.

This amendment would ensure that the Senate has received a formal notice about appointments to facilitate its constitutional duties to advise and give consent regarding appointments. It is clear that this amendment's intent is to improve communication and transparency in government, and its passage would benefit policy makers and the public.

Thank you for the opportunity to submit testimony in support of this measure.



**LATE**

**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
SEVENTY-EIGHTH LEGISLATURE, 2015**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 615, S.D. 1, PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Friday, March 20, 2015

**TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Charleen M. Aina, Deputy Attorney General

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Chair Rhodes and Members of the Committee:

The Department of the Attorney General agrees that the State Constitution should be amended to expressly direct (1) the Governor and the Chief Justice, respectively, to give the Senate written notice of the appointment of a justice or judge (and the opportunity for the Senate to confirm or reject the appointment within thirty days), and (2) the Senate to give the Governor or the Chief Justice written notice of its rejection of an appointment (and the opportunity for the Governor or Chief Justice to make another appointment within 10 days of a rejection).

The State Constitution presently only prescribes deadlines for making and rejecting appointments of judges and justices. It says nothing about how the Senate, or the Governor or the Chief Justice is to be informed of an appointment or rejection.

To impose the requirement for notice more clearly, we suggest the following amendments to the measure:

1. Extend the first paragraph of article VI, section 3, on page 2, line 15, to include: "commission[-], and giving written notice of the appointment to the president of the senate.";
2. Insert "of the governor's receipt of written notice" between " ten days" and "of" on page 2, line 17;
3. Delete the sentence added to the second paragraph of article VI, section 3, on page 2, lines 20-21;

4. Revise the third sentence of the second paragraph of article VI, section 3 on page 3, line 4 to read as follows: "If the senate [~~shall reject any~~] rejects the appointment, the senate shall give the governor written notice of the rejection, and the governor shall make another appointment from the list within ten days [thereof.] of the governor's receipt of the notice. ";
5. Extend the first sentence of the third paragraph of article VI, section 3 on page 3, line 13, to include: "commission[-], and giving written notice of the appointment to the president of the senate.";
6. Insert "of the chief justice's receipt of written notice" between "days" and "of" on page 3, line 15;
7. Delete the sentence added to the third paragraph of article VI, section 3, on page 3, lines 18-19;
8. Add the following sentence before the last sentence of the third paragraph of article VI, section 3, on page 4, line 4: "If the senate rejects the appointment, the senate shall give the chief justice written notice of the rejection, and the chief justice shall make another appointment from the list within ten days of the chief justice's receipt of the notice."

The ballot question in section 3 of the bill should be re-worded as follows:

"Shall the governor or the chief justice give the senate written notice of the appointment of a justice or judge before the thirty-day period the senate has to reject an appointment the governor or chief justice makes begins to run, and shall the senate give the governor or the chief justice written notice of its rejection of the appointment of a justice or judge before the ten-day period the before the thirty-day period the senate has to reject an appointment the governor or chief justice makes begins to run, governor or the chief justice has to make an alternative appointment begins to run?"

Thank you for the opportunity to testify on this measure.