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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3 OF THE HAWAII  
CONSTITUTION TO MAKE THE SENATE CONFIRMATION PROCESS FOR  
JUDICIAL APPOINTMENTS MORE UNIFORM.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Article VI, section 3, of the Constitution of  
2 the State of Hawaii is amended to read as follows:

3                       "APPOINTMENT OF JUSTICES AND JUDGES

4       Section 3. The governor, with the consent of the senate,  
5 shall fill a vacancy in the office of the chief justice, supreme  
6 court, intermediate appellate court and circuit courts, by  
7 appointing a person from a list of not less than four, and not  
8 more than six, nominees for the vacancy, presented to the  
9 governor by the judicial selection commission.

10       If the governor fails to make any appointment within thirty  
11 days of presentation, or within ten days of the senate's  
12 rejection of any previous appointment, the appointment shall be  
13 made by the judicial selection commission from the list with the  
14 consent of the senate. If the senate fails to reject any  
15 appointment within thirty days thereof, it shall be deemed to  
16 have given its consent to ~~[such]~~ that appointment. If the



1 senate [~~shall reject~~] rejects any appointment, the governor  
 2 shall make another appointment from the list within ten days  
 3 thereof. The same appointment and consent procedure shall be  
 4 followed until a valid appointment has been made, or failing  
 5 this, the commission shall make the appointment from the list,  
 6 without senate consent.

7       The chief justice, with the consent of the senate, shall  
 8 fill a vacancy in the district courts by appointing a person  
 9 from a list of not less than four, and not more than six,  
 10 nominees for the vacancy, presented to the chief justice by the  
 11 judicial selection commission. If the chief justice fails to  
 12 make the appointment within thirty days of presentation, or  
 13 within ten days of the senate's rejection of any previous  
 14 appointment, the appointment shall be made by the judicial  
 15 selection commission from the list with the consent of the  
 16 senate. [~~The senate shall hold a public hearing and vote on~~  
 17 ~~each appointment within thirty days of any appointment.~~] If the  
 18 senate fails to [~~do so, the nomination shall be returned to the~~  
 19 ~~commission and the commission shall make the appointment from~~  
 20 ~~the list without senate consent.~~] reject any appointment within  
 21 thirty days thereof, it shall be deemed to have given its



1 consent to that appointment. If the senate rejects any  
2 appointment, the chief justice shall make another appointment  
3 from the list within ten days thereof. The same appointment and  
4 consent procedure shall be followed until a valid appointment  
5 has been made, or failing this, the commission shall make the  
6 appointment from the list, without senate consent. The chief  
7 justice shall appoint per diem district court judges as provided  
8 by law.

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

13                                   **QUALIFICATIONS FOR APPOINTMENT**

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



1 No justice or judge shall, during the term of office,  
2 engage in the practice of law, or run for or hold any other  
3 office or position of profit under the United States, the State  
4 or its political subdivisions.

5 **TENURE; RETIREMENT**

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

18 Justices and judges shall be retired upon attaining the age  
19 of seventy years. They shall be included in any retirement law  
20 of the State."



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

3 "Shall the Constitution of the State of Hawaii be  
4 amended to make the appointment and confirmation process  
5 for judicial appointments the same, regardless of whether  
6 the appointment is made by the governor or the chief  
7 justice?"

8 SECTION 3. Constitutional material to be repealed is  
9 bracketed and stricken. New constitutional material is  
10 underscored.

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



**Report Title:**

Justices and Judges; Appointment; Confirmation; Constitutional Amendment

**Description:**

Proposes an amendment to the state constitution to make the Senate confirmation process for judicial appointments the same, whether the appointment is made by the Governor or the Chief Justice. (SD1)

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

