
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO REDUCE THE
NUMBER OF NOMINEES FOR JUDICIAL 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 3, of the Constitution of the
3 State of Hawaii to reduce the number of nominees presented to
4 the governor for vacancies in the office of the chief justice,
5 supreme court, intermediate appellate court, and circuit courts
6 from no fewer than four nominees and not more than six nominees
7 to no fewer than three nominees and not more than five nominees;
8 to require the judicial selection commission to express its
9 preference among nominees by ranking them; and to reduce the
10 number of nominees presented to the chief justice for vacancies
11 in the district court from a list of not less than six nominees
12 to a list of no fewer than three and not more than five
13 nominees.

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



1 "APPOINTMENT OF JUSTICES AND JUDGES

2 Section 3. The governor, with the consent of the senate,
3 shall fill a vacancy in the office of the chief justice, supreme
4 court, intermediate appellate court and circuit courts, by
5 appointing a person from a list of [~~not less~~] no fewer than
6 [~~four,~~] three, and not more than [~~six,~~] five, nominees for the
7 vacancy, presented to the governor by the judicial selection
8 commission. The judicial selection commission shall, prior to
9 presentation of the list to the governor, rank the nominees
10 based on their suitability and qualifications for the vacancy.

11 If the governor fails to make any appointment within thirty
12 days of presentation, or within ten days of the senate's
13 rejection of any previous appointment, the appointment shall be
14 made by the judicial selection commission from the list with the
15 consent of the senate. If the senate fails to reject any
16 appointment within thirty days thereof, it shall be deemed to
17 have given its consent to such appointment. If the senate shall
18 reject any appointment, the governor shall make another
19 appointment from the list within ten days thereof. The same
20 appointment and consent procedure shall be followed until a
21 valid appointment has been made, or failing this, the commission



1 shall make the appointment from the list, without senate
2 consent.

3 The chief justice, with the consent of the senate, shall
4 fill a vacancy in the district courts by appointing a person
5 from a list of [~~not less~~] no fewer than [~~six~~] three and not more
6 than five nominees for the vacancy presented by the judicial
7 selection commission. If the chief justice fails to make the
8 appointment within thirty days of presentation, or within ten
9 days of the senate's rejection of any previous appointment, the
10 appointment shall be made by the judicial selection commission
11 from the list with the consent of the senate. The senate shall
12 hold a public hearing and vote on each appointment within thirty
13 days of any appointment. If the senate fails to do so, the
14 nomination shall be returned to the commission and the
15 commission shall make the appointment from the list without
16 senate consent. The chief justice shall appoint per diem
17 district court judges as provided by law.

18 **QUALIFICATIONS FOR APPOINTMENT**

19 Justices and judges shall be residents and citizens of the
20 State and of the United States, and licensed to practice law by
21 the supreme court. A justice of the supreme court, a judge of
22 the intermediate appellate court and a judge of the circuit



1 court shall have been so licensed for a period of not less than
2 ten years preceding nomination. A judge of the district court
3 shall have been so licensed for a period of not less than five
4 years preceding nomination.

5 No justice or judge shall, during the term of office,
6 engage in the practice of law, or run for or hold any other
7 office or position of profit under the United States, the State
8 or its political subdivisions.

9 **TENURE; RETIREMENT**

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



1 Justices and judges shall be retired upon attaining the age
2 of seventy years. They shall be included in any retirement law
3 of the State."

4 SECTION 3. The question to be printed on the ballot shall
5 be as follows:

6 "Shall the number of nominees sent by the judicial
7 selection commission to the governor for vacancies in the
8 office of the chief justice, supreme court, intermediate
9 appellate court; and circuit courts be ranked and reduced
10 from no fewer than four and not more than six nominees to
11 no fewer than three and not more than five nominees and the
12 number of nominees sent by the judicial selection
13 commission to the chief justice for vacancies in the
14 district court be reduced from no fewer than six nominees
15 to no fewer than three and not more than five nominees?"

16 SECTION 4. Constitutional material to be repealed is
17 bracketed and stricken. New constitutional material is
18 underscored.

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



Report Title:

Constitutional Amendment; Judicial Selection Commission

Description:

Reduces the number of nominees presented to the governor for various judicial vacancies from four to six nominees to three to five nominees. Requires Judicial Selection Commission to rank nominees. Requires Judicial Selection Commission to present to the chief justice between three and five nominees for vacancies in the district court. (SB948 HD1)

