
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[7] by
7 appointing a person from a list of not less than four, and not
8 more than six[7] nominees for the vacancy[7] 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~~] the senate shall be
16 deemed to have [~~given its consent~~] consented to [~~such~~] that
17 appointment. If the senate [~~shall reject~~] rejects any



1 appointment, the governor shall make another appointment from
2 the list within ten days thereof. The same appointment and
3 consent procedure shall be followed until a valid appointment
4 has been made, or failing this, the judicial selection
5 commission shall make the appointment from the list, without
6 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 nominees
10 for the vacancy presented to the chief justice by the judicial
11 selection commission. If the chief justice fails to make ~~[the]~~
12 any appointment within thirty days of presentation, or within
13 ten days of the senate's rejection of any previous appointment,
14 the appointment shall be made by the judicial selection
15 commission from the list with the consent of the senate. ~~[The~~
16 ~~senate shall hold a public hearing and vote on each appointment~~
17 ~~within thirty days of any appointment.]~~ If the senate fails to
18 ~~[do so, the nomination shall be returned to the commission and~~
19 ~~the commission shall make the appointment from the list without~~
20 ~~senate consent.]~~ reject any appointment within thirty days
21 thereof, the senate shall be deemed to have consented to that



1 appointment. If the senate rejects any appointment, the chief
2 justice shall make another appointment from the list within ten
3 days thereof. The same appointment and consent procedure shall
4 be followed until a valid appointment has been made, or failing
5 this, the judicial selection 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~~
10 before the expiration of a justice's or judge's term of office,
11 every 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 district court judges the same as the appointment and
6 confirmation process for supreme court justices and
7 intermediate court of appeals and circuit court judges,
8 which would require:

- 9 (1) The Judicial Selection Commission to present the Chief
10 Justice with a list of not less than four and not more
11 than six nominees for a vacancy;
- 12 (2) A district court appointee to be automatically
13 considered appointed if the Senate fails to reject the
14 appointment within thirty days of receiving the
15 appointment notice;
- 16 (3) The Chief Justice to make another appointment from the
17 list of district court nominees within ten days if the
18 Senate rejects an appointment; and
- 19 (4) The appointment and consent procedure to be followed
20 until a valid appointment is made, or failing this,
21 the Judicial Selection Commission to make the



1 appointment from the list of nominees, without Senate
2 consent?"

3 SECTION 3. Constitutional material to be repealed is
4 bracketed and stricken. New constitutional material is
5 underscored.

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



Report Title:

Justices and Judges; Appointment; Confirmation; Constitutional Amendment

Description:

Proposes amendments to the Constitution of the State of Hawaii relating to the appointment of justices and judges. Makes the appointment and senate consent procedure for district court judges the same as the appointment and senate consent procedure for supreme court justices and intermediate court of appeals and circuit court judges. (CD1)

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