
A BILL FOR AN ACT

PROPOSING TO AMEND THE CONSTITUTION OF THE STATE OF HAWAII
REGARDING STATE JUSTICES AND JUDGES.

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

1 SECTION 1. The purpose of this Act is to propose
2 amendments to article VI of the Constitution of the State of
3 Hawaii to:

4 (1) Require the election of state justices and judges, as
5 provided by law;

6 (2) Authorize the governor and chief justice to make
7 interim appointments for vacancies in the offices of
8 the chief justice, supreme court, intermediate
9 appellate court, and circuit courts, or district
10 courts, respectively; and

11 (3) Repeal provisions pertaining to the judicial selection
12 commission.

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



1 " ~~[APPOINTMENT]~~ ELECTION 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 than four, and not~~
6 ~~more than six nominees for the vacancy presented to the governor~~
7 ~~by the judicial selection commission.~~

8 ~~If the governor fails to make any appointment within thirty~~
9 ~~days of presentation, or within ten days of the senate's~~
10 ~~rejection of any previous appointment, the appointment shall be~~
11 ~~made by the judicial selection commission from the list with the~~
12 ~~consent of the senate. If the senate fails to reject any~~
13 ~~appointment within thirty days thereof, the senate shall be~~
14 ~~deemed to have consented to that appointment. If the senate~~
15 ~~rejects any appointment, the governor shall make another~~
16 ~~appointment from the list within ten days thereof. The same~~
17 ~~appointment and consent procedure shall be followed until a~~
18 ~~valid appointment has been made, or failing this, the judicial~~
19 ~~selection commission shall make the appointment from the list,~~
20 ~~without senate consent.~~



1 ~~The chief justice, with the consent of the senate, shall~~
2 ~~fill a vacancy in the district courts by appointing a person~~
3 ~~from a list of not less than four and not more than six nominees~~
4 ~~for the vacancy presented to the chief justice by the judicial~~
5 ~~selection commission. If the chief justice fails to make any~~
6 ~~appointment within thirty days of presentation, or within ten~~
7 ~~days of the senate's rejection of any previous appointment, the~~
8 ~~appointment shall be made by the judicial selection commission~~
9 ~~from the list with the consent of the senate. If the senate~~
10 ~~fails to reject any appointment within thirty days thereof, the~~
11 ~~senate shall be deemed to have consented to that appointment.~~
12 ~~If the senate rejects any appointment, the chief justice shall~~
13 ~~make another appointment from the list within ten days thereof.~~
14 ~~The same appointment and consent procedure shall be followed~~
15 ~~until a valid appointment has been made, or failing this, the~~
16 ~~judicial selection commission shall make the appointment from~~
17 ~~the list, without senate consent. The chief justice shall~~
18 ~~appoint per diem district court judges as provided by law.~~

19 ~~The judicial selection commission shall disclose to the~~
20 ~~public the list of nominees for each vacancy concurrently with~~
21 ~~the presentation of each list to the governor or the chief~~



1 ~~justice, as applicable.]~~ The justices and judges shall be
2 elected by the qualified voters of this State at a general
3 election as provided by law.

4 In the case of a vacancy in the office of the chief
5 justice, supreme court, intermediate appellate court or circuit
6 courts occurring no later than six months immediately preceding
7 the next general election, the governor shall fill the vacancy
8 with an interim appointee within thirty days of the date of
9 vacancy. The interim appointment term for the office of the
10 chief justice, supreme court, intermediate appellate court and
11 circuit courts shall expire on the date of the next general
12 election. In the case of a vacancy in the district courts
13 occurring no later than six months immediately preceding the
14 next general election, the chief justice shall fill the vacancy
15 with an interim appointee within thirty days of the date of
16 vacancy. The interim appointment term for the district courts
17 shall expire on the date of the next general election. The
18 chief justice shall appoint per diem district court judges as
19 provided by law.



1 **QUALIFICATIONS FOR [APPOINTMENT] ELECTION**

2 Justices and judges shall be residents and citizens of the
3 State and of the United States, and licensed to practice law by
4 the supreme court. A justice of the supreme court, a judge of
5 the intermediate appellate court and a judge of the circuit
6 court shall have been so licensed for a period of not less than
7 ten years preceding nomination. A judge of the district court
8 shall have been so licensed for a period of not less than five
9 years preceding nomination.

10 No justice or judge shall, during the term of office,
11 engage in the practice of law, or run for or hold any other
12 office or position of profit under the United States, the State
13 or its political subdivisions.

14 **TENURE; RETIREMENT**

15 The term of office of justices and judges of the supreme
16 court, intermediate appellate court and circuit courts shall be
17 ten years. Judges of district courts shall hold office for the
18 periods as provided by law. ~~[At least six months before the~~
19 ~~expiration of a justice's or judge's term of office, every~~
20 ~~justice and judge shall petition the judicial selection~~
21 ~~commission to be retained in office or shall inform the~~



1 ~~commission of an intention to retire. If the judicial selection~~
2 ~~commission determines that the justice or judge should be~~
3 ~~retained in office, the commission shall renew the term of~~
4 ~~office of the justice or judge for the period provided by this~~
5 ~~section or by law.]~~

6 Justices and judges shall be retired upon attaining the age
7 of seventy years. They shall be included in any retirement law
8 of the State."

9 SECTION 3. Article VI, section 4, of the Constitution of
10 the State of Hawaii is repealed.

11 ~~[" JUDICIAL SELECTION COMMISSION~~

12 ~~Section 4. There shall be a judicial selection commission~~
13 ~~that shall consist of nine members. The governor shall appoint~~
14 ~~two members to the commission. No more than one of the two~~
15 ~~members shall be a licensed attorney. The president of the~~
16 ~~senate and the speaker of the house of representatives shall~~
17 ~~each respectively appoint two members to the commission. The~~
18 ~~chief justice of the supreme court shall appoint one member to~~
19 ~~the commission. Members in good standing of the bar of the~~
20 ~~State shall elect two of their number to the commission in an~~
21 ~~election conducted by the supreme court or its delegate. No~~



1 ~~more than four members of the commission shall be licensed~~
2 ~~attorneys. At all times, at least one member of the commission~~
3 ~~shall be a resident of a county other than the City and County~~
4 ~~of Honolulu.~~

5 ~~The commission shall be selected and shall operate in a~~
6 ~~wholly nonpartisan manner. After the initial formation of the~~
7 ~~commission, elections and appointments to the commission shall~~
8 ~~be for staggered terms of six years each. Notwithstanding the~~
9 ~~foregoing, no member of the commission shall serve for more than~~
10 ~~six years on the commission.~~

11 ~~Each member of the judicial selection commission shall be a~~
12 ~~resident of the State and a citizen of the United States. No~~
13 ~~member shall run for or hold any other elected office under the~~
14 ~~United States, the State or its political subdivisions. No~~
15 ~~member shall take an active part in political management or in~~
16 ~~political campaigns. No member shall be eligible for~~
17 ~~appointment to the judicial office of the State so long as the~~
18 ~~person is a member of the judicial commission and for a period~~
19 ~~of three years thereafter.~~

20 ~~No act of the judicial selection commission shall be valid~~
21 ~~except by concurrence of the majority of its voting members.~~



1 ~~The judicial selection commission shall select one of its~~
2 ~~members to serve as chairperson. The commission shall adopt~~
3 ~~rules which shall have the force and effect of law. The~~
4 ~~deliberations of the commission shall be confidential.~~

5 ~~The legislature shall provide for the staff and operating~~
6 ~~expenses of the judicial selection commission in a separate~~
7 ~~budget. No member of the judicial selection commission shall~~
8 ~~receive any compensation for commission services, but shall be~~
9 ~~allowed necessary expenses for travel, board and lodging~~
10 ~~incurred in the performance of commission duties.~~

11 ~~The judicial selection commission shall be attached to the~~
12 ~~judiciary branch of the state government for purposes of~~
13 ~~administration."]~~

14 SECTION 4. The question to be printed on the ballot shall
15 be as follows:

16 "Shall the Constitution of the State of Hawaii be
17 amended to:

- 18 (1) Require the election of state justices and
19 judges, as provided by law;
20 (2) Authorize the governor and chief justice to make
21 interim appointments for vacancies in the offices



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1 of the chief justice, supreme court, intermediate
2 appellate court, and circuit courts, or district
3 courts, respectively; and

4 (3) Repeal provisions pertaining to the judicial
5 selection commission?"

6 SECTION 5. Constitutional material to be repealed is
7 bracketed and stricken. New constitutional material is
8 underscored.

9 SECTION 6. This amendment shall take effect upon
10 compliance with article XVII, section 3, of the Constitution of
11 the State of Hawaii; provided that ratification shall take
12 effect upon the enactment of appropriate statutory law to
13 facilitate the purposes of this amendment.

14

INTRODUCED BY: _____



JAN 22 2025



H.B. NO. 1216

Report Title:

Constitutional Amendment; Justices and Judges; Election; Vacancies; Judicial Selection Commission

Description:

Proposes to amend the state constitution to:(1) require the election of state justices and judges, as provided by law; authorize the governor and chief justice to make interim appointments for vacancies in the offices of the chief justice, supreme court, intermediate appellate court, and circuit courts, or district courts, respectively; and (3) repeal provisions pertaining to the judicial selection commission.

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