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SCMF-12-0000520

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the Election

of a

Member of the Bar of the State of Hawai‘i

to the

Judicial Selection Commission

ORDER

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

WHEREAS, the term of office of Judicial Selection Commission (JSC) member Ronette M. Kawakami will expire on April 1, 2021; and

WHEREAS, the expiration of her term will create a vacancy in one of two positions created pursuant to Article VI, Section 4 of the Hawai‘i Constitution stating that “[m]embers in good standing of the bar of the State shall elect two of their number to the commission in an election conducted by the supreme court or its delegate.” Therefore,

IT IS HEREBY ORDERED that the task of conducting the election to fill the vacancy on the JSC that will be created by the expiration of Commissioner Ronette M. Kawakami's term is delegated to the Hawai'i State Bar Association (HSBA) and the Chief Clerk of the Supreme Court (Clerk), as follows:

1. The election shall be conducted as a stand-alone election with both paper and electronic ballots for active and inactive members.
2. Nominations shall be sought by way of announcement published by the HSBA.
3. Any member or group of members of the Hawai'i State Bar who are in good standing may nominate a qualified individual. Nominations shall be submitted on forms prepared by the Office of the Chief Clerk and published by the HSBA. The nomination form may be submitted by mail or in person to the HSBA and must contain:
 - (a) the signatures, typed names, and bar numbers of at least five (5) members in good standing of the Hawai'i State Bar;
 - (b) the written consent of the nominee; and
 - (c) a signed statement by the nominee that he or she meets the constitutional requirements for the office.
4. The HSBA shall include the names of all persons properly nominated on a paper or electronic ballot.
5. Each active and inactive member of the Hawai'i State Bar who is in good standing may cast one (1) vote for the office of Commissioner.
6. Ballots, whether paper or electronic, shall be returned in accordance with the instructions provided by the HSBA.
7. The HSBA shall transfer all returned paper ballots to the Office of the Chief Clerk.

8. The Clerk or designee shall count the ballots, and shall serve as designated administrator of the electronic balloting.
9. The HSBA shall provide to the Clerk access to the software used to conduct the electronic voting and any data resulting therefrom.
10. The nominee who receives the largest number of votes cast shall be elected for a six-year term. In the event of a tie for the largest number of votes, the names of the nominees who received the same number of votes shall be resubmitted to the members of the Hawai'i State Bar in accordance with a subsequent order from this court.
11. The Clerk, through the Supreme Court fiscal office, will reimburse the HSBA for the cost of conducting the election in an amount not to exceed \$3,200.00.
12. The HSBA shall contact the successful candidate and all unsuccessful candidates about the results of the election.
13. The HSBA shall notify their bar members of the results by posting the Order Certifying Election Results on the HSBA website within 5 business days after the receipt of the Order.
14. It is anticipated that the successful candidate will be formally introduced to the HSBA membership at the annual HSBA Convention or, in the same manner as the newly elected HSBA officers and directors if social distancing practices must be continued.

DATED: Honolulu, Hawai'i, May 12, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

