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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., McKenna, Eddins, Ginoza, and Devens, JJ.)

WHEREAS, the term of office of Judicial Selection Commission (JSC) member Jeffrey S. Portnoy will expire on August 2, 2024, and

WHEREAS, the expiration of the 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 members 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 Jeffrey S. Portnoy'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 electronic ballot for active and inactive members in good standing.

2. Nominations shall be sought by way of announcement published by the HSBA.

3. Members of the Hawai'i State Bar who are in good standing may nominate a qualified individual as provided herein. Nominations shall be submitted on forms prepared and distributed 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; and

(b) the written consent of the nominee; and a signed statement by the nominee that the nominee meets the constitutional requirements for the office.

4. The HSBA shall include the names of all persons properly nominated on an 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 shall be returned in accordance with the instructions provided by the HSBA.

7. The Clerk shall serve as designated administrator of the electronic balloting.

8. The HSBA shall provide to the Clerk access to the software used to conduct the electronic voting and any data resulting therefrom.

9. 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.

10. The Clerk, through the Supreme Court fiscal office, shall reimburse the HSBA for the cost of conducting the election in an amount not to exceed \$3,200.00.

11. The HSBA shall contact the successful candidate and all unsuccessful candidates about the results of the election.

12. The HSBA shall notify its bar members of the results by posting the Order Certifying Election Results on the HSBA website within five (5) business days after receipt of the Order, and by including a notice in the next monthly e-calendar or e-newsletter.

DATED: Honolulu, Hawai'i, February 12, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

