

2026 -- S 2938

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- JUDICIAL SELECTION

Introduced By: Senators Euer, Mack, DiMario, Valverde, Acosta, Kallman, Pearson,
Quezada, and Ujifusa

Date Introduced: March 04, 2026

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-16.1-2 of the General Laws in Chapter 8-16.1 entitled "Judicial
2 Selection" is hereby amended to read as follows:

3 **8-16.1-2. Judicial nominating commission.**

4 (a) There is hereby established an independent nonpartisan judicial nominating
5 commission which shall consist of nine (9) members, all of whom shall be residents of the state of
6 Rhode Island, and who shall be appointed as follows:

7 (1) Within seven (7) days after June 2, 1994:

8 (i) The speaker of the house of representatives shall submit to the governor a list of at least
9 three (3) attorneys;

10 (ii) The president of the senate shall submit to the governor a list of at least three (3) persons
11 who may be attorneys and/or members of the public;

12 (iii) The speaker of the house of representatives and the president of the senate shall jointly
13 submit to the governor a list of four (4) members of the public;

14 (iv) The minority leader of the house of representatives shall submit to the governor a list
15 of at least three (3) members of the public; and

16 (v) The minority leader of the senate shall submit to the governor a list of at least three (3)
17 members of the public.

18 (2) Within fourteen (14) days after June 2, 1994, the governor shall appoint to the
19 commission:

1 (i) One person from each of the lists submitted in accordance with subsection (a)(1) of this
2 section;

3 (ii) Three (3) attorneys, without regard to any of the lists; and

4 (iii) One member of the public, without regard to any of the lists.

5 (3) The governor and the nominating authorities hereunder shall exercise reasonable efforts
6 to encourage racial, ethnic, and gender diversity within the commission.

7 (b) Members of the commission shall serve for terms of four (4) years, except that, of the
8 members first appointed:

9 (1) The individual appointed from the list submitted by the minority leader of the house of
10 representatives and one of the attorneys appointed by the governor without regard to any of the lists
11 shall serve for one year;

12 (2) The individual appointed from the list submitted by the minority leader of the senate
13 and one of the attorneys appointed by the governor without regard to any of the lists shall serve for
14 two (2) years;

15 (3) The individual appointed from the list submitted jointly by the speaker of the house of
16 representatives and by the president of the senate and the member of the public appointed by the
17 governor without regard to any of the lists shall serve for three (3) years; and

18 (4) The individuals appointed from the lists submitted by the president of the senate and
19 by the speaker of the house of representatives and one of the attorneys appointed by the governor
20 without regard to any of the lists shall serve for four (4) years.

21 (c) No person shall be appointed at any time to serve more than one term as a member of
22 the commission; provided, however, that a person initially appointed to serve twelve (12) months
23 or less of a full four (4) year term may, upon expiration of that term, be reappointed to serve one
24 full term; ~~and provided further, however, that each member shall continue to serve until his or her~~
25 ~~successor is appointed and qualified.~~ If a successor member is not appointed within thirty (30) days
26 following the expiration of a member's term, the Rhode Island Supreme Court Committee on Racial
27 and Ethnic Fairness, in consultation with the Rhode Island Bar Association and its Committee on
28 Diversity, Equity, and Inclusion, shall appoint a qualified individual to serve as the new or
29 replacement member for the unexpired term. No commission member shall be a legislator, judge,
30 or elected official, or be a candidate for any public office, or hold any compensated federal, state,
31 or municipal public office or elected office in a political party during his or her tenure or for a
32 period of one year prior to appointment. No member of the commission may hold any other public
33 office (except that of notary public) under the laws of the United States, of this state, or of any other
34 governmental entity for which monetary compensation is received. No members shall be eligible

1 for appointment to a state judicial office during the period of time he or she is a commission member
2 and for a period of one year thereafter. No two (2) or more members of the commission shall be
3 members or employees of the same law firm, or employees of the same profit or nonprofit
4 corporation. Vacancies other than those arising through the expiration of a term shall be filled for
5 the unexpired portion of the term in the same manner as vacancies due to the expiration of a term.

6 (d) A quorum consisting of five (5) members shall be necessary in order for the commission
7 to conduct any business. All names submitted to the governor by the commission shall be approved
8 by at least five (5) members of the commission voting in favor of each selection.

9 (e) The commission shall have the power to adopt rules and procedures which aid in its
10 selection of the most highly qualified nominees for judicial office. The governor shall designate a
11 member of the commission to serve as chairperson, who shall serve in that capacity for the duration
12 of his or her tenure. All meetings of the commission shall be subject to the open meetings law as
13 defined in chapter 46 of title 42. The commission shall provide a meaningful public forum,
14 including time for public comment, prior to any final action on judicial nominations. The
15 commission shall not require members of the public to register or sign up to speak more than forty-
16 eight (48) hours in advance of any meeting. Written testimony shall be accepted at any time before
17 final action is taken.

18 (f) The commission is hereby authorized and empowered to investigate the personal
19 background of each nominee as it relates to a determination of judicial fitness through the Rhode
20 Island state police and the attorney general's office, and to require full financial disclosure under
21 the provisions of chapter 14 of title 36, and to require disclosure of all campaign finance
22 contributions made by or on behalf of the nominee within such period as the commission shall
23 prescribe rule, including contributions to any candidate, political committee, or political action
24 committee.

25 (g) The commission shall direct the performance of such administrative duties as may be
26 required for the effective discharge of the obligations granted to the commission, and is hereby
27 empowered to engage the services of legal, secretarial, clerical, and investigative employees and to
28 make such other expenditures as are necessary for the effective performance of its functions.
29 Expenses for office space, staffing, and necessary monetary outlays shall be provided by the
30 department of administration as a separate line item in the state budget under the term "judicial
31 nominating commission."

32 (h) Each person appointed to the commission shall, prior to exercising any authority or
33 assuming any duties as a member of the commission, take an engagement of office in accordance
34 with § 36-1-2. The governor may remove a commission member from office for neglect of duty,

1 malfeasance in office, or conviction of a criminal offense. After a commission member is notified
2 of any allegations against her or him in writing, the commission member shall be entitled to one
3 public hearing prior to removal by the governor.

4 [\(i\) The commission shall provide a live audiovisual broadcast of each open meeting via the](#)
5 [internet and shall maintain an online archive of each recording.](#)

6 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- JUDICIAL SELECTION

1 This act would permit the Rhode Island Supreme Court Committee on Racial and Ethnic
2 Fairness, in consultation with the Rhode Island Bar Association and its Committee on Diversity,
3 Equity, and Inclusion, to appoint a qualified individual to serve as the new or replacement member
4 of the Judicial Nominating Commission if the members with expired terms are not replaced via the
5 normal process. It would also require the commission to provide a public forum relative to adopting
6 rules and procedures, would require judicial candidates to disclose political donations and require
7 the commission to broadcast, via the internet, each open meeting and to maintain an archive of each
8 recording.

9 This act would take effect upon passage.

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