

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 1954

BY: PILGRIM

AS INTRODUCED

AN ACT RELATING TO COURTS; AMENDING 20 O.S. 1991,
SECTIONS 30.17, 30.18 AND 30.19, WHICH RELATE TO
THE COURT OF APPEALS; LIMITING REASONS FOR
APPOINTMENT OF SUCCESSORS; ELIMINATING RETENTION;
AMENDING 26 O.S. 1991, SECTION 5-102, WHICH RELATES
TO DECLARATIONS OF CANDIDACY; EXPANDING LIST OF
CANDIDATES WHO MUST FILE DECLARATIONS WITH THE
SECRETARY OF STATE; AMENDING 26 O.S. 1991, SECTION
11-112, WHICH RELATES TO CANDIDATES FOR JUDICIAL
OFFICE; PROVIDING FOR PLACEMENT OF NAMES OF CERTAIN
CANDIDATES ON THE GENERAL ELECTION BALLOT;
REPEALING 20 O.S. 1991, SECTION 30.16, WHICH
RELATES TO BALLOTS FOR JUDGES OF THE COURT OF
APPEALS; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 20 O.S. 1991, Section 30.17, is amended to read as follows:

Section 30.17 In case a Judge of the Court of Appeals, prior to the expiration of his term, dies, retires, resigns or is removed from office, the Governor shall fill the vacancy by appointment from the congressional district where the vacancy exists of a person

having the required qualifications. The Judicial Nominating Commission shall choose and submit to the Governor and the Chief Justice of the Supreme Court three (3) nominees, each of whom has previously notified the Commission in writing that he will serve as a Judge if appointed. The Governor shall appoint one (1) of the nominees to fill the vacancy, but if he fails to do so within sixty (60) days the Chief Justice of the Supreme Court shall appoint one (1) of the nominees, the appointment to be certified by the Secretary of State.

SECTION 2. AMENDATORY 20 O.S. 1991, Section 30.18, is amended to read as follows:

Section 30.18 Each Judge of the Court of Appeals elected before or after the passage of this act shall, unless removed for cause, serve out the term for which he is elected and those Judges serving at the date of the passage of this act, whose office comes under the provision of this act on the date of the expiration of said term, shall be deemed to have been appointed as provided herein and eligible to file a declaration of candidacy ~~to succeed themselves as provided in this act~~ for re-election. If ~~retained in~~ re-elected to office, the term of each such Judge shall be six (6) years commencing the second Monday in January following such election.

The term and election of each Judge appointed to fill a vacancy after the passage of this act shall be as follows: If such appointed Judge has served or will have served twelve (12) months on or before the next General Election following appointment, he or she may file for election for the remainder of the term for which he or she was appointed, or for a six-year term, whichever is applicable, within the time and in the manner elected Judges file their candidacy ~~under this act~~. If such appointed Judge has not served or will not have served twelve (12) months on or before the next General Election following appointment, he or she shall continue in office until the second General Election following appointment and

may file for election for the remainder of the term or for a six-year term, whichever is applicable, as herein provided.

SECTION 3. AMENDATORY 20 O.S. 1991, Section 30.19, is amended to read as follows:

Section 30.19 No Judge of the Court of Appeals appointed or ~~retained in~~ elected to office under the provisions hereof shall make, directly or indirectly, any contribution to or hold office in a political party organization.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 5-102, is amended to read as follows:

Section 5-102. Candidates for United States Senator, United States Representative, state officer, State Senator, State Representative, Judge of the Court of Appeals, district judge, associate district judge and district attorney shall file declarations of candidacy with the Secretary of the State Election Board.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 11-112, is amended to read as follows:

Section 11-112. A. If no candidate for the office of Judge of the Court of Appeals receives a majority of the votes cast for that office at the Primary Election, the two candidates who receive the highest number of votes shall have their names placed on the ballot for the General Election.

B. If no candidate for the office of an associate district judge receives a majority of the votes cast for that office at the Primary Election, the two candidates who receive the highest number of votes will have their names placed on the ballot for the General Election. In the case of district judges, if the nominating district is not coextensive with the whole judicial district, the two candidates who receive the highest number of votes at the Primary Election will have their names placed on the ballot for the General

Election, whether or not one receives a majority of votes cast for that office at the Primary Election.

SECTION 6. REPEALER 20 O.S. 1991, Section 30.16, is hereby repealed.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-6912 SD