

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE JOINT
RESOLUTION NO. 1024

By: Webb

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection proposed amendments to Section 8 of Article VII and Sections 2 and 5 of Article VII-B of the Constitution of the State of Oklahoma, which relate to the Judiciary; modifying term for district judges and associate district judges; providing for term limitations for certain judges and judicial officers; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
1ST SESSION OF THE 44TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendments to Section 8 of Article VII and Sections 2 and 5 of Article VII-B of the Constitution of the State of Oklahoma to read as follows:

Section 8. (a) The Judges of the District Court shall be District Judges, Associate District Judges, and Special Judges. Each District Judge, each Associate District Judge, and each Special Judge shall be selected according to the provisions of this Article

(b) Superior Court Judges shall become District Court Judges on the effective date of this Article.

(c) Common Pleas, County, Children's and Juvenile Court Judges shall become Associate District Judges in the following manner: Those Judges whose terms expire after the effective date of this Article shall become Associate District Judges on the effective date of this Article. Those Judges whose terms expire on or before the effective date of this Article, shall be subject to selection, in a manner provided by law, as Associate District Judges for a term expiring the day preceding the second Monday in January, 1971, and the selectees shall become Associate District Judges on the effective date of this Article.

(d) There shall be at least one Associate District Judge for each County in the State. The number of District Judges, including Superior Court Judges who become District Judges, and Associate District Judges shall continue at the number held over under this Article until changed by statute. The District Judges and Associate District Judges shall exercise all jurisdiction in the District Court except as otherwise provided by law. The District Courts, or any Judges thereof, shall have the power to issue any writs, remedial or otherwise necessary or proper to carry into effect their orders, judgments, or decrees.

(e) The appointment of any Judge to any Court abolished by this Article made after its adoption shall be for a period ending on the day preceding the effective day of this Article.

(f) The terms of District Judges and Associate District Judges shall be for four years commencing on the second Monday of January in 1971 and vacancies shall be filled in the manner provided by law. The terms of District Judges and Associate District Judges shall be for six (6) years commencing on the second Monday of January in 1995, and vacancies shall be filled in the manner provided by law; provided, for the term commencing on the second Monday of January in 1995, the term of office for the District Judges and Associate District Judges for district court judicial districts 1, 3, 5, 7, 9,

11, 13, 15, 17, 19, 21, 23 and 25 shall be for four (4) years. No person shall be eligible to serve more than one full six-year term as District Judge or Associate District Judge. The years served as District Judge or Associate District Judge by any person appointed or reelected to serve less than six (6) years shall not be included in the six-year limitation, but no person who has completed six (6) years in office shall thereafter be eligible to serve a partial term. Any person who is serving as a District Judge or an Associate District Judge on the effective date of this act shall be entitled to complete his or her term and shall be eligible to serve an additional six (6) years thereafter. The term limitation provided in this section shall apply only to service as a District Judge or Associate District Judge; however, no person shall be allowed to serve more than one full six-year term as an appellate judge, in addition to the term served as District Judge or Associate District Judge.

(g) Each District Judge shall have had prior to election or appointment, a minimum of four years' experience as a licensed practicing attorney, or as a judge of a court of record, or both, within the State of Oklahoma; shall be a qualified elector of the respective district; and shall have such additional qualifications as may be prescribed by statute. Each Associate District Judge shall be an attorney licensed to practice in the State of Oklahoma and an elector in the County at the time of filing; and they shall have such additional qualifications as prescribed by statute. Both District Judges and Associate District Judges shall continue to be licensed attorneys while in office.

(h) The District Judges in each judicial administrative district shall appoint special judges to serve at their pleasure. The District Judges may appoint a nonlawyer as a special judge if no qualified licensed attorney is available. The jurisdiction of Special Judges shall be limited as may be prescribed by statute. The

formula used for the number of special judges to be allowed to each judicial administrative district shall be set by the Legislature. All judges of special sessions courts shall become Special Judges for the remainder of their terms.

(i) District Judges, Associate District Judges and Special Judges may hold court anywhere in this State authorized by rule of the Supreme Court.

Section 2. At the general election next before his term expires, any Judicial Officer who was appointed to serve less than a full six-year term may seek retention in office by filing with the Secretary of State, not less than sixty (60) days before the date of such election, a declaration of candidacy to succeed himself. Thereupon, at such election, there shall be submitted to the qualified electors of the State, on a separate ballot, without party designation, this question:

"Shall (Here insert name of Justice or Judge) of (Here insert the title of the court) be retained in Office?

 / YES

 / NO

The question shall be decided by a majority of those voting thereon. If the decision is "yes" the Judicial Officer shall be retained in office for the next ensuing six (6) year term. If the decision is "no", or if no declaration of candidacy is filed, the office shall be vacant upon expiration of the term then being served, and the former Judicial Officer shall not be eligible for appointment to succeed himself. ~~Retention in office may be sought for successive terms without limit as to number, except for retirement as may be provided by the Legislature for a maximum retirement age.~~

Section 5. Each Judicial Officer elected before or after the adoption of this Article shall, unless removed for cause, serve out the term for which he is elected and those Judicial Officers serving

at the date of the adoption of this Article, whose Judicial Office comes under the provision of this Article 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 Article. If retained in office, the term of each such Judicial Officer shall be six (6) years commencing the second Monday in January following such election.

The term and election of each Judicial Officer appointed to fill a vacancy after the adoption of this Article shall be as follows: If such appointed officer has served or will have served twelve (12) months on or before the next general election following appointment, such officer may file for election for the remainder of the term for which such officer was appointed, or for a six (6) year term, whichever is applicable, within the time and in the manner elected Judicial Officers file their candidacy under this Article. If such appointed officer has not served or will not have served twelve (12) months on or before the next general election following appointment, such officer 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 (6) year term, whichever is applicable, as herein provided.

No person shall be eligible to serve more than one full six-year term as a Judicial Officer. The years served as a Judicial Officer by any person appointed to serve less than six (6) years shall not be included in the six-year limitation, but no person who has completed six (6) years in office shall thereafter be eligible to serve a partial term. Any person who is serving as a Judicial Officer on the effective date of this act shall be entitled to complete his or her term and shall be eligible to serve an additional six (6) years thereafter. The term limitation provided in this section shall apply only to service as a Judicial Officer;

however, no person shall be allowed to serve more than one full six-year term as a District Judge, Associate District Judge or Judge of the Court of Appeals, in addition to the term served as Judicial officer.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It would make changes in Section 8 of Article 7. It also would make changes in Sections 2 and 5 of Article 7-B. These sections deal with judges. The changes would provide term limitations for some judges. The limits would apply to District Court Judges and Associate District Court Judges. The limits also would apply to Supreme Court Justices and Court of Criminal Appeals Judges. These persons would be limited to one six-year term in their office and to one more six-year term as judge of some other court. Service of part of a term would not count toward the term limit but any person who had served a full term could not serve a partial term.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

 / YES, FOR THE AMENDMENT

 / NO, AGAINST THE AMENDMENT

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

44-1-5165 SD

