

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1899

By: Sullivan (John)

AS INTRODUCED

An Act relating to courts; amending 20 O.S. 1991, Sections 30.16 and 30.18, as amended by Sections 12 and 14, Chapter 97, O.S.L. 1996 (20 O.S. Supp. 1996, Sections 30.16 and 30.18), which relate to election and term of Judges of the Court of Civil Appeals; providing term limitations; providing exclusions; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 1991, Section 30.16, as amended by Section 12, Chapter 97, O.S.L. 1996 (20 O.S. Supp. 1996, Section 30.16), is amended to read as follows:

Section 30.16 At the General Election next before a term expires, any Judge of the Court of Civil Appeals who was appointed to serve less than a full term may seek retention in office by filing with the Secretary of State, not less than sixty (60) days before the date of the election, a declaration of candidacy to ~~succeed himself or herself~~ retain the office for the next term. At the 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 Judge) of the Court of Civil Appeals be retained in Office?"

   /      YES

   /      NO

The question shall be decided by a majority of those voting thereon. If the decision is "yes" the Judge shall be retained in office for the next ensuing six-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 Judge shall not be eligible for appointment to ~~succeed himself or herself~~ the office for the next term. 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 2.      AMENDATORY      20 O.S. 1991, Section 30.18, as amended by Section 14, Chapter 97, O.S.L. 1996 (20 O.S. Supp. 1996, Section 30.18), is amended to read as follows:

Section 30.18 Each Judge of the Court of Civil Appeals elected before or after ~~the passage of this act~~ April 20, 1987, shall, unless removed for cause, serve out the term for which ~~he or she~~ the Judge is elected and those Judges serving ~~at the date of the passage of this act~~ on April 20, 1987, whose office comes under the ~~provision of this act~~ provisions of Sections 30.1 through 30.19 of this title on the date of the expiration of the term, shall be deemed to have been appointed ~~as provided herein~~ to the office and eligible to file a declaration of candidacy to succeed themselves as provided in ~~this act~~ Section 30.16 of this title. If retained in office, the term of each such Judge shall be six (6) years commencing the second Monday in January following the election.

The term and election of each Judge appointed to fill a vacancy after ~~the passage of this act~~ April 20, 1987, shall be as follows: If the appointed Judge has served or will have served twelve (12)

months on or before the next General Election following appointment, ~~he or she~~ the Judge may file for election for the remainder of the term for which ~~he or she~~ the Judge 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~~ pursuant to Section 30.16 of this title. If the 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~~ the Judge 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~~.

No person shall be eligible to serve more than twelve (12) years as Judge of the Court of Civil Appeals. The years served as Court of Civil Appeals Judge by any person appointed to serve less than a full term shall not be included in the twelve-year limitation, but no person who has completed twelve (12) years in office shall thereafter be eligible to serve a partial term. Any person who is serving as Judge of the Court of Civil Appeals on November 1, 1998, shall be entitled to complete the term and shall be eligible to serve an additional twelve (12) years thereafter. The term limitation provided in this section shall not apply to service in any other judicial office.

SECTION 3. This act shall become effective November 2, 1998.

46-1-6379

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