

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE JOINT
RESOLUTION NO. 1010

By: Hastings

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection proposed amendments to Sections 7, 8, 9 and 10 of Article VII of the Constitution of the State of Oklahoma, which relate to judges; eliminating office of Associate District Judge; providing that such judges become District Judges; modifying method for selection of District Judges; providing for declaration of candidacy and retention election for incumbent judges; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 47TH 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 Sections 7, 8, 9 and 10 of Article VII of the Constitution of the State of Oklahoma to read as follows:

Section 7. (a) The State shall be divided by the Legislature into judicial districts, each consisting of an entire county or of contiguous counties. There shall be one District Court for each judicial district, which shall have such number of District Judges, ~~Associate District Judges~~ and Special Judges as may be prescribed by statute. The District Court shall have unlimited original jurisdiction of all justiciable matters, except as otherwise provided in this Article, and such powers of review of administrative action as may be provided by statute. Existing electing districts for all who are or who become District Judges ~~and Associate District Judges~~ under the terms of this Article shall

remain as they are constituted for the offices formerly held by such persons on the effective date of this Article, until changed by statute. The Legislature may at any time delegate authority to the Supreme Court to designate by court rule the division of the State into districts and the number of judges.

(b) All Courts in the State of Oklahoma, except those specifically provided for in this Article, are hereby abolished at midnight on the day preceding the effective date of this Article and their jurisdiction, functions, powers and duties are transferred to the respective District Courts, and, until otherwise provided by statute, all non-judicial functions vested in such courts are transferred to the District Courts and Judges thereof. No person shall file a declaration of candidacy for any such court abolished herein on or after July 1, 1968.

(c) Each court into which jurisdiction of other courts is transferred shall succeed to and assume jurisdiction of all causes, matters and proceedings then pending, with full power and authority to dispose of them and to carry into execution or otherwise to give effect to all orders, judgments and decrees theretofore entered by the predecessor courts.

(d) The files, books, papers, records, documents, monies, securities and other property in the possession, custody, or control of the court hereby abolished, or in the possession, custody or control of any officer thereof, are transferred to the District Court; and thereafter all proceedings in all court shall be matters of record.

(e) In the event a transfer or transition has not been provided for by law, the Supreme Court shall by rule provide for the orderly transfer or transition.

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 holding office on the effective date of this Article amendment shall be designated District Judges.~~

~~(d) There shall be at least one Associate District Judge for each County in the State.~~ (c) The number of District Judges, including Superior Court Judges who become District Judges, and Associate District Judges who become District Judges pursuant to this amendment 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) (d)~~ 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) (e)~~ 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, whether occurring during a term or

due to a Judge not seeking retention in office, shall be filled in the manner provided by law.

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

Section 9. A. District Judges ~~and Associate District Judges~~ shall be elected by the voters of the several respective districts or counties at a non-partisan election in the manner provided by statute through the General Election held in 1998. Beginning with the General Election held in November of 2002, District Judges that wish to seek another term in office shall file a declaration of candidacy for retention in office.

B. At the General Election held before the term of a District Judge expires, the Judge may seek retention in office for another term by filing with the Secretary of State, not less than sixty (60) days before the date of such election, a declaration of candidacy. Thereupon, at such election, there shall be submitted to the qualified voters of the district, on a separate ballot, without party designation, this question:

"Shall (Here insert name of Judge) of
(Here insert the district and office 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 Judge shall be retained in office for the next ensuing four-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 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 10. (a) The State shall be divided into Judicial Administrative Districts, by statute, each consisting of one or more District Court Judicial Districts.

(b) The District Judges ~~and Associate District Judges~~ in each Judicial Administrative District shall select one of the District Judges to serve at their pleasure as Presiding Judge of such Judicial Administrative District. Subject to the authority of the Supreme Court, the Presiding Judge shall have general administrative authority over the Judicial Administrative District, including authority to provide for divisions, general or specialized, and for appropriate times and places of holding court subject to law.

SECTION 2. The Ballot Title for the proposed Constitutional amendments 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 amend Sections 7, 8, 9 and 10 of Article 7. The change would mean that Associate District Judges become District Judges. The amendment also would change the way District Judges are picked. These Judges run in a nonpartisan election now. The change would mean that they would run on a retention ballot if they wanted to be reelected. If a Judge did not run again, the seat would be vacant. The vacancy would be filled as set out in law. Currently, any vacancy is filled by the Governor. The Governor gets a list from the Judicial Nominating Commission. The Governor fills the vacancy from the list. This is the way Supreme Court Justices are picked now. It is also the way Court of Criminal Appeals and Court of Civil Appeals Judges are picked now.

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.

47-1-5724 SD 6/12/15