

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 670

By: Henry

AS INTRODUCED

An Act relating to courts; creating the Judicial Election Commission; stating purpose; providing for membership and appointment; limiting terms of members; providing for appointment to fill vacancy; providing for selection of officers; providing for meetings; stating quorum; providing for reimbursement of certain expenses; providing for supplies and staff; exempting Commission from compliance with the Oklahoma Sunset Law, the Oklahoma Open Meeting Act, and the Oklahoma Open Records Act; stating powers and duties; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1641 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Judicial Election Commission to evaluate ethical conduct in campaigns for judicial office.

B. The Judicial Election Commission shall be comprised of fifteen (15) members, nine of whom shall be lawyers who are active members in good standing of the Oklahoma Bar Association, none of whom shall reside in the same judicial administrative district, and six shall be non-lawyers. For the purposes of this section, a non-lawyer shall be a person who neither holds a law degree nor is licensed to practice law in any state. All lawyer members shall be appointed by the President of the Oklahoma Bar Association with the approval of the Board of Governors of the Oklahoma Bar Association. Non-lawyer members shall be appointed as follows: two members shall be appointed by the President Pro Tempore of the Senate; two members

shall be appointed by the Speaker of the House of Representatives; and two members shall be appointed by the Governor. All initial appointments shall be made prior to November 1, 1999.

C. Of the members first appointed to the Judicial Election Commission, three lawyer and two non-lawyer members shall serve for three (3) years and until a successor shall be appointed and qualified; three lawyer and two non-lawyer members shall serve for two (2) years and until a successor shall be appointed and qualified; and three lawyer and two non-lawyer members shall serve for one (1) year and until a successor shall be appointed and qualified. The respective terms of the first members shall be determined by lot at the first meeting of the Commission, and the results shall be certified to the Secretary of State and to the appointing authority for each individual member. Thereafter, each appointee shall serve for a term of three (3) years and until a successor is appointed and qualified. No person shall be eligible to serve more than two terms on the Commission. Vacancies shall be filled in the same manner as provided in this subsection.

D. The Commission shall elect a chair and other officers as deemed necessary for the performance of their duties from among its members to serve a two (2) year term. The Commission shall hold meetings not less than once every year and additional meetings as called by the chair as may be required for the proper discharge of its duties. A simple majority of the Commission shall constitute a quorum.

E. Members of the Commission shall receive no compensation for serving on the Commission, but shall be reimbursed for necessary travel expenses incurred in the performance of their duties pursuant to the State Travel Reimbursement Act.

F. The Oklahoma Bar Association shall provide office supplies and personnel as may be necessary to assist the Commission.

G. The Commission shall not be subject to the provisions of the Oklahoma Sunset Law, the Oklahoma Open Meeting Act, or the Oklahoma Open Records Act.

H. The Commission shall, in its discretion:

1. Receive written complaints, which must be signed and verified, or otherwise receive information factually indicating a violation of a provision of Canon 5 of the Code of Judicial Conduct, as amended, during the course of a campaign for judicial office;
2. Conduct an investigation relating to a complaint;
3. Request an advisory opinion relating to the conduct of a complaint from the Judicial Ethics Advisory Panel; or
4. Refer a complaint to the General Counsel of the Oklahoma Bar Association or the Council on Judicial Complaints, if the Commission determines the allegations of the complaint warrant further investigation or intervention.

SECTION 2. This act shall become effective November 1, 1999.

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