

ENGROSSED HOUSE  
BILL NO. 1807

By: Cargill, Morgan (Fred),  
Sullivan and Nance of the  
House

and

Laster of the Senate

An Act relating to courts; amending 20 O.S. 2001, Sections 92.1, 92.8a, 92.15a, as amended by Section 5, Chapter 490, O.S.L. 2002 and 92.27 (20 O.S. Supp. 2004, Section 92.15a), which relate to judges of the district court; modifying election process for certain district court and associate district court judges; providing for retention ballot for certain incumbent judges; providing procedure for filling vacancies; providing for election if incumbent judge does not seek reelection; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2001, Section 92.1, is amended to read as follows:

Section 92.1 A. The state is hereby divided into twenty-six (26) district court judicial districts with the number of authorized districts and district judges to be as provided in Sections ~~2~~ 92.2 through ~~27~~ 92.27 of this ~~act~~ title.

B. Beginning with the elections in 2006 and the elections thereafter, the elections for district judges and associate district judges in Districts 7, 14 and 26 shall be conducted using a retention election system as detailed in Sections 92.8a, 92.15a and 92.27 of this title.

SECTION 2. AMENDATORY 20 O.S. 2001, Section 92.8a, is amended to read as follows:

Section 92.8a A. Beginning January 11, 1999, District Court Judicial District No. 7 shall have fifteen (15) district judges and one associate district judge.

~~For elections held after 1994, district judges shall be nominated and elected as follows: candidates~~

B. Beginning with the term of office commencing on or about January 8, 2007, and for each term of office thereafter, the district judges and associate district judge for District Court Judicial District No. 7 who were sworn into their office on or before January 13, 2003, shall be elected by retention election.

C. At the next General Election before a term expires, any district judge and associate district judge eligible for retention election may seek retention in office by filing with the Secretary of State, not less than sixty (60) days before the date of the first day of the candidacy filing period for the General Election, a declaration of candidacy to succeed himself or herself. At the election, there shall be submitted to the qualified electors of the district or electoral Division for the district judge and associate district judge, on a separate ballot, without party designation, this question:

"Shall (here insert name of judge) of the District 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 the expiration of the term being served, and the former judge shall not be eligible for appointment to succeed himself or herself. 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.

D. In case a district judge or associate district judge dies, retires, resigns or is removed from office, the Governor shall fill

the vacancy by appointment from the district or electoral Division 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 nominees, each of whom has previously notified the Commission in writing that he or she will serve as a judge if appointed. The Governor shall appoint one of the nominees to fill the vacancy, but if he or she fails to do so within sixty (60) days the Chief Justice of the Supreme Court shall appoint one of the nominees, the appointment to be certified by the Secretary of State.

E. If a district judge or associate district judge who is eligible for retention election does not file the required declaration of candidacy with the Secretary of State by the deadline set forth herein, the office of this district judge or associate district judge shall be considered open for filing in the regular candidate filing period. All eligible candidates may file for this office and the election shall be conducted in the same manner as judicial elections are now conducted in a nonretention judicial election.

F. Any district judge or associate district judge appointed to office after January 13, 2003, shall serve the remainder of the term of his or her office. The office of this appointed district judge or associate district judge shall be considered open for filing in the regular candidate filing period. All eligible candidates may file for this office and the election shall be conducted in the same manner as judicial elections are now conducted in a nonretention judicial election.

G. Any district judge or associate district judge elected in an open filing election in 2006 and elections thereafter shall be eligible for election by retention in the manner and method detailed herein.

H. Candidates and judges for office Nos. 1 and 9 shall be ~~nominated and elected~~ from and be legal residents of electoral Division No. 1, candidates and judges for office Nos. 3 and 10 shall be ~~nominated and elected~~ from and be legal residents of electoral Division No. 2, candidates and judges for office Nos. 2 and 11 shall be ~~nominated and elected~~ from and be legal residents of electoral Division No. 3, candidates and judges for office Nos. 4 and 12 shall be ~~nominated and elected~~ from and be legal residents of electoral Division No. 4, and candidates and judges for office Nos. 5, 6, 7, 8, 13 ~~and~~, 14 and 15 shall be nominated ~~and~~, elected or appointed at large. ~~Beginning with elections held in 1998, candidates for office No. 15 shall be nominated and elected at large.~~

SECTION 3. AMENDATORY 20 O.S. 2001, Section 92.15a, as amended by Section 5, Chapter 490, O.S.L. 2002 (20 O.S. Supp. 2004, Section 92.15a), is amended to read as follows:

Section 92.15a A. District Court Judicial District No. 14 shall have fourteen (14) district judges and one associate district judge in Tulsa County and one associate district judge in Pawnee County. ~~For elections held after 1994, district judges shall be nominated and elected as follows: one~~

B. Beginning with the term of office commencing on or about January 8, 2007, and for each term of office thereafter, the district judges and associate district judges for District Court Judicial District No. 14 who were sworn into their office on or about January 13, 2003, shall be elected by retention election.

C. At the next General Election before a term expires, any district judge and associate district judge eligible for retention election may seek retention in office by filing with the Secretary of State, not less than sixty (60) days before the date of the first day of the candidacy filing period for the General Election, a declaration of candidacy to succeed himself or herself. At the election, there shall be submitted to the qualified electors of the

district or electoral Division for the district judge and associate district judge, on a separate ballot, without party designation, this question:

"Shall (here insert name of judge) of the District 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 the expiration of the term being served, and the former judge shall not be eligible for appointment to succeed himself or herself. 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.

D. In case a district judge or associate district judge dies, retires, resigns or is removed from office, the Governor shall fill the vacancy by appointment from the district or electoral Division 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 nominees, each of whom has previously notified the Commission in writing that he or she will serve as a judge if appointed. The Governor shall appoint one of the nominees to fill the vacancy, but if he or she fails to do so within sixty (60) days, the Chief Justice of the Supreme Court shall appoint one of the nominees, the appointment to be certified by the Secretary of State.

E. If a district judge or associate district judge who is eligible for retention election does not file the required declaration of candidacy with the Secretary of State by the deadline set forth herein, the office of this district judge or associate

district judge shall be considered open for filing in the regular candidate filing period. All eligible candidates may file for this office and the election shall be conducted in the same manner as judicial elections are now conducted in a nonretention judicial election.

F. Any district judge or associate district judge appointed to office after January 13, 2003, shall serve the remainder of the term of his or her office. The office of this appointed district judge or associate district judge shall be considered open for filing in the regular candidate filing period. All eligible candidates may file for this office and the election shall be conducted in the same manner as judicial elections are now conducted in a nonretention judicial election.

G. Any district judge or associate district judge elected in an open filing election in 2006 and elections thereafter shall be eligible for election by retention in the manner and method detailed herein.

H. One district judge shall be ~~nominated and elected~~ from and be a legal resident of electoral Division No. 1, one district judge shall be ~~nominated and elected~~ from and be a legal resident of electoral Division No. 2, one district judge shall be ~~nominated and elected~~ from and be a legal resident of electoral Division No. 3, one district judge shall be ~~nominated and elected~~ from and be a legal resident of electoral Division No. 4, one district judge shall be ~~nominated and elected~~ from and be a legal resident of electoral Division No. 5, one district judge shall be ~~nominated~~ from and be a legal resident of Pawnee County and shall be elected at large, and the remaining district judges shall be ~~nominated~~ from and be legal residents of Tulsa County and shall be elected at large.

SECTION 4. AMENDATORY 20 O.S. 2001, Section 92.27, is amended to read as follows:

Section 92.27 A. District No. 26. The county of Canadian. Said district shall have one district judge and one associate district judge to be nominated and elected at large.

B. Beginning with the term of office commencing on or about January 8, 2007, and for each term of office thereafter, the district judge and associate district judge for District Court Judicial District No. 26 who were sworn into their office on or about January 13, 2003, shall be elected by retention election.

C. At the next General Election before a term expires, any district judge and associate district judge eligible for retention election may seek retention in office by filing with the Secretary of State, not less than sixty (60) days before the date of the first day of the candidacy filing period for the General Election, a declaration of candidacy to succeed himself or herself. At the election, there shall be submitted to the qualified electors of the district, on a separate ballot, without party designation, this question:

"Shall (here insert name of judge) of the District 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 the expiration of the term being served, and the former judge shall not be eligible for appointment to succeed himself or herself. 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.

D. In case a district judge or associate district judge dies, retires, resigns or is removed from office, the Governor shall fill

the vacancy by appointment from the 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 nominees, each of whom has previously notified the Commission in writing that he or she will serve as a judge if appointed. The Governor shall appoint one of the nominees to fill the vacancy, but if he or she fails to do so within sixty (60) days, the Chief Justice of the Supreme Court shall appoint one of the nominees, the appointment to be certified by the Secretary of State.

E. If a district judge or associate district judge who is eligible for retention election does not file the required declaration of candidacy with the Secretary of State by the deadline set forth herein, the office of this district judge or associate district judge shall be considered open for filing in the regular candidate filing period. All eligible candidates may file for this office and the election shall be conducted in the same manner as judicial elections are now conducted in a nonretention judicial election.

F. Any district judge or associate district judge appointed to office after January 13, 2003, shall serve the remainder of the term of his or her office. The office of this appointed district judge or associate district judge shall be considered open for filing in the regular candidate filing period. All eligible candidates may file for this office and the election shall be conducted in the same manner as judicial elections are now conducted in a nonretention judicial election.

G. Any district judge or associate district judge elected in an open filing election in 2006 and elections thereafter shall be eligible for election by retention in the manner and method detailed herein.

SECTION 5. This act shall become effective November 1, 2005.

Passed the House of Representatives the 17th day of March, 2005.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2005.

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Presiding Officer of the Senate