

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE JOINT
RESOLUTION 1021

By: Toure

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 9 of Article VII of the Constitution of the State of Oklahoma; modifying the method for selection of certain District Judges and Associate District Judges; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 50TH 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 amendment to Section 9 of Article VII of the Constitution of the State of Oklahoma to read as follows:

Section 9. A. Except as provided in this section, 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.

B. The provisions of this section shall apply to District Judges and Associate District Judges in the Oklahoma-Canadian Counties and Tulsa-Pawnee Counties judicial administrative districts, comprised of District Court Judicial Districts numbers seven (7), twenty-six (26), and fourteen (14).

C. Beginning with the General Election for 2010 and for each judicial election thereafter, before a term expires, any district judge or associate district judge, for a district provided for in subsection B of this section, who was elected or reelected to office

beginning in 2006, 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 for retention in office.

D. If a District Judge or Associate District Judge, for a district provided for in subsection B of this section, was appointed to fill a vacancy after January 8, 2007, the next term for that office shall be filled by a nonpartisan election conducted in the same manner as judicial elections for District Judges and Associate District Judges in districts that are not subject to this section. The appointed judge shall be eligible to be a candidate for the office. If elected to the office for which the judge was appointed, the judge may seek retention in office for succeeding terms, as provided in subsection B of this section.

E. If an incumbent judge, who is eligible for retention does not file a declaration of candidacy, the office shall be filled by a nonpartisan election conducted in the same manner as judicial elections for District Judges and Associate District Judges in districts that are not subject to this section.

F. If the election is a retention election, there shall be submitted to the qualified voters of the district or subdistrict, on a separate ballot, without party designation, this question:

"Shall (Here insert name of judge) 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 to that office for the succeeding 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. 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 State Constitution. It would amend Section 9 of Article 7. This section deals with judges. It deals with District Judges and Associate District Judges. The amendment would apply to judges in two districts. The districts are Oklahoma-Canadian Counties and Tulsa-Pawnee Counties. The amendment would change elections for these judges. Now these judges are elected in a popular election. The election is nonpartisan. If changed the judge would run in a popular election one time. After that, the judge would run on a retention ballot.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

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.

50-1-5373 SD 01/18/05