

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE JOINT  
4 RESOLUTION 1075

By: Johnson (Rob)

5  
6 AS INTRODUCED

7  
8 A Joint Resolution directing the Secretary of State  
9 to refer to the people for their approval or  
10 rejection a proposed amendment to Section 3 of  
11 Article VII-B of the Constitution of the State of  
12 Oklahoma; increasing membership on Judicial  
13 Nominating Commission; modifying appointing  
14 officials; deleting certain requirement of members;  
15 modifying term of members; modifying vacancy  
16 fulfillment; deleting definition; providing ballot  
17 title; and directing filing.

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20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
21 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

22 SECTION 1. The Secretary of State shall refer to the people for  
23 their approval or rejection, as and in the manner provided by law,  
24 the following proposed amendment to Section 3 of Article VII-B of  
the Constitution of the State of Oklahoma to read as follows:

Section 3. (a) There is established as a part of the Judicial  
Department a Judicial Nominating Commission of ~~thirteen (13)~~ fifteen  
(15) members, to consist of:

1 (1) ~~six (6)~~ five (5) members, to be appointed by the Governor,  
2 one (1) from each congressional district established by the Statutes  
3 of Oklahoma and existing at the date of the adoption of this ~~Article~~  
4 amendment, ~~none~~ only two (2) of whom shall be admitted to practice  
5 law in the State of Oklahoma;

6 (2) ~~six (6)~~ five (5) members, to be appointed by the Speaker of  
7 the Oklahoma House of Representatives, one (1) from each  
8 congressional district established by the Statutes of Oklahoma and  
9 existing at the date of the adoption of this ~~Article who are,~~  
10 ~~however, members of the Oklahoma Bar Association and who have been~~  
11 ~~elected by the other active members of their district under~~  
12 ~~procedures adopted by the Board of Governors of the Oklahoma Bar~~  
13 ~~Association, until changed by statute~~ amendment, only two (2) of  
14 whom shall be admitted to practice law in the State of Oklahoma; and

15 (3) ~~one (1) member at large who shall not have been admitted to~~  
16 ~~the practice of law in the State of Oklahoma or any other State, but~~  
17 ~~who shall be a resident of the State of Oklahoma, to be selected by~~  
18 ~~not less than eight (8) members of the Nominating Commission. In~~  
19 ~~the event eight (8) members of the Commission cannot agree upon the~~  
20 ~~member at large within thirty (30) days of the initial organization~~  
21 ~~of the Commission or within thirty (30) days of a vacancy in the~~  
22 ~~member at large position, the Governor shall make the appointment of~~  
23 ~~the member at large~~ five (5) members, to be appointed by the  
24 President Pro Tempore of the State Senate, one (1) from each

1 congressional district existing at the date of the adoption of this  
2 amendment, only two (2) of whom shall be admitted to practice law in  
3 the State of Oklahoma.

4 The Commission shall elect one of its members to serve as  
5 Chairman for a term of one (1) year.

6 ~~The six (6) lay~~ Except as provided in subsection (b) of this  
7 section, members of the Commission ~~who are appointed by the Governor~~  
8 shall be appointed within ninety (90) days from the date that this  
9 ~~Article~~ amendment becomes effective. Two (2) members each shall be  
10 appointed by their appointing official for a term of two (2) years,  
11 two (2) members for a term of four (4) years, and ~~two (2) members~~  
12 one (1) member for a term of six (6) years. ~~The Oklahoma Bar~~  
13 ~~Association shall hold its election and certify to the Secretary of~~  
14 ~~State its members within ninety (90) days from the effective date of~~  
15 ~~this Article, two (2) of whom shall be elected for a term of two (2)~~  
16 ~~years, two (2) for a term of four (4) years, and two (2) for a term~~  
17 ~~of six (6) years.~~

18 (b) Commissioners serving on the effective date of this  
19 amendment shall serve the remainder of their terms. Thereafter all  
20 appointments shall be initial appointments and shall be subject to  
21 the appointment requirements provided in subsection (a) of this  
22 section. Thereafter all of the members of the Commission, whether  
23 elected or appointed, shall serve for a term of six (6) years,

1 ~~except that the member at large shall serve for a term of two (2)~~  
2 ~~years.~~

3 ~~(b) (c)~~ Vacancies arising during the term of any ~~lay~~  
4 ~~commissioner, other than the member at large,~~ shall be filled by  
5 ~~appointment by the Governor~~ by the respective appointing official  
6 for the remainder of ~~his~~ the term. ~~Vacancies of any lawyer~~  
7 ~~commissioner shall be filled by the Board of Governors of the~~  
8 ~~Oklahoma Bar Association for the remainder of his term.~~

9 ~~(c)~~ In the event of vacancy in the member at large position,  
10 ~~the said vacancy shall be filled in the same manner as the original~~  
11 ~~selection.~~

12 ~~(d)~~ Of those Commissioners named by the Governor, not more than  
13 ~~three (3) shall belong to any one political party.~~

14 ~~(e) (d)~~ The concurrence of the majority of Commissioners in  
15 office at the time shall be sufficient to decide any question,  
16 unless otherwise provided herein. The Commission shall have  
17 jurisdiction to determine whether the qualifications of nominees to  
18 hold Judicial Office have been met and to determine the existence of  
19 vacancies on the Commission.

20 ~~(f) (e)~~ No Commissioner, while a member of the Commission,  
21 shall hold any other public office by election or appointment or any  
22 official position in a political party and he shall not be eligible,  
23 while a member of the Commission and for five (5) years thereafter,  
24 for nomination as a Judicial Officer.



1 be lawyers. Each of these five members will be from each  
2 congressional district. The term of six members will be two  
3 years. The term of six members will be four years. The term of  
4 three members will be six years. Vacancies in the Commission  
5 will be filled by the official who appointed the person who is  
6 no longer a member of the Commission.

7 SHALL THE PROPOSAL BE APPROVED?

8 FOR THE PROPOSAL - YES \_\_\_\_\_

9 AGAINST THE PROPOSAL - NO \_\_\_\_\_

10 SECTION 3. The Chief Clerk of the House of Representatives,  
11 immediately after the passage of this resolution, shall prepare and  
12 file one copy thereof, including the Ballot Title set forth in  
13 SECTION 2 hereof, with the Secretary of State and one copy with the  
14 Attorney General.

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16 51-2-9656 MMP 01/13/08  
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