

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE JOINT
6 RESOLUTION NO. 27

By: Anderson and Jolley of the Senate

and

Sullivan of the House

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9 COMMITTEE SUBSTITUTE

10 A Joint Resolution directing the Secretary of State to refer to the people for their
11 approval or rejection a proposed amendment to Section 3 of Article VII-B of the
12 Oklahoma Constitution; modifying the composition of the Judicial Nominating
13 Commission; making language gender neutral; providing ballot title; and
14 directing filing.

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16 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST
17 SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

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

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

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

4 (2) six ~~(6)~~ members, which shall include at least one ~~(1)~~ from each congressional district
5 established by the Statutes of Oklahoma and existing at the date of the adoption of this Article who are,
6 however, members of the Oklahoma Bar Association and who have been elected by the other active
7 members of their district under procedures adopted by the Board of Governors of the Oklahoma Bar
8 Association, until changed by statute; and

9 (3) ~~one ~~(1)~~ member~~ three members at large who shall not have been admitted to the practice of
10 law in the State of Oklahoma or any other state, but who shall be a resident of the State of Oklahoma,
11 one to be selected by not less than eight ~~(8)~~ members of the Nominating Commission. In the event
12 eight ~~(8)~~ members of the Commission cannot agree upon the member at large within thirty (30) days of
13 the initial organization of the Commission or within thirty (30) days of a vacancy in the member at
14 large position, the Governor shall make the appointment of the member at large; one to be selected by
15 the President Pro Tempore of the Senate; and one to be selected by the Speaker of the House of
16 Representatives.

17 The Commission shall elect one of its members to serve as ~~Chairman~~ chair for a term of one (1)
18 year.

19 The six ~~(6)~~ lay members of the Commission who are appointed by the Governor shall be
20 appointed within ninety (90) days from the date that this Article becomes effective. Two ~~(2)~~ members
21 shall be appointed for a term of two (2) years, two ~~(2)~~ members for a term of four (4) years, and two
22 ~~(2)~~ members for a term of six (6) years. The Oklahoma Bar Association shall hold its election and
23 certify to the Secretary of State its members within ninety (90) days from the effective date of this
24

1 Article, two (~~2~~) of whom shall be elected for a term of two (2) years, two (~~2~~) for a term of four (4)
2 years, and two (~~2~~) for a term of six (6) years. Thereafter all of the members of the Commission,
3 whether elected or appointed, shall serve for a term of six (6) years, except that the member at large
4 shall serve for a term of two (2) years.

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

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

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

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

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

21 (g) Commissioners shall serve without compensation but the Legislature shall provide funds to
22 reimburse them for their necessary travel and lodging expenses while performing their duties as such
23 Commissioners.
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1 (h) No Commissioner shall be permitted to succeed himself or herself.

2 (i) As used herein, the words "Oklahoma Bar Association" shall include any successor thereof
3 and any future form of the organized Bar of this state.

4 SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in
5 SECTION 1 of this resolution shall be in the following form:

6 BALLOT TITLE

7 Legislative Referendum No. _____

State Question No. _____

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 The measure amends Section 3 of Article 7-B of the Oklahoma Constitution. It amends sections
10 that set up the Judicial Nominating Commission. This Commission chooses people to nominate
11 for judge or justice if there is a vacancy. The Commission sends the names of three people to the
12 Governor. The Governor picks one of the three to fill the vacancy. This amendment would
13 change the number of members on the Commission from thirteen to fifteen. It will allow the
14 President Pro Tempore of the Senate to pick one member and the Speaker of the House of
15 Representatives to pick one member.

16 SHALL THE PROPOSAL BE APPROVED?

17 FOR THE PROPOSAL — YES _____

18 AGAINST THE PROPOSAL — NO _____

19 SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of
20 this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2
21 hereof, with the Secretary of State and one copy with the Attorney General.

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23 52-1-7614

LRB

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