

1 **SENATE FLOOR VERSION**

2 February 20, 2013

3 SENATE JOINT
4 RESOLUTION NO. 21

By: Jolley and Sykes of the
Senate

5 and

6 Murphey of the House

7
8 A Joint Resolution directing the Secretary of State
9 to refer to the people for their approval or
10 rejection the proposed amendment to Section 4 of
11 Article VII-B of the Oklahoma Constitution; modifying
certain appointment procedure; requiring Senate
confirmation of certain judicial appointments;
providing ballot title; and directing filing.

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14 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
15 1ST SESSION OF THE 54TH OKLAHOMA LEGISLATURE:

16 SECTION 1. The Secretary of State shall refer to the people for
17 their approval or rejection, as and in the manner provided by law,
18 the following proposed amendment to Section 4 of Article VII-B of
19 the Oklahoma Constitution to read as follows:

20 Section 4. When a vacancy in any Judicial Office, however
21 arising, occurs or is certain to occur, ~~the Judicial Nominating~~
22 ~~Commission shall choose and submit to the Governor and the Chief~~
23 ~~Justice of the Supreme Court three (3) nominees, each of whom has~~
24 ~~previously notified the Commission in writing that he will serve as~~

1 ~~a Judicial Officer if appointed. The~~ the Governor shall appoint ~~one~~
2 ~~(1) of the nominees~~ a nominee to fill the vacancy, ~~but if he fails~~
3 ~~to do so within sixty (60) days the Chief Justice of the Supreme~~
4 ~~Court shall appoint one (1) of the nominees,~~ the appointment to be
5 certified by the Secretary of State and to be confirmed by the
6 Senate. Prior to the nomination being submitted, the Governor shall
7 submit the name of the nominee or nominees he or she wishes to have
8 considered by the Judicial Nominating Commission. The Commission
9 shall provide an advisory rating of "qualified" or "not qualified"
10 to the Governor for each nomination submitted prior to the
11 submission of the nomination to the Senate, provided, the Commission
12 shall complete its work within ninety (90) days of receiving the
13 submission of potential nominees from the Governor. If the Senate
14 is not in session when an appointment is made, the Governor may call
15 the Senate into special session no more than once per quarter to
16 advise and consent on any such appointments.

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

20 BALLOT TITLE
21 Legislative Referendum No. _____ State Question No. _____

22 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

23 This measure would amend the Oklahoma Constitution. It would
24 amend Section 4 of Article 7-B. This section provides for

1 filling vacancies for judges. The Governor will pick the new
2 judge after consultation and rating of the judges by the
3 Judicial Nominating Commission. The appointment will require
4 confirmation by the Senate.

5 SHALL THE PROPOSAL BE APPROVED?

6 FOR THE PROPOSAL - YES _____

7 AGAINST THE PROPOSAL - NO _____

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

13 COMMITTEE REPORT BY: COMMITTEE ON RULES
14 February 20, 2013 - DO PASS
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