

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

SENATE JOINT  
RESOLUTION 24

By: Jolley

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Sections 1, 2 and 3 of Article VII of the Oklahoma Constitution; limiting period of time person may serve as Justice or Judge of appellate court; providing that retention ballot not be required; providing for persons serving on January 1, 2015; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
1ST SESSION OF THE 54TH 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 Sections 1, 2 and 3 of Article VII of the Oklahoma Constitution, to read as follows:

Section 1. A. The judicial power of this State shall be vested in the Senate, sitting as a Court of Impeachment, a Supreme Court, the Court of Criminal Appeals, the Court on the Judiciary, the Workers' Compensation Court, the Court of Bank Review, the Court of Tax Review, and such intermediate appellate courts as may be

1 provided by statute, District Courts, and such Boards, Agencies and  
2 Commissions created by the Constitution or established by statute as  
3 exercise adjudicative authority or render decisions in individual  
4 proceedings. Provided that the Court of Criminal Appeals, the  
5 Workers' Compensation Court, the Court of Bank Review and the Court  
6 of Tax Review and such Boards, Agencies and Commissions as have been  
7 established by statute shall continue in effect, subject to the  
8 power of the Legislature to change or abolish said Courts, Boards,  
9 Agencies, or Commissions.

10 B. No person shall be eligible to serve as a Justice of the  
11 Supreme Court or a Judge of an appellate court in this state for a  
12 period of time in excess of twenty (20) years. Such years need not  
13 be consecutive. No such person shall be required to be on a  
14 retention ballot during such twenty-year-period. Any Justice or  
15 Judge serving as such on January 1, 2015, shall be eligible to serve  
16 an additional twenty (20) years from the date of appointment or the  
17 date of certification of election results when last on the retention  
18 ballot, whichever is later, and shall not be required to be on a  
19 retention ballot during such twenty-year period.

20 C. Municipal Courts in cities or incorporated towns shall  
21 continue in effect and shall be subject to creation, abolition or  
22 alteration by the Legislature by general laws, but shall be limited  
23 in jurisdiction to criminal and traffic proceedings arising out of  
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1 | infractions of the provisions of ordinances of cities and towns or  
2 | of duly adopted regulations authorized by such ordinances.

3 |       Section 2. A. The Supreme Court shall consist of nine Justices  
4 | until the number shall be changed by statute and each Justice shall  
5 | be from a separate district of the State. Each district shall  
6 | remain as presently constituted until otherwise provided by Statute.

7 |       B. The terms of office of the Justices of the Supreme Court  
8 | shall be six years and shall commence on the second Monday of  
9 | January following their election. Those appointed or elected to  
10 | fill vacancies shall assume office immediately upon qualifying for  
11 | the office. Provided, no person shall be eligible to serve as a  
12 | Justice of the Supreme Court for a period of time in excess of  
13 | twenty (20) years. Such years need not be consecutive. No Justice  
14 | shall be required to be on a retention ballot during such twenty-  
15 | year-period. Any Justice who is serving as such on January 1, 2015,  
16 | shall be entitled to complete his or her six-year term and shall be  
17 | eligible to serve an additional 20 years thereafter, and shall not  
18 | be required to be on a retention ballot during such 20-year period.

19 |       C. Each Justice, at the time of ~~his~~ election or appointment,  
20 | shall have attained the age of thirty years, shall have been a  
21 | qualified elector in the district for at least one year immediately  
22 | prior to the date of filing or appointment, and shall have been a  
23 | licensed practicing attorney or judge of a court of record, or both,  
24 | in Oklahoma for five years preceding ~~his~~ election or appointment and

1 shall continue to be a duly licensed attorney while in office to be  
2 eligible to hold the office.

3 D. The Justices shall choose from among their members a Chief  
4 Justice and a Vice Chief Justice.

5 Section 3. ~~From each of the Supreme Court districts and Court~~  
6 ~~of Criminal Appeals districts, the voters thereof shall elect a~~  
7 ~~Justice of the Supreme Court and a Judge of the Court of Criminal~~  
8 ~~Appeals at a non-partisan election, in a manner provided by statute.~~  
9 ~~In the event intermediate appellate courts are created, the judges~~  
10 ~~thereof shall be elected at a non-partisan election, in a manner~~  
11 ~~provided by statute.~~ In the event of a vacancy in the Supreme  
12 Court, the Court of Criminal Appeals or any other appellate court  
13 created by the Legislature, the Governor shall, by appointment from  
14 said the judicial district in which the vacancy occurs, appoint a  
15 person qualified by law to fill such vacancy until the next election  
16 for State Officers, and at such election the vacancy for the  
17 unexpired term shall be filled by a non-partisan election in a  
18 manner provided by statute.

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

22 BALLOT TITLE

23 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

24 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

1 This measure amends Sections 1, 2 and 3 of Article VII of the  
2 state Constitution. These sections provide for the creation of  
3 the Supreme Court and other courts. This measure would limit  
4 the amount of time a person could serve as a Justice of the  
5 Supreme Court or a Judge of another appellate court to twenty  
6 years. The years would not need to be consecutive. Persons  
7 would not need to appear on a retention ballot during this time.  
8 Justices or Judges serving on January 1, 2015, could complete  
9 their current terms and serve an additional twenty years.

10 SHALL THE PROPOSAL BE APPROVED?

11 FOR THE PROPOSAL — YES \_\_\_\_\_

12 AGAINST THE PROPOSAL — NO \_\_\_\_\_

13 SECTION 3. The President Pro Tempore of the Senate shall,  
14 immediately after the passage of this resolution, prepare and file  
15 one copy thereof, including the Ballot Title set forth in SECTION  
16 hereof, with the Secretary of State and one copy with the Attorney  
17 General.

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