

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

COMMITTEE SUBSTITUTE
FOR
HOUSE JOINT
RESOLUTION NO. 1037

By: Calvey

COMMITTEE SUBSTITUTE

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by repealing Sections 1, 2, 3, 4, 5, 6 and 7 of Article VII-B of the Constitution of the State of Oklahoma, repealing of Section 3 of Article VII of the Constitution of the State of Oklahoma and adding a new Section 3A to Article VII of the Constitution of the State of Oklahoma; changing selection process for appellate judges and justices; providing for nonpartisan elections; abolishing the Judicial Nomination Commission; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
2ND SESSION OF THE 55TH 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 repeal of Sections 1, 2, 3, 4, 5, 6 and 7 of Article VII-B of the Constitution of the State of Oklahoma and Section 3 of Article

1 VII of the Constitution of the State of Oklahoma which relate to
2 judicial selection.

3 SECTION 2. The Secretary of State shall refer to the people for
4 their approval or rejection, as and in the manner provided by law,
5 the following proposed amendment to the Constitution of the State of
6 Oklahoma by adding a new Section 3A to Article VII thereof, to read
7 as follows:

8 Section 3A. A. Elections. Beginning in the general election
9 in 2018, the voters shall elect all Justices of the Supreme Court,
10 all Judges of the Court of Criminal Appeals and all Judges of the
11 Court of Civil Appeals at a nonpartisan election on a statewide
12 ballot.

13 B. Transition Elections. In 2018, all Justices of the Supreme
14 Court, all Judges of the Court of Criminal Appeals and all Judges of
15 the Court of Civil Appeals shall be elected at a nonpartisan
16 election on a statewide ballot at the general election. Following
17 the 2018 transition election, any procedure for the election of
18 Justices or Judges shall be established by statute; provided the
19 statute shall not require the election of more than one-third (1/3)
20 of any appellate court to stand for election at one time with
21 exception for any special election that may be necessary. Provided
22 further, statute shall not allow any Justice or Judge to be elected
23 on less than a statewide ballot. Following the 2018 transition
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1 election, the term of office for Justices and Judges shall be six
2 (6) years.

3 C. Qualifications for candidacy for judicial positions shall be
4 established by statute. In the event of a judicial vacancy at any
5 level, the Governor shall, by appointment, fill such vacancy until
6 the next election for statewide officers, and at such election the
7 vacancy for the unexpired term shall be filled at a nonpartisan
8 election in a manner provided by statute.

9 D. The Judicial Nominating Commission is hereby abolished.

10 E. Any previously stated right to a judicial seat provided for
11 in this Constitution is hereby extinguished. If any court of
12 competent jurisdiction shall rule that a Justice or Judge whose term
13 has not expired by the general election of 2018 is entitled to
14 finish said term notwithstanding this provision, the remainder of
15 this provision shall remain in full force and effect.

16 SECTION 3. The Ballot Title for the proposed Constitutional
17 amendments as set forth in SECTIONS 1 and 2 of this resolution shall
18 be in the following form:

19 BALLOT TITLE

20 Legislative Referendum No. _____ State Question No. _____

21 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

22 This resolution amends the Oklahoma Constitution. It changes
23 the way Justices and Judges of the Supreme Court, Court of
24 Criminal Appeals and Court of Civil Appeals are selected.

1 Currently these Justices and Judges are nominated by a judicial
2 nominating commission, with final selection by the Governor
3 although the Governor's choice is limited to the three names
4 submitted to the Governor by the Judicial Nominating Commission.
5 The amendment would change the selection method so that
6 appellate judges are now chosen by the people in elections
7 similar to the manner that district judges are now selected.
8 The terms of office would be six years.

9 SHALL THE PROPOSAL BE APPROVED?

1 0 FOR THE PROPOSAL — YES _____

1 1 AGAINST THE PROPOSAL — NO _____

1 2 SECTION 4. The Chief Clerk of the House of Representatives,
1 3 immediately after the passage of this resolution, shall prepare and
1 4 file one copy thereof, including the Ballot Title set forth in
1 5 SECTION 3 hereof, with the Secretary of State and one copy with the
1 6 Attorney General.

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1 8 55-2-9021 SD 02/10/16
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