

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

COMMITTEE SUBSTITUTE
FOR
HOUSE JOINT
RESOLUTION NO. 1042

By: Cleveland

COMMITTEE SUBSTITUTE

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 4 of Article VII-B of the Constitution of the State of Oklahoma; requiring the Judicial Nominating Commission to submit to the Governor the names of all qualified applicants for a vacant judicial office; requiring ranking; making rankings confidential information; prohibiting certain acts by the Commission; requiring proof that specified process was followed be submitted to the Governor; requiring promulgation of rules; requiring establishment of a website; 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 following proposed amendment to Section 4 of Article VII-B of the Constitution of the State of Oklahoma to read as follows:

Section 4. When a vacancy in any Judicial Office, however arising, occurs or is certain to occur, the Judicial Nominating

1 Commission shall ~~choose~~ evaluate all qualified applicants and submit
2 to the Governor and the Chief Justice of the Supreme Court ~~three (3)~~
3 ~~nominees~~ a list of all qualified applicants, each of whom has
4 previously notified the Commission in writing that he or she will
5 serve as a Judicial Officer if appointed. No member of the Judicial
6 Nominating Commission shall ask any questions or seek out any
7 information relating to the political party affiliation of any
8 applicant. No member of the Judicial Nominating Commission shall
9 question an applicant who is a sitting judge about cases currently
10 pending before that judge or question an applicant about any case
11 that may come before the applicant if he or she is appointed to the
12 vacant office. The Commission shall provide to the Governor a
13 ranking based on qualification of all qualified applicants. The
14 ranking of all applicants by the Commission shall be kept
15 confidential and shall not be subject to public disclosure. Proof
16 that the process provided for in this section has been followed
17 shall be submitted to the Governor at the time the names of the
18 applicants are submitted. The proof shall include a detailed
19 description of the criteria used to determine if an applicant is
20 qualified. Any person shall have standing to challenge the process.
21 The procedure for challenges shall be established by statute. The
22 Governor shall appoint one (1) of the ~~nominees~~ applicants to fill
23 the vacancy, but if he or she fails to do so within sixty (60) days
24 the Chief Justice of the Supreme Court shall appoint one (1) of the

1 ~~nominees~~ applicants, the appointment to be certified by the
2 Secretary of State.

3 The Judicial Nominating Commission shall promulgate rules for
4 the process provided for in this section. The rules shall be
5 published and made available to the public. The rules shall
6 include, but not be limited to, a definition of what constitutes a
7 quorum and a rule that ensures that the financial and private
8 information of each applicant is kept confidential and not provided
9 to any third parties. The rules shall be submitted to the Supreme
10 Court and the Legislature for approval or rejection and shall not
11 take effect until approved by both the Supreme Court and both houses
12 of the Legislature. Any member of the Judicial Nominating
13 Commission who fails to comply with the rules shall be subject to
14 removal from the Judicial Nominating Commission. If a member is
15 removed from the Judicial Nominating Commission for violating the
16 rules, the list of applicants provided to the Governor shall be
17 rejected and the process for the filling of the vacancy shall be
18 reopened.

19 The Judicial Nominating Commission shall establish a website on
20 the official web portal of the state.

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

24 BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It requires the Judicial Nominating Commission to submit a list and confidential ranking of all qualified applicants for judicial office to the Governor. The Governor must select a judicial officer from that list of names. Currently the Commission submits a list of three names and the Governor has to select one of the three. The amendment would prohibit the Commission from asking questions about political party affiliations on court cases. It would require the Commission to submit proof to the Governor that proper procedure was followed. It would require rules governing procedure be adopted. It would establish a Commission website.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

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

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