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By: Hickman of the House

Bingman of the Senate

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1 of the Thirty-first Oklahoma Legislature to the contrary
2 notwithstanding.

3 (b) As used in this ~~Section~~ Article, "Judicial Office" means
4 the offices of Justice of the Supreme Court and Judges of the Court
5 of Criminal Appeals and "Judicial Officer" means a Justice or Judge
6 of each such court, excluding retired or supernumerary Justices or
7 Judges.

8 Section 3. (a) There is established as a part of the Judicial
9 Department a Judicial Nominating Commission of fifteen (15) members,
10 to consist of:

11 (1) six members to be appointed by the Governor, which shall
12 include at least one from each congressional district established by
13 the Statutes of Oklahoma and existing at the date of the adoption of
14 this Article, none of whom shall be admitted to practice law in the
15 State of Oklahoma or have any immediate family member who has been
16 admitted to the practice of law in the State of Oklahoma or any
17 other state;

18 (2) six members, which shall include at least one from each
19 congressional district established by the Statutes of Oklahoma and
20 existing at the date of the adoption of this Article who are,
21 however, members of the Oklahoma Bar Association and who have been
22 elected by the other active members of their district under
23 procedures adopted by the Board of Governors of the Oklahoma Bar
24 Association, until changed by statute; and

1 (3) three members at large who shall not have been admitted to
2 the practice of law in the State of Oklahoma or any other state or
3 have any immediate family member who has been admitted to the
4 practice of law in the State of Oklahoma or any other state but who
5 shall be a resident of the State of Oklahoma, one to be selected by
6 not less than eight members of the Nominating Commission. In the
7 event eight members of the Commission cannot agree upon the member
8 at large within thirty (30) days of the initial organization of the
9 Commission or within thirty (30) days of a vacancy in the member at
10 large position, the Governor shall make the appointment of the
11 member at large; one to be selected by the President Pro Tempore of
12 the Senate; and one to be selected by the Speaker of the House of
13 Representatives. No more than two members at large shall belong to
14 any one political party.

15 The Commission shall elect one of its members to serve as chair
16 for a term of one (1) year.

17 The six lay members of the Commission who are appointed by the
18 Governor shall be appointed within ninety (90) days from the date
19 that this Article becomes effective. ~~Two members shall be appointed~~
20 ~~for a term of two (2) years, two members for a term of four (4)~~
21 ~~years, and two members for a term of six (6) years~~ Beginning with
22 the effective date of this amendment, the six lay members who are
23 appointed by the Governor shall serve at the pleasure of the
24 Governor until such time as replaced by the Governor. The Oklahoma

1 Bar Association shall hold its election and certify to the Secretary
2 of State its members within ninety (90) days from the effective date
3 of this Article, two of whom shall be elected for a term of two (2)
4 years, two for a term of four (4) years, and two for a term of six
5 (6) years. Thereafter all of the members of the Commission, whether
6 elected or appointed, except for the members appointed by the
7 Governor, the President Pro Tempore of the Senate and the Speaker of
8 the House of Representatives, shall serve for a term of six (6)
9 years, except that the member at large shall serve for a term of two
10 (2) years. The member appointed by the President Pro Tempore of the
11 Senate shall serve at the pleasure of the President Pro Tempore
12 until the member's replacement is appointed; the member appointed by
13 the Speaker of the House of Representatives shall serve at the
14 pleasure of the Speaker of the House until the member's replacement
15 is appointed.

16 (b) ~~Vacancies arising during the term of any lay commissioner,~~
17 ~~other than the member at large, shall be filled by appointment by~~
18 ~~the Governor for the remainder of his or her term.~~ Vacancies of any
19 lawyer commissioner shall be filled by the Board of Governors of the
20 Oklahoma Bar Association for the remainder of his or her term.

21 (c) In the event of vacancy in ~~the~~ a member at large position,
22 the said vacancy shall be filled in the same manner as the original
23 selection.
24

1 (d) Of those Commissioners named by the Governor, not more than
2 three shall belong to any one political party.

3 (e) The concurrence of the majority of the Commissioners ~~in~~
4 ~~office at the time~~ shall be sufficient to decide any question,
5 unless otherwise provided herein. The Commission shall have
6 jurisdiction to determine whether the constitutional and statutory
7 qualifications of nominees to hold Judicial Office, intermediate
8 appellate court office, office of district judge and office of
9 associate district judge have been met and to determine the
10 existence of vacancies on the Commission.

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

16 (g) Commissioners shall serve without compensation but the
17 Legislature shall provide funds to reimburse them for their
18 necessary travel and lodging expenses while performing their duties
19 as such Commissioners.

20 (h) No Commissioner shall be permitted to succeed himself or
21 herself.

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

1 Section 4. (a) When a vacancy in any Judicial Office or
2 intermediate appellate court, however arising, occurs or is certain
3 to occur, the Judicial Nominating Commission shall ~~choose~~ determine
4 that all constitutional and statutory qualifications for office are
5 met, investigate criminal and financial backgrounds and submit to
6 the Governor and the Chief Justice of the Supreme Court ~~three (3)~~
7 ~~nominees~~ a list of all applicants, each of whom has previously
8 notified the Commission in writing that he or she will serve as a
9 Judicial Officer or intermediate appellate judge if appointed. At
10 the time of submission of the list of applicants to the Governor and
11 the Chief Justice of the Supreme Court, the Commission may include
12 with the list a merit score for each applicant of one (1) through
13 ten (10) with ten (10) being the highest score, which score shall
14 remain confidential information available only as necessary for
15 purposes of appointment and confirmation. The Governor or the Chief
16 Justice of the Supreme Court may request from the Commission
17 additional information or documentation for any applicant regarding
18 any applicant's merit score. The Governor shall appoint one (1) of
19 the ~~nominees~~ applicants to fill the vacancy, but if he or she fails
20 to do so within sixty (60) days the Chief Justice of the Supreme
21 Court shall appoint one (1) of the ~~nominees~~, ~~the appointment to be~~
22 applicants. Any appointment to Judicial Office or to an
23 intermediate appellate court shall be subject to confirmation by a
24 select committee of the Senate and House of Representatives. Senate

1 members of the select committee shall be appointed by the President
2 Pro Tempore of the Senate and House of Representative members of the
3 select committee shall be appointed by the Speaker of the House of
4 Representatives. Until changed by statute, the select committee
5 shall consist of ten (10) legislators, with five (5) members
6 appointed from each house of the Legislature, and shall include at
7 least one member from each house of the Legislature who is not a
8 member of the political party holding the majority of seats in that
9 house. The appointment and confirmation shall be certified by the
10 Secretary of State.

11 (b) When a vacancy during the term of any office of district
12 judge or associate district judge, however arising, occurs or is
13 certain to occur, the Judicial Nominating Commission shall determine
14 whether the constitutional and statutory qualifications for office
15 are met by each applicant and, in the event there are three (3) or
16 fewer applicants, submit all the applicants who meet the
17 constitutional and statutory qualifications as nominees each of whom
18 has previously notified the Commission in writing that he or she
19 will serve as a district court judge or associate district court
20 judge if appointed, to the Governor and the Chief Justice of the
21 Supreme Court, and in the event there are more than three (3)
22 applicants evaluate the merits of the applicants and choose three
23 (3) nominees to submit to the Governor and the Chief Justice of the
24 Supreme Court each of whom has previously notified the Commission in

1 writing that he or she will serve as a district court judge or
2 associate district court judge if appointed. The Governor shall
3 appoint one (1) of the nominees to fill the vacancy, but if he or
4 she fails to do so within sixty (60) days the Chief Justice of the
5 Supreme Court shall appoint one (1) of the nominees.

6 SECTION 2. The Ballot Title for the proposed Constitutional
7 amendments as set forth in SECTION 1 of this resolution shall be in
8 the following form:

9 BALLOT TITLE

10 Legislative Referendum No. _____ State Question No. _____

11 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

12 This measure changes the selection process for filling vacancies
13 for the Supreme Court, Court of Criminal Appeals and
14 intermediate appellate courts. It places in the Constitution
15 the current method of filling vacancies in district court
16 offices. The change in selection of appellate judges would
17 require the Judicial Nominating Commission to submit to the
18 Governor a list of all applicants for the office. The
19 Commission could also include a merit ranking. The Governor
20 would select one of the applicants. The selection would have to
21 be confirmed by a select legislative committee.

22 SHALL THE PROPOSAL BE APPROVED?

23 FOR THE PROPOSAL — YES _____

24 AGAINST THE PROPOSAL — NO _____

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

6 COMMITTEE REPORT BY: COMMITTEE ON RULES
7 April 6, 2016 - DO PASS AS AMENDED
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