

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE JOINT
RESOLUTION 1006

By: Cockroft

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection the repeal of Section 3 of Article VII of the Constitution of the State of Oklahoma, the addition of a new Section 3A to Article VII, and the amendment of Sections 1 and 2 of Article VII-B; changing the manner in which Supreme Court Justices are selected; repealing superseded section of the Constitution; providing for Supreme Court Judicial Districts; providing terms of office; providing for filling of vacancies; providing for nomination; providing for appointment of the Chief Justice; prohibiting certain political activity; providing times for initial apportionment and elections; providing for terms of Justices in office prior to certain date; providing for continuation of certain laws and court rules; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
1ST 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 amendments to the Constitution of the State of Oklahoma, repealing Section 3 of Article VII of the Oklahoma Constitution, adding a new section 3A to Article VII of the Oklahoma

1 Constitution, and amending Sections 1 and 2 of Article VII-B of the
2 Constitution of the State of Oklahoma to read as follows:

3 Section 3A. A. The Supreme Court shall consist of nine
4 Justices. Six of the Justices shall be elected from the six Supreme
5 Court Judicial Districts provided for in subsection B of this
6 section. Three of the Justices shall be elected from the state at-
7 large.

8 B. The state shall be divided into six Supreme Court Judicial
9 Districts. The apportionment shall be accomplished by the
10 Legislature within ninety (90) legislative days after the convening
11 of the first regular session of the Legislature following each
12 Federal Decennial census. The apportionment shall be based on
13 population, with each district containing the same population as
14 near as practicable. Any divergence from a strict population
15 standard shall be based upon legitimate considerations incident to
16 the effectuation of a rational state policy. One Justice shall be
17 elected from each of the Supreme Court Judicial Districts. The
18 Justice shall be a resident and registered voter of the Supreme
19 Court Judicial District from which he or she is elected.

20 C. For the initial election of Justices pursuant to this
21 section:

22 1. The Justices from Districts 1 and 6 and one of the at-large
23 Justices shall be elected for a term of two (2) years;
24

1 2. The Justices from Districts 2 and 5 and one of the at-large
2 Justices shall be elected for a term of four (4) years; and

3 3. The Justices from Districts 3 and 4 and one of the at-large
4 Justices shall be elected for a term of six (6) years.

5 D. After the initial election of Justices, the term of office
6 for a Supreme Court Justice shall be six (6) years. Any vacancy in
7 office shall be filled pursuant to Section 4 Article VII-B of the
8 Oklahoma Constitution.

9 E. The term of office for members of the Supreme Court shall
10 commence on the second Monday in January following their election.

11 F. Candidates shall be nominated by recognized political
12 parties, but the political party affiliation shall not be printed on
13 the election ballot. Elections shall be conducted in accordance
14 with state law.

15 G. The Chief Justice of the Supreme Court shall be appointed by
16 the Governor from the membership of the Court and shall be subject
17 to removal from the office of Chief Justice at the will of the
18 Governor.

19 H. No Supreme Court Justice or candidate for the office of
20 Supreme Court Justice shall make, directly or indirectly, any
21 contribution to or hold office in a political party or organization,
22 or make, directly or indirectly, any contribution to the candidacy
23 of any person running for any judicial position in this state.
24

1 I. The initial apportionment required by this section shall be
2 completed within ninety (90) legislative days after the convening of
3 the first regular session of the Legislature in 2021. The first
4 elections held pursuant to this section shall occur in 2022. The
5 terms of Justices holding office prior to January 9, 2023, shall end
6 upon the swearing in of Justices pursuant to this section.

7 J. Except to the extent inconsistent with the provisions of
8 this section, all provisions of law and court rules in effect on the
9 effective date of this amendment shall remain in effect until
10 superseded in the manner provided by law.

11 Section 1. (a) The provisions of this Article shall govern the
12 selection and tenure of all ~~Justices of the Supreme Court and~~ Judges
13 of the Court of Criminal Appeals of the State of Oklahoma, to which
14 the provisions hereof may be extended as hereinafter provided, other
15 provisions of the Constitution or statutes of the State of Oklahoma
16 to the contrary notwithstanding, and the provisions of Article VII
17 as proposed by House Joint Resolution No. 508 of the First Session
18 of the Thirty-first Oklahoma Legislature to the contrary
19 notwithstanding.

20 (b) As used in this Section, "Judicial Office" means the
21 offices of ~~Justice of the Supreme Court and~~ Judges of the Court of
22 Criminal Appeals and "Judicial Officer" means a ~~Justice or~~ Judge of
23 ~~each such court~~ the Court of Criminal Appeals, excluding retired or
24 supernumerary ~~Justices or~~ Judges.

Section 2. At the general election next before his or her term expires, any Judicial Officer may seek retention in office by filing with the Secretary of State, not less than sixty (60) days before the date of such election, a declaration of candidacy to succeed himself. Thereupon, at such election, there shall be submitted to the qualified electors of the State, on a separate ballot, without party designation, this question:

"Shall (Here insert name of ~~Justice or~~ Judge) of ~~(Here insert~~
~~the title of the court)~~ of the Court of Criminal Appeals be
retained in Office?

☐ YES☐ NO

The question shall be decided by a majority of those voting thereon. If the decision is "yes" the Judicial Officer shall be retained in office for the next ensuing six (6) year term. If the decision is "no", or if no declaration of candidacy is filed, the office shall be vacant upon expiration of the term then being served, and the former Judicial Officer shall not be eligible for appointment to succeed himself or herself. Retention in office may be sought for successive terms without limit as to number, except for retirement as may be provided by the Legislature for a maximum retirement age.

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

4 BALLOT TITLE

5 Legislative Referendum No. _____ State Question No. _____

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This amendment to the State Constitution would change the manner
8 in which State Supreme Court Justices are selected. Currently,
9 each Justice is initially appointed by the Governor from a list
10 provided by the Judicial Nominating Commission. Thereafter, if
11 a Justice wishes to be reelected, the Justice's name is placed
12 on a retention ballot and voted on by the people. This proposed
13 amendment would require Justices to be elected by the people.
14 Elections would comply with state law. Three Justices would be
15 elected from the state at-large. Each of the six remaining
16 Justices would be elected from one of six Supreme Court Judicial
17 Districts. They would be nominated by political parties. Their
18 terms would remain six-year terms. They would no longer be
19 eligible for retention ballot. They would be prohibited from
20 involvement in certain campaign activity. The Chief Justice
21 would be selected by the Governor. The amendment would also
22 repeal a section of the Constitution that has been superseded.

23 SHALL THE PROPOSAL BE APPROVED?

24 FOR THE PROPOSAL — YES _____

1 AGAINST THE PROPOSAL — NO _____

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

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