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February 7, 2017

SENATE JOINT
RESOLUTION NO. 44

By: Sykes

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 Oklahoma Constitution; modifying selection process for judicial vacancies; requiring Senate confirmation of certain appointments; establishing deadlines for certain confirmations; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
1ST SESSION OF THE 56TH 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 Oklahoma Constitution to read as follows:

Section 4. When a vacancy in any Judicial Office, however arising, occurs or is certain to occur, the Judicial Nominating Commission shall choose and submit to the Governor ~~and the Chief Justice of the Supreme Court~~ three (3) five (5) nominees, each of whom has previously notified the Commission in writing that he or she will serve as a Judicial Officer if appointed. The Governor

1 shall either appoint one (1) of the nominees to fill the vacancy,
2 ~~but if he fails to do so within sixty (60) days the Chief Justice of~~
3 ~~the Supreme Court shall appoint one (1) of the nominees~~ or request
4 five (5) more nominees from the Judicial Nominating Commission.
5 When the Governor appoints a nominee, the appointment is to be
6 certified by the Secretary of State and to be confirmed by the
7 Senate. If the Legislature is in session when an appointment is
8 made, the Senate shall have sixty (60) days from the date of
9 appointment to confirm or reject the appointee. If the Legislature
10 is not in session when an appointment is made, the Governor may
11 either call the Legislature into special session no more than once
12 per quarter for the Senate to advise and consent on any such
13 appointments, or the Senate shall have sixty (60) days from
14 convening on the first Monday in February of each year pursuant to
15 Section 26 of Article V of the Oklahoma Constitution to confirm or
16 reject any interim appointees. Inaction on an appointee by the
17 Senate within the specified time periods shall constitute
18 confirmation of such appointee.

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 would amend the Oklahoma Constitution. It would
2 amend Section 4 of Article 7-B. This section provides for
3 filling vacancies for judges. The Judicial Nominating
4 Commission will give names of possible nominees to the Governor.
5 The Governor will pick the new judge. The appointment will
6 require confirmation by the Senate within specific deadlines.
7 The Governor may call the Senate into special session no more
8 than once per quarter.

9 SHALL THE PROPOSAL BE APPROVED?

10 FOR THE PROPOSAL — YES _____

11 AGAINST THE PROPOSAL — NO _____

12 SECTION 3. The President Pro Tempore of the Senate shall,
13 immediately after the passage of this resolution, prepare and file
14 one copy thereof, including the Ballot Title set forth in SECTION 2
15 hereof, with the Secretary of State and one copy with the Attorney
16 General.

17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
18 February 7, 2017 - DO PASS
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