

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

SENATE JOINT  
RESOLUTION 43

By: Sykes

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection the proposed amendment to Section 4 of Article VII-B of the Oklahoma Constitution; modifying certain appointment procedure; requiring Senate confirmation of certain judicial appointments; 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) nominees, each of whom has previously notified the Commission in writing that he will serve as a Judicial Officer if appointed. The~~ the Governor shall appoint ~~one~~

1 ~~(1) of the nominees~~ a nominee to fill the vacancy, ~~but if he fails~~  
2 ~~to do so within sixty (60) days the Chief Justice of the Supreme~~  
3 ~~Court shall appoint one (1) of the nominees,~~ the appointment to be  
4 certified by the Secretary of State and to be confirmed by the  
5 Senate. Prior to the nomination being submitted, the Governor shall  
6 submit the name of the nominee or nominees he or she wishes to have  
7 considered by the Judicial Nominating Commission. The Commission  
8 shall provide an advisory rating of "qualified" or "not qualified"  
9 to the Governor for each nomination submitted prior to the  
10 submission of the nomination to the Senate; provided, the Commission  
11 shall complete its work within ninety (90) days of receiving the  
12 submission of potential nominees from the Governor. If the Senate  
13 is not in session when an appointment is made, the Governor may call  
14 the Senate into special session no more than once per quarter to  
15 advise and consent on any such appointments.

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

19 BALLOT TITLE

20 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

21 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

22 This measure would amend the Oklahoma Constitution. It would  
23 amend Section 4 of Article 7-B. This section provides for  
24 filling vacancies for judges. The Governor will pick the new

1 judge after consultation and rating of the judges by the  
2 Judicial Nominating Commission. The appointment will require  
3 confirmation by the Senate.

4 SHALL THE PROPOSAL BE APPROVED?

5 FOR THE PROPOSAL — YES \_\_\_\_\_

6 AGAINST THE PROPOSAL — NO \_\_\_\_\_

7 SECTION 3. The President Pro Tempore of the Senate shall,  
8 immediately after the passage of this resolution, prepare and file  
9 one copy thereof, including the Ballot Title set forth in SECTION 2  
10 hereof, with the Secretary of State and one copy with the Attorney  
11 General.

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