

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1626

By: Daniels

AS INTRODUCED

An Act relating to judicial vacancies; amending 20 O.S. 2011, Section 30.17, which relates to Court of Civil Appeals vacancies; modifying procedure for filling vacancy of certain office; removing role of Judicial Nominating Commission in filling certain vacancy; requiring Senate confirmation of certain appointees; amending 51 O.S. 2011, Section 10, which relates to vacancies in state offices; modifying appointment procedures for vacancies of certain judicial offices; removing role of Judicial Nominating Commission in filling certain vacancies; requiring Senate confirmation of certain appointees; updating statutory language; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 20 O.S. 2011, Section 30.17, is amended to read as follows:

Section 30.17. In case a Judge of the Court of Civil Appeals dies, retires, resigns, ~~or~~ is removed from office or a vacancy arises in any other manner, the Governor shall fill the vacancy by appointment from the congressional district where the vacancy exists of a person having the required qualifications, subject to advice and consent of the Senate. ~~The Judicial Nominating Commission shall~~

~~choose and submit to the Governor and the Chief Justice of the Supreme Court three nominees, each of whom has previously notified the Commission in writing that he or she will serve as a Judge if appointed. The Governor shall appoint one of the nominees to fill the vacancy, but if he fails to do so within sixty (60) days the Chief Justice of the Supreme Court shall appoint one of the nominees, the appointment to be certified by the Secretary of State~~

SECTION 2. AMENDATORY 51 O.S. 2011, Section 10, is amended to read as follows:

Section 10. A. All vacancies in state offices, except in offices of the members of the Legislature, members of the House of Representatives from Oklahoma in the Congress of the United States of America and members of the Senate of the United States of America, shall be filled by appointment by the Governor. A vacancy on the Supreme Court or Court of Criminal Appeals shall be filled by appointment by the Governor utilizing the services of the Judicial Nominating Commission in the manner as provided for in the filling of judicial offices pursuant to Section 4 of Article VII-B of the Oklahoma Constitution. When a vacancy occurs in the office of district judge, associate district judge, or judge of any intermediate appellate court, including the Court of Civil Appeals, the Governor shall, ~~in filling~~ fill such vacancy, ~~utilize the services of the Judicial Nominating Commission in the manner as provided for in the filling of judicial offices under Section 4,~~

1 ~~Article 7B of the Oklahoma Constitution~~ with the advice and consent  
2 of the Senate.

3 B. All vacancies in county offices except the board of county  
4 commissioners or except for any elective county office of any county  
5 in the State of Oklahoma having a population of more than six  
6 hundred thousand (600,000), according to the latest Federal  
7 Decennial Census shall be filled by appointment by the board of  
8 county commissioners. If such an appointment is made prior to the  
9 prescribed filing period for county officers in accordance with the  
10 provisions of Section 131 of Title 19 of the Oklahoma Statutes, the  
11 county commissioners shall, at the time ~~said~~ the appointment is  
12 made, proclaim a special election to fill the balance of the  
13 unexpired term, providing the balance of the term does not expire in  
14 the year following the next succeeding general election. In making  
15 the proclamation, the county commissioners shall establish the dates  
16 for the filing period, primary election, runoff primary election and  
17 general election to be the same as the next succeeding filing  
18 period, primary election, runoff primary election and general  
19 election for county officers. The appointee shall be eligible to  
20 become a candidate at ~~said~~ the special election, providing ~~said~~ the  
21 appointee is otherwise qualified. The office to be filled shall be  
22 printed on the same ballot as other county offices.

23 SECTION 3. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby  
25

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.  
3

4 57-2-2525 TEK 1/16/2020 12:45:32 PM  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25