

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE JOINT
RESOLUTION 1033

By: Lepak

AS INTRODUCED

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 Constitution of the State of Oklahoma and the repeal of Section 3 of Article VII-B of the Constitution of the State of Oklahoma; modifying procedure for filling vacancies in Judicial Offices; abolishing the Judicial Nominating Commission; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
2ND SESSION OF THE 57TH 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, amending Section 4 of Article VII-B of the Constitution of the State of Oklahoma and repealing Section 3 of Article VII-B of the Oklahoma Constitution:

Section 4. When a vacancy in any Judicial Office, however arising, occurs or is certain to occur, the ~~Judicial Nominating~~

1 ~~Commission shall choose and submit to the Governor and the Chief~~
2 ~~Justice of the Supreme Court three (3) nominees, each of whom has~~
3 ~~previously notified the Commission in writing that he will serve as~~
4 ~~a Judicial Officer if appointed. The Governor shall appoint one (1)~~
5 ~~of the nominees~~ a successor ~~to fill the vacancy, but if he fails to~~
6 ~~do so within sixty (60) days the Chief Justice of the Supreme Court~~
7 ~~shall appoint one (1) of the nominees, the~~ subject to confirmation
8 by a majority vote of the Speaker of the House of Representatives,
9 the President Pro Tempore of the Senate, the Majority Floor Leaders
10 of the House of Representatives and the Senate, the Minority Leaders
11 of the House of Representatives and the Senate and the Lieutenant
12 Governor. The Legislature may modify or create an alternative to
13 this confirmation process by law. The appointment to shall be
14 certified by the Secretary of State.

15 Section 3. Section 3 of Article VII-B of the Constitution of
16 the State of Oklahoma, which relates to the Judicial Nominating
17 Commission, is hereby repealed.

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

21 BALLOT TITLE
22 Legislative Referendum No. _____ State Question No. _____
23 THE GIST OF THE PROPOSITION IS AS FOLLOWS:
24

1 This measure amends the Oklahoma Constitution. It abolishes the
2 Judicial Nominating Commission. This Commission reviews
3 nominations to the Supreme Court, Court of Criminal Appeals and
4 other appellate courts and then sends nominations to the
5 Governor. The Governor selects one of the nominations to fill a
6 vacancy on the court. Under this measure, the Governor would
7 appoint a successor to the court without having to go through
8 any nominating process. The appointment would have to be
9 confirmed by majority and minority leadership of both houses of
10 the Legislature and the Lieutenant Governor. The measure would
11 authorize the Legislature to make modifications or alternatives
12 to the confirmation process by law.

13 SHALL THE PROPOSAL BE APPROVED?

14 FOR THE PROPOSAL — YES _____

15 AGAINST THE PROPOSAL — NO _____

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

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22 57-2-10716 SD 01/16/20
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