

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE JOINT  
RESOLUTION 39

By: Bullard

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 Oklahoma Constitution; modifying selection process for vacancies in judicial office; requiring that certain information remains confidential; requiring certain merit ranking; requiring Senate confirmation; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES 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 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~~ determine that all constitutional and statutory qualifications for office are met, investigate criminal and financial backgrounds and submit to the Governor and the Chief

1 Justice of the Supreme Court ~~three (3) nominees~~ a list of all  
2 applicants, each of whom has previously notified the Commission in  
3 writing that he or she will serve as a Judicial Officer if  
4 appointed. At the time of submission of the list of applicants to  
5 the Governor and the Chief Justice of the Supreme Court, the  
6 Commission shall include with the list a merit score for each  
7 applicant of one (1) through ten (10) with ten (10) being the  
8 highest score. Scores shall remain confidential information  
9 available only as necessary for purposes of appointment and  
10 confirmation. The Governor or the Chief Justice of the Supreme  
11 Court may request from the Commission additional information or  
12 documentation for any applicant regarding any applicant's merit  
13 score. The Governor shall appoint one (1) of the ~~nominees~~  
14 applicants to fill the vacancy, but if he or she fails to do so  
15 within sixty (60) days, the Chief Justice of the Supreme Court shall  
16 appoint one (1) of the ~~nominees, the appointment to be~~ applicants.  
17 Any appointment to Judicial Office shall be subject to the advice  
18 and consent of the Senate. The appointment and confirmation shall  
19 be certified by the Secretary of State.

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

23 BALLOT TITLE

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

1 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

2 This measure amends Section 4 of Article 7B of the Oklahoma  
3 Constitution. This measure changes the selection process for  
4 filling vacancies for the Supreme Court and Court of Criminal  
5 Appeals. The change in selection of justices and judges would  
6 require the Judicial Nominating Commission to submit to the  
7 Governor a list of all applicants for the office. The  
8 Commission shall also include a merit ranking. The Governor  
9 would select one of the applicants. The selection would have to  
10 be confirmed by the Senate.

11 SHALL THE PROPOSAL BE APPROVED?

12 FOR THE PROPOSAL — YES \_\_\_\_\_

13 AGAINST THE PROPOSAL — NO \_\_\_\_\_

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

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