

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE JOINT
RESOLUTION 28

By: Daniels

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection the repeal of Section 3 of Article VII-B, which relates to the Judicial Nominating Commission, and 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
2ND SESSION OF THE 58TH 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 repeal of Section 3 and 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~~

1 ~~previously notified the Commission in writing that he will serve as~~
2 ~~a Judicial Officer if appointed. The~~ the Governor shall appoint ~~one~~
3 ~~(1) of the nominees~~ a nominee to fill the vacancy, ~~but if he fails~~
4 ~~to do so within sixty (60) days the Chief Justice of the Supreme~~
5 ~~Court shall appoint one (1) of the nominees,~~ the appointment to be
6 certified by the Secretary of State and to be confirmed by the
7 Senate. If the Senate is not in session when an appointment is
8 made, the Governor may call the Senate into special session no more
9 than once per quarter to advise and consent on any such appointment.

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

13 BALLOT TITLE

14 Legislative Referendum No. _____ State Question No. _____

15 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

16 This measure would amend Article 7-B of the Oklahoma
17 Constitution. The measure would repeal Section 3 of Article 7-B
18 which created the Judicial Nominating Commission. The measure
19 would amend Section 4 of Article 7-B to establish a process for
20 appointing Supreme Court justices and Court of Criminal Appeals
21 judges modeled on the federal process established in the United
22 States Constitution. The Governor will appoint new judges and
23 justices, subject to confirmation by the Senate. Appellate
24

1 judges will stand for retention elections every 6 years as they
2 do under current law.

3 SHALL THE PROPOSAL BE APPROVED?

4 FOR THE PROPOSAL — YES _____

5 AGAINST THE PROPOSAL — NO _____

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

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