

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE JOINT  
4 RESOLUTION 1041

By: Lepak

5  
6 AS INTRODUCED

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8 A Joint Resolution directing the Secretary of State  
9 to refer to the people for their approval or  
10 rejection a proposed amendment to Section 4 of  
11 Article VII-B of the Constitution of the State of  
12 Oklahoma; modifying provisions related to selection  
13 of justices or judges; requiring appointment by  
14 Governor; providing for appointment by Chief Justice  
15 of the Oklahoma Supreme Court in certain  
16 circumstances; requiring confirmation by Oklahoma  
17 State Senate; providing ballot title; and directing  
18 filing.

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20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
21 1ST SESSION OF THE 59TH OKLAHOMA LEGISLATURE:

22 SECTION 1. The Secretary of State shall refer to the people for  
23 their approval or rejection, as and in the manner provided by law,  
24 the following proposed amendment to Section 4 of Article VII-B of  
the Constitution of the State of Oklahoma 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 Governor shall appoint one (1)~~  
3 ~~of the nominees~~ a qualified person to fill the vacancy, but if he  
4 fails to do so within sixty (60) days after the vacancy occurs, the  
5 Chief Justice of the Supreme Court shall appoint ~~one (1) of the~~  
6 ~~nominees, the appointment to~~ a qualified person and in either case  
7 the nominee shall not begin to serve until confirmation of the  
8 nomination by a majority vote of the members elected to and  
9 constituting the Oklahoma State Senate. After confirmation, the  
10 appointment shall be certified by the Secretary of State.

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

14 BALLOT TITLE

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

16 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

17 This measure amends the Oklahoma Constitution. It amends  
18 Section 4 of Article 7-B. There is an entity known as the  
19 Judicial Nominating Commission. This body makes  
20 recommendations for appointment of justices to the appeals  
21 courts in Oklahoma which includes the Oklahoma Supreme Court  
22 and the Oklahoma Court of Criminal Appeals. This measure would  
23 remove the Judicial Nominating Commission from the selection  
24 process. The Governor would appoint qualified persons in the

1 event of a vacancy. If the Governor did not act within a  
2 certain period of time, the Chief Justice of the Oklahoma  
3 Supreme Court would make the appointment instead. All of the  
4 appointments regardless of who made them would be subject to  
5 confirmation by the Oklahoma State Senate. The confirmation  
6 would require a majority vote of the those Senators elected to  
7 and constituting the Oklahoma State Senate.

8 SHALL THE PROPOSAL BE APPROVED?

9 FOR THE PROPOSAL - YES \_\_\_\_\_

10 AGAINST THE PROPOSAL - NO \_\_\_\_\_

11 SECTION 3. The Chief Clerk of the House of Representatives,  
12 immediately after the passage of this resolution, shall prepare and  
13 file one copy thereof, including the Ballot Title set forth in  
14 SECTION 2 hereof, with the Secretary of State and one copy with the  
15 Attorney General.

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17 59-1-6027 MAH 01/11/23  
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