

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3837

By: Gann

AS INTRODUCED

An Act relating to the Council on Judicial Complaints; creating the Oklahoma Government Transparency and Judicial Accountability Act; amending 20 O.S. 2021, Section 1651, which relates to the public policy of the Council; clarifying persons the Council can investigate; providing referral of complaints to appropriate entities for review; amending 20 O.S. 2021, Section 1404, which relates to removal of judicial officer; modifying definition of judicial officer to include persons exercising judicial powers; excluding certain executive branch officials from partisan political activity prohibition; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Oklahoma Government Transparency and Judicial Accountability Act". This act shall clarify the intent of the Legislature in response to Oklahoma Attorney General Opinion 2024-17.

SECTION 2. AMENDATORY 20 O.S. 2021, Section 1651, is amended to read as follows:

1 Section 1651. It is hereby declared to be the public policy of
2 this state:

3 1. To afford a means for efficiently and impartially
4 investigating complaints by any person concerning the conduct of:

5 a. persons occupying positions subject to the

6 jurisdiction of the Court on the Judiciary,

7 b. executive branch officials when exercising judicial or

8 quasi-judicial powers,

9 c. persons authorized by the Oklahoma Constitution or by

10 statute to exercise judicial or quasi-judicial powers

11 including, but not limited to, magistrates, court

12 commissioners, special masters, referees, and

13 administrative law judges, and

14 d. members of a board, agency, or commission when

15 exercising judicial or quasi-judicial powers;

16 2. To provide an agency which can determine whether such
17 complaints should:

18 a. be made the subject of action before the Court on the

19 Judiciary for the purpose of removal, reprimand, or

20 admonition, or

21 b. be dismissed;

22 3. To provide means for procuring necessary information to
23 enable the agency to perform its functions, including the power to
24

1 issue and enforce subpoenas to testify or to produce tangible
2 evidentiary materials; ~~and~~

3 4. To better the administration of justice in this state
4 through the means enumerated in Sections 1651 through 1662 of this
5 title; and

6 5. To ensure accountability by referring findings that a
7 complaint has merits against a person exercising judicial or quasi-
8 judicial powers to the Court of the Judiciary, the Attorney General,
9 the district attorney, the Oklahoma Ethics Commission, or to the
10 Legislature, as appropriate, for review.

11 SECTION 3. AMENDATORY 20 O.S. 2021, Section 1404, is
12 amended to read as follows:

13 Section 1404. A. As used in this section, the term "judicial
14 officer" includes ~~the judges:~~

15 1. Judges of all courts created by the state or municipalities
16 of the state;

17 2. Executive branch officials when exercising judicial or
18 quasi-judicial powers;

19 3. Persons authorized by the Oklahoma Constitution or by
20 statute to exercise judicial or quasi-judicial powers including, but
21 not limited to, magistrates, court commissioners, special masters,
22 referees, and administrative law judges, and

23 4. Members of a board, agency, or commission when exercising
24 judicial or quasi-judicial powers.

1 B. In addition to the causes specified in Article VII-A,
2 Section 1 of the Oklahoma Constitution, the acts and omissions
3 enumerated below shall constitute grounds for the removal by the
4 Court on the Judiciary of a judicial officer from his office, with
5 or without disqualification to hold a judicial office in the future:

6 1. The acceptance of a fee, or gratuity, other than that
7 specifically provided by law, for performing any act in a judicial
8 officer's capacity as a judge.

9 2. Continued willful failure of a judicial officer to comply
10 with rules and directives of the Supreme Court, the presiding judge
11 of his or her administrative district, or the chief judge of the
12 judicial district.

13 3. Participation by a judicial officer, while serving as such
14 officer or while a candidate for judicial office, in any partisan
15 political activity. Such prohibition shall not apply to an
16 executive branch official who is required by the Oklahoma
17 Constitution or by statute to stand for election on a partisan
18 ballot. But the term "partisan political activity~~7~~", as used
19 herein, shall not include the attendance by a judicial officer or by
20 a candidate for a judicial office at a political gathering, upon
21 payment of a nominal admission fee, for the sole purpose of
22 campaigning in his or her own behalf for a judicial office.

23 4. Participation by a judicial officer, while serving as such
24 officer or while a candidate for a judicial office, in any election

1 campaign other than that for his or her own election to a judicial
2 office.

3 5. A judicial officer becoming a candidate for any nonjudicial
4 office or for another judicial office whose term is to commence
5 before the expiration of his or her present term of office; provided
6 that no judge holding a nonelective judgeship shall become a
7 candidate in a race in which the incumbent seeks to retain an
8 elective judicial office unless he or she first ~~resign~~ resigns his
9 or her appointive judgeship.

10 6. A judicial officer, while serving as such officer or while a
11 candidate for a judicial office, making publicly known in his or her
12 campaign material or speeches, or knowingly permitting others to
13 make publicly known, either directly or by implication, his or her
14 political party affiliation. Such prohibition shall not apply to an
15 executive branch official who is required by the Oklahoma
16 Constitution or by statute to stand for election on a partisan
17 ballot.

18 C. Violation by a judicial officer of the Code of Judicial
19 Conduct as adopted by the Supreme Court of Oklahoma on July 15,
20 1974, or as may be thereafter amended, may constitute grounds for
21 the removal by the court on the judiciary of a judicial officer from
22 office, with or without disqualification to hold a judicial office
23 in the future.

SECTION 4. It being immediately necessary for the preservation
of the public peace, health or safety, an emergency is hereby
declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.

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