

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE JOINT  
4 RESOLUTION 1006

By: Cockroft

5  
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State  
8 to refer to the people for their approval or  
9 rejection the repeal of Section 3 of Article VII of  
10 the Constitution of the State of Oklahoma, the  
11 addition of a new Section 3A to Article VII, and the  
12 amendment of Sections 1 and 2 of Article VII-B;  
13 changing the manner in which Supreme Court Justices  
14 are selected; repealing superseded section of the  
15 Constitution; providing for Supreme Court Judicial  
16 Districts; providing terms of office; providing for  
17 filling of vacancies; providing for nomination;  
18 providing for appointment of the Chief Justice;  
19 prohibiting certain political activity; providing  
20 times for initial apportionment and elections;  
21 providing for terms of Justices in office prior to  
22 certain date; providing for continuation of certain  
23 laws and court rules; providing ballot title; and  
24 directing filing.

18 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
19 1ST SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

20 SECTION 1. The Secretary of State shall refer to the people for  
21 their approval or rejection, as and in the manner provided by law,  
22 the following proposed amendments to the Constitution of the State  
23 of Oklahoma, repealing Section 3 of Article VII of the Oklahoma  
24 Constitution, adding a new section 3A to Article VII of the Oklahoma

1 Constitution, and amending Sections 1 and 2 of Article VII-B of the  
2 Constitution of the State of Oklahoma to read as follows:

3 Section 3A. A. The Supreme Court shall consist of nine  
4 Justices. Six of the Justices shall be elected from the six Supreme  
5 Court Judicial Districts provided for in subsection B of this  
6 section. Three of the Justices shall be elected from the state at-  
7 large.

8 B. The state shall be divided into six Supreme Court Judicial  
9 Districts. The apportionment shall be accomplished by the  
10 Legislature within ninety (90) legislative days after the convening  
11 of the first regular session of the Legislature following each  
12 Federal Decennial census. The apportionment shall be based on  
13 population, with each district containing the same population as  
14 near as practicable. Any divergence from a strict population  
15 standard shall be based upon legitimate considerations incident to  
16 the effectuation of a rational state policy. One Justice shall be  
17 elected from each of the Supreme Court Judicial Districts. The  
18 Justice shall be a resident and registered voter of the Supreme  
19 Court Judicial District from which he or she is elected.

20 C. For the initial election of Justices pursuant to this  
21 section:

22 1. The Justices from Districts 1 and 6 and one of the at-large  
23 Justices shall be elected for a term of two (2) years;

24

1        2. The Justices from Districts 2 and 5 and one of the at-large  
2 Justices shall be elected for a term of four (4) years; and

3        3. The Justices from Districts 3 and 4 and one of the at-large  
4 Justices shall be elected for a term of six (6) years.

5        D. After the initial election of Justices, the term of office  
6 for a Supreme Court Justice shall be six (6) years. Any vacancy in  
7 office shall be filled pursuant to Section 4 Article VII-B of the  
8 Oklahoma Constitution.

9        E. The term of office for members of the Supreme Court shall  
10 commence on the second Monday in January following their election.

11        F. Candidates shall be nominated by recognized political  
12 parties, but the political party affiliation shall not be printed on  
13 the election ballot. Elections shall be conducted in accordance  
14 with state law.

15        G. The Chief Justice of the Supreme Court shall be appointed by  
16 the Governor from the membership of the Court and shall be subject  
17 to removal from the office of Chief Justice at the will of the  
18 Governor.

19        H. No Supreme Court Justice or candidate for the office of  
20 Supreme Court Justice shall make, directly or indirectly, any  
21 contribution to or hold office in a political party or organization,  
22 or make, directly or indirectly, any contribution to the candidacy  
23 of any person running for any judicial position in this state.  
24

1 I. The initial apportionment required by this section shall be  
2 completed within ninety (90) legislative days after the convening of  
3 the first regular session of the Legislature in 2021. The first  
4 elections held pursuant to this section shall occur in 2022. The  
5 terms of Justices holding office prior to January 9, 2023, shall end  
6 upon the swearing in of Justices pursuant to this section.

7 J. Except to the extent inconsistent with the provisions of  
8 this section, all provisions of law and court rules in effect on the  
9 effective date of this amendment shall remain in effect until  
10 superseded in the manner provided by law.

11 Section 1. (a) The provisions of this Article shall govern the  
12 selection and tenure of all ~~Justices of the Supreme Court and~~ Judges  
13 of the Court of Criminal Appeals of the State of Oklahoma, to which  
14 the provisions hereof may be extended as hereinafter provided, other  
15 provisions of the Constitution or statutes of the State of Oklahoma  
16 to the contrary notwithstanding, and the provisions of Article VII  
17 as proposed by House Joint Resolution No. 508 of the First Session  
18 of the Thirty-first Oklahoma Legislature to the contrary  
19 notwithstanding.

20 (b) As used in this Section, "Judicial Office" means the  
21 offices of ~~Justice of the Supreme Court and~~ Judges of the Court of  
22 Criminal Appeals and "Judicial Officer" means a ~~Justice or~~ Judge of  
23 ~~each such court~~ the Court of Criminal Appeals, excluding retired or  
24 supernumerary ~~Justices or~~ Judges.

1 Section 2. At the general election next before his or her term  
2 expires, any Judicial Officer may seek retention in office by filing  
3 with the Secretary of State, not less than sixty (60) days before  
4 the date of such election, a declaration of candidacy to succeed  
5 himself. Thereupon, at such election, there shall be submitted to  
6 the qualified electors of the State, on a separate ballot, without  
7 party designation, this question:

8 "Shall (Here insert name of ~~Justice or~~ Judge) of ~~(Here insert~~  
9 ~~the title of the court)~~ of the Court of Criminal Appeals be  
10 retained in Office?

11  YES

12  NO

13 The question shall be decided by a majority of those voting  
14 thereon. If the decision is "yes" the Judicial Officer shall be  
15 retained in office for the next ensuing six (6) year term. If the  
16 decision is "no", or if no declaration of candidacy is filed, the  
17 office shall be vacant upon expiration of the term then being  
18 served, and the former Judicial Officer shall not be eligible for  
19 appointment to succeed himself or herself. Retention in office may  
20 be sought for successive terms without limit as to number, except  
21 for retirement as may be provided by the Legislature for a maximum  
22 retirement age.

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1 SECTION 2. The Ballot Title for the proposed Constitutional  
2 amendments as set forth in SECTION 1 of this resolution shall be in  
3 the following form:

4 BALLOT TITLE

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

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This amendment to the State Constitution would change the manner  
8 in which State Supreme Court Justices are selected. Currently,  
9 each Justice is initially appointed by the Governor from a list  
10 provided by the Judicial Nominating Commission. Thereafter, if  
11 a Justice wishes to be reelected, the Justice's name is placed  
12 on a retention ballot and voted on by the people. This proposed  
13 amendment would require Justices to be elected by the people.  
14 Elections would comply with state law. Three Justices would be  
15 elected from the state at-large. Each of the six remaining  
16 Justices would be elected from one of six Supreme Court Judicial  
17 Districts. They would be nominated by political parties. Their  
18 terms would remain six-year terms. They would no longer be  
19 eligible for retention ballot. They would be prohibited from  
20 involvement in certain campaign activity. The Chief Justice  
21 would be selected by the Governor. The amendment would also  
22 repeal a section of the Constitution that has been superseded.

23 SHALL THE PROPOSAL BE APPROVED?

24 FOR THE PROPOSAL - YES \_\_\_\_\_

1           AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

7  
8           55-1-5164           SD           01/19/15