

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE JOINT
6 RESOLUTION NO. 34

By: Daniels, Bullard, Prieto,
Jett, Burns, and Hamilton
of the Senate

7 and

Lepak of the House

8
9
10
11 COMMITTEE SUBSTITUTE

12 A Joint Resolution directing the Secretary of State
13 to refer to the people for their approval or
14 rejection the repeal of Section 3 of Article VII-B,
15 which relates to the Judicial Nominating Commission,
16 and the proposed amendment to Sections 1, 2, and 4 of
17 Article VII-B of the Oklahoma Constitution; modifying
18 applicability of certain provisions; modifying
19 definition; adding requirement for holding certain
20 office; modifying certain appointment procedure;
21 requiring confirmation of certain judicial
22 appointments by Oklahoma State Senate and Oklahoma
23 House of Representatives; providing ballot title; and
24 directing filing.

21 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
22 2ND SESSION OF THE 59TH OKLAHOMA LEGISLATURE:

23 SECTION 1. The Secretary of State shall refer to the people for
24 their approval or rejection, as and in the manner provided by law,

1 the repeal of Section 3 of Article VII-B and the following proposed
2 amendment to Sections 1, 2, and 4 of Article VII-B of the Oklahoma
3 Constitution to read as follows:

4 Section 1. ~~(a)~~ The A. After November 5, 2024, the provisions
5 of this Article shall govern the selection and tenure of all
6 Justices of the Supreme Court and Judges of the Court of Criminal
7 Appeals and any intermediate appellate court of the State of
8 Oklahoma, to which the provisions hereof may be extended as
9 hereinafter provided, other provisions of the Constitution or
10 statutes of the State of Oklahoma to the contrary notwithstanding,
11 and the provisions of Article VII as proposed by House Joint
12 Resolution No. 508 of the First Session of the Thirty-first Oklahoma
13 Legislature to the contrary notwithstanding.

14 ~~(b)~~ B. As used in this ~~Section~~ Article, "Judicial Office" means
15 the offices of Justice of the Supreme Court and Judges of the Court
16 of Criminal Appeals and any intermediate appellate court and
17 "Judicial Officer" means a Justice or Judge of each such court,
18 excluding retired or supernumerary Justices or Judges.

19 Section 2. At the general election next before his or her term
20 expires, any Judicial Officer may seek retention in office by filing
21 with the Secretary of State, not less than sixty (60) days before
22 the date of such election, a declaration of candidacy to succeed
23 himself. Thereupon, at such election, there shall be submitted to
24

1 the qualified electors of the State, on a separate ballot, without
2 party designation, this question:

3 "Shall (Here insert name of Justice or Judge) of (Here
4 insert the title of the court) be retained in Office?"

5 YES

6 NO

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

17 Section 4. When a vacancy in any Judicial Office, however
18 arising, occurs or is certain to occur, ~~the Judicial Nominating~~
19 ~~Commission shall choose and submit to the Governor and the Chief~~
20 ~~Justice of the Supreme Court three (3) nominees, each of whom has~~
21 ~~previously notified the Commission in writing that he will serve as~~
22 ~~a Judicial Officer if appointed. The the Governor shall appoint one~~
23 ~~(1) of the nominees to fill the vacancy, but if he fails to do so~~
24 ~~within sixty (60) days the Chief Justice of the Supreme Court shall~~

1 ~~appoint one (1) of the nominees, the appointment to be certified by~~
2 ~~the Secretary of State~~ nominate and, with the advice and consent of
3 the Senate and the House of Representatives, shall appoint all
4 Judicial Officers. If the Senate and the House of Representatives
5 are not in session when a nomination is made, the Governor may call
6 the Legislature into special session to advise and consent on any
7 such nomination. Confirmation shall require an affirmative vote of
8 a majority of the members elected to and constituting the Senate and
9 an affirmative vote of a majority of the members elected to and
10 constituting the House of Representatives, respectively.

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 would amend Article 7-B of the Oklahoma
18 Constitution. The measure would amend Sections 1, 2, and 4 of
19 Article 7-B to establish a new process for appointing Supreme
20 Court justices and judges of the Court of Criminal Appeals and
21 any intermediate appellate court to resemble the process
22 established by the United States Constitution. The Governor
23 will nominate new appellate justices and judges, subject to
24 confirmation by the Senate and the House of Representatives.

1 The measure would repeal Section 3 of Article 7-B which
2 established the Judicial Nominating Commission.

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.

11
12 59-2-10903 LRB 04/09/24
13
14
15
16
17
18
19
20
21
22
23
24