

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE JOINT  
RESOLUTION 34

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 Sections 1, 2, and 4 of Article VII-B of the Oklahoma Constitution; modifying applicability of certain provisions; modifying definition; adding requirement for holding certain office; prohibiting decrease of certain compensation; 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 59TH 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 of Article VII-B and the following proposed amendment to Sections 1, 2, and 4 of Article VII-B of the Oklahoma Constitution to read as follows:

Section 1. ~~(a) The~~ A. After November 5, 2024, the provisions of this Article shall govern the selection and tenure of all Justices of the Supreme Court and Judges of the Court of Criminal

1 Appeals and the Court of Civil Appeals of the State of Oklahoma, to  
2 which the provisions hereof may be extended as hereinafter provided,  
3 other provisions of the Constitution or statutes of the State of  
4 Oklahoma to the contrary notwithstanding, and the provisions of  
5 Article VII as proposed by House Joint Resolution No. 508 of the  
6 First Session of the Thirty-first Oklahoma Legislature to the  
7 contrary notwithstanding.

8 ~~(b)~~ B. As used in this ~~Section~~ Article, "Judicial Office" means  
9 the offices of Justice of the Supreme Court and Judges of the Court  
10 of Criminal Appeals and Court of Civil Appeals and "Judicial  
11 Officer" means a Justice or Judge of each such court, excluding  
12 retired or supernumerary Justices or Judges.

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

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

22  YES

23  NO

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

11 B. Subject to paragraph c of Section 11 of Article VII of the  
12 Oklahoma Constitution, Judicial Officers appointed or retained  
13 pursuant to this Article, after November 5, 2024, shall hold their  
14 offices during good behavior, and shall, at stated times, receive  
15 for their services, a compensation, which shall not be diminished  
16 during their continuance in office.

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, shall appoint all Judicial Officers. If the Senate is  
4 not in session when a nomination is made, the Governor may call the  
5 Senate into special session to advise and consent on any such  
6 nomination.

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

10 BALLOT TITLE

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

12 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

13 This measure would amend Article 7-B of the Oklahoma  
14 Constitution. The measure would amend Sections 1, 2, and 4 of  
15 Article 7-B to establish a new process for appointing Supreme  
16 Court justices and judges of the Court of Criminal Appeals and  
17 Court of Civil Appeals to reflect on the process established by  
18 the United States Constitution. The Governor will nominate new  
19 appellate justices and judges, subject to confirmation by the  
20 Senate. Appellate justices and judges appointed or retained  
21 after November 5, 2024, will serve during good behavior. The  
22 measure would repeal Section 3 of Article 7-B which established  
23 the Judicial Nominating Commission.

24 SHALL THE PROPOSAL BE APPROVED?  
25

1 FOR THE PROPOSAL - YES \_\_\_\_\_

2 AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

8  
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