

1 ENGROSSED HOUSE AMENDMENT
TO

2 ENGROSSED SENATE JOINT
3 RESOLUTION NO. 43

By: Treat, Bullard, Jett, and
Bergstrom of the Senate

4 and

5 Lepak of the House

6
7
8 [repeal of Article VII and Article VII-B - addition
9 of a new Article VII-C to the Oklahoma Constitution -
10 courts - requirements for Supreme Court and Court of
11 Criminal Appeals - jurisdiction of courts -
gubernatorial appointment of justices and judges -
Senate confirmation - effective date - ballot title -
filing]

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13 AMENDMENT NO. 1. Page 1, line 12, strike the resolving clause

14 Passed the House of Representatives the 27th day of April, 2022.

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Presiding Officer of the House of
Representatives

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19 Passed the Senate the ____ day of _____, 2022.

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Presiding Officer of the Senate

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12 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
13 2ND SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

14 SECTION 1. The Secretary of State shall refer to the people for
15 their approval or rejection, as and in the manner provided by law,
16 the following proposed amendment to the Constitution of Oklahoma,
17 the repeal of Articles VII and VII-B and the addition of a new
18 Article VII-C to read as follows:

19 ARTICLE VII-C

20 JUDICIAL DEPARTMENT

21 Section 1. The judicial power of this state shall be vested in
22 the Senate, sitting as a Court of Impeachment, a Supreme Court, a
23 Court on the Judiciary, a Court of Criminal Appeals, and such
24 inferior courts as the Legislature may from time to time ordain and

1 establish. The Judges of the Supreme Court, the Court of Criminal
2 Appeals, and inferior courts, shall hold their offices during good
3 behavior and for terms of office as specified in this article or by
4 statute, and shall, at stated times, receive for their services, a
5 compensation, which shall not be diminished during their continuance
6 in office.

7 Section 2. The Supreme Court shall consist of a Chief Justice
8 and eight Associate Justices, until such number is changed by
9 statute. Each Justice shall be from a separate district of the
10 state, and judicial districts shall remain as presently constituted
11 until otherwise provided by statute. Five members of the court
12 shall constitute a quorum. The Court on the Judiciary shall consist
13 as provided in Article VII-A. The Court of Criminal Appeals shall
14 consist of a Chief Judge and four associate judges, until such
15 number is changed by statute. Three members of the court shall
16 constitute a quorum. The judges of all other inferior courts
17 including courts of general jurisdiction shall consist as
18 established by statute.

19 Section 3. The judicial power shall extend to all cases, in law
20 and equity, arising under this Constitution or the laws of Oklahoma.
21 The Supreme Court shall exercise appellate jurisdiction in the last
22 resort in all cases or controversies, except criminal cases and
23 controversies. The Supreme Court's appellate jurisdiction shall be
24 discretionary, and so long as an inferior intermediate court of

1 appeals exists, the Supreme Court shall not exercise appellate
2 jurisdiction of first review. The Court of Criminal Appeals shall
3 exercise appellate jurisdiction in the last resort over appeals in
4 all criminal cases or controversies. The Supreme Court shall make
5 rules governing the administration of all courts in the state and,
6 subject to the law, the practice and procedure in all such courts.
7 The Supreme Court shall have jurisdiction over admission to the
8 practice of law in Oklahoma courts and the discipline of persons
9 admitted, when necessary to address acts or omissions committed in
10 the context of a case or controversy before the Oklahoma courts.
11 Such jurisdiction shall not extend to the discipline of attorneys
12 for acts or omissions not occurring in the context of a case or
13 controversy before the Oklahoma courts. Jurisdiction over admission
14 to the practice of law by individuals not appearing in Oklahoma
15 courts is vested exclusively in the Legislature.

16 Section 4. The Governor shall nominate and appoint, with the
17 advice and consent of the Senate, the Chief Justice and Associate
18 Justices of the Supreme Court, the Chief Judge and Associate Judges
19 of the Court of Criminal Appeals, and the judges of all intermediate
20 appellate courts. The judges of courts of general jurisdiction
21 shall be elected in the same manner as county officers, until
22 changed by statute. Upon the effective date of this article, judges
23 and justices of existing courts shall retain their offices for the
24 remainder of their term without nomination by the Governor or

1 confirmation by the Senate. Upon expiration of their terms, judges
2 and justices of existing courts shall be replaced according to the
3 provisions of this article.

4 Section 5. The terms of office of the Chief Justice and
5 Associate Justices of the Supreme Court, the Chief Judge and
6 Associate Judges of the Court of Criminal Appeals, and the judges of
7 all intermediate appellate courts shall be six (6) years and shall
8 commence on the second Monday of January following their election or
9 appointment. At the general election next before his or her term
10 expires, any aforementioned judge or justice may seek retention in
11 office by filing with the Secretary of State, not less than sixty
12 (60) days before the date of such election, a declaration of
13 candidacy to succeed himself or herself. Thereupon, at such
14 election, there shall be submitted to the qualified electors of the
15 state, on a separate ballot, this question:

16 "Shall (Here insert name of Justice or Judge and party
17 affiliation) of (Here insert the title of the court) be retained in
18 Office?"

19 _____ YES

20 _____ NO

21 The question shall be decided by a majority of those voting
22 thereon. If the decision is "yes" the Judicial Officer shall be
23 retained in office for the next ensuing six-year term. If the
24 decision is "no", or if no declaration of candidacy is filed, the

1 office shall be vacant upon expiration of the term then being
2 served, and the former judge or justice shall not be eligible for
3 appointment to succeed himself or herself. Retention in office may
4 be sought for successive terms without limit as to number, except
5 the Legislature may, by statute, enact term limits.

6 Those appointed or elected to fill vacancies shall assume office
7 immediately upon qualifying for the office. Each justice, at the
8 time of his or her election or appointment, shall have attained the
9 age of thirty years, shall have been a qualified elector in Oklahoma
10 for at least one year immediately prior to the date of filing or
11 appointment, and shall have been a practicing attorney or judge of a
12 court of record, or both, in Oklahoma for five years preceding his
13 or her election or appointment.

14 Section 6. Except with reference to the Senate sitting as a
15 Court of Impeachment and the Court on the Judiciary, general
16 administrative authority over all courts in this State, including
17 the temporary assignment of any judge to a court other than that for
18 which he or she was elected or appointed, is hereby vested in the
19 Supreme Court and shall be exercised by the Chief Justice in
20 accordance with its rules. Provided, however, that the process for
21 special or temporary assignments on the Supreme Court shall be
22 determined by statute.

23 Section 7. All matters related to the Judicial Department but
24 not addressed in this article may be determined by statute, and the

1 Legislature may enact statutes, as necessary, to carry the
2 provisions of this article into effect.

3 Section 8. This article shall become effective on January 1,
4 2023.

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

8 BALLOT TITLE

9 Legislative Referendum No. _____ State Question No. _____

10 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

11 This measure would amend the Oklahoma Constitution. It would
12 repeal Article 7 and Article 7-B which created the Judicial
13 Department and directed the selection of justices and judges.
14 The measure would enact a new Article 7-C to establish a new
15 court structure modeled on that of the United States
16 Constitution. The Governor will pick new appellate judges,
17 subject to confirmation by the Senate. Appellate judges will
18 stand for retention elections every six years. Trial court
19 judges will be elected in the same manner as other county
20 officers.

21 SHALL THE PROPOSAL BE APPROVED?

22 FOR THE PROPOSAL - YES _____

23 AGAINST THE PROPOSAL - NO _____

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