

1 ENGROSSED SENATE  
JOINT  
2 RESOLUTION NO. 43

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

3  
4 and

Lepak of the House  
5  
6

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

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 \_\_\_\_\_

24

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

6 Passed the Senate the 22nd day of March, 2022.

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\_\_\_\_\_  
Presiding Officer of the Senate

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10 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
11 2022.

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Presiding Officer of the House  
of Representatives

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