

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE
5 JOINT
6 RESOLUTION NO. 43

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

7 and

8 Lepak of the House

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

14
15 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
16 2ND SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

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

22 ARTICLE VII-C

23 JUDICIAL DEPARTMENT

1 Section 1. The judicial power of this state shall be vested in
2 the Senate, sitting as a Court of Impeachment, a Supreme Court, a
3 Court on the Judiciary, a Court of Criminal Appeals, and such
4 inferior courts as the Legislature may from time to time ordain and
5 establish. The Judges of the Supreme Court, the Court of Criminal
6 Appeals, and inferior courts, shall hold their offices during good
7 behavior and for terms of office as specified in this article or by
8 statute, and shall, at stated times, receive for their services, a
9 compensation, which shall not be diminished during their continuance
10 in office.

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

23 Section 3. The judicial power shall extend to all cases, in law
24 and equity, arising under this Constitution or the laws of Oklahoma.

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

20 Section 4. The Governor shall nominate and appoint, with the
21 advice and consent of the Senate, the Chief Justice and Associate
22 Justices of the Supreme Court, the Chief Judge and Associate Judges
23 of the Court of Criminal Appeals, and the judges of all intermediate
24 appellate courts. The judges of courts of general jurisdiction

1 shall be elected in the same manner as county officers, until
2 changed by statute. Upon the effective date of this article, judges
3 and justices of existing courts shall retain their offices for the
4 remainder of their term without nomination by the Governor or
5 confirmation by the Senate. Upon expiration of their terms, judges
6 and justices of existing courts shall be replaced according to the
7 provisions of this article.

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

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

23 _____ YES

24 _____ 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-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 judge or justice shall not be eligible for
7 appointment to succeed himself or herself. Retention in office may
8 be sought for successive terms without limit as to number, except
9 the Legislature may, by statute, enact term limits.

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

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

1 special or temporary assignments on the Supreme Court shall be
2 determined by statute.

3 Section 7. All matters related to the Judicial Department but
4 not addressed in this article may be determined by statute, and the
5 Legislature may enact statutes, as necessary, to carry the
6 provisions of this article into effect.

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

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

12 BALLOT TITLE

13 Legislative Referendum No. _____ State Question No. _____

14 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

1 SHALL THE PROPOSAL BE APPROVED?

2 FOR THE PROPOSAL - YES _____

3 AGAINST THE PROPOSAL - NO _____

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

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10 DIRECT TO CALENDAR.

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