

1 STATE OF OKLAHOMA

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

3 SENATE JOINT
4 RESOLUTION 43

By: Treat

5
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State
8 to refer to the people for their approval or
9 rejection the repeal of Article VII and Article VII-
10 B, which relate to the Judicial Department and the
11 selection of justices and judges, and the proposed
12 addition of a new Article VII-C to the Oklahoma
13 Constitution; establishing judicial power in this
14 state; establishing courts; establishing requirements
15 for Supreme Court and Court of Criminal Appeals;
16 establishing jurisdiction of courts; providing for
17 gubernatorial appointment of justices and judges;
18 requiring Senate confirmation; providing for
19 elections of certain justices; specifying terms of
20 office; providing for retention ballots for certain
21 justices and judges; establishing procedures for
22 filling of vacancies; providing for administrative
23 authority over courts; authorizing Legislature to
24 enact necessary laws; providing an effective date;
25 providing ballot title; and directing filing.

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19 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
20 2ND SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

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

3 ARTICLE VII-C

4 JUDICIAL DEPARTMENT

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

15 Section 2. The Supreme Court shall consist of a Chief Justice
16 and eight Associate Justices, until such number is changed by
17 statute. Five members of the court shall constitute a quorum. The
18 Court on the Judiciary shall consist as provided in Article VII-A.
19 The Court of Criminal Appeals shall consist of a Chief Judge and
20 four associate judges, until such number is changed by statute.
21 Three members of the court shall constitute a quorum. The judges of
22 all other inferior courts including courts of general jurisdiction
23 shall consist as established by statute.

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

22 Section 4. The Governor shall nominate and appoint, with the
23 advice and consent of the Senate, the Chief Justice and Associate
24 Justices of the Supreme Court, the Chief Judge and Associate Judges

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

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

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

1 _____ YES

2 _____ NO

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

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

20 Section 7. Except with reference to the Senate sitting as a
21 Court of Impeachment and the Court on the Judiciary, general
22 administrative authority over all courts in this State, including
23 the temporary assignment of any judge to a court other than that for
24 which he or she was elected or appointed, is hereby vested in the

1 Supreme Court and shall be exercised by the Chief Justice in
2 accordance with its rules. Provided, however, that the process for
3 special or temporary assignments on the Supreme Court shall be
4 determined by statute.

5 Section 8. All matters related to the Judicial Department but
6 not addressed in this article may be determined by statute, and the
7 Legislature may enact statutes, as necessary, to carry the
8 provisions of this article into effect.

9 Section 9. This article shall become effective on January 1,
10 2023.

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

1 judges will be elected in the same manner as other county
2 officers.

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.

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