| 1 | SENATE FLOOR VERSION March 5, 2025 |
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| 2 | rial Cir 3, 2023 |
| 3 | COMMITTEE SUBSTITUTE FOR |
| 4 | SENATE JOINT RESOLUTION NO. 6 By: Paxton and Guthrie |
| 5 | by. Taxeon and Gaenife |
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| 7 | A Joint Resolution directing the Secretary of State to refer to the people for their approval or |
| 8 | rejection the repeal of Section 3 of Article VII-B of the Oklahoma Constitution, which relates to the |
| 9 | Judicial Nominating Commission, and the proposed amendment to Sections 1, 2, and 4 of Article VII-B of |
| 10 | the Oklahoma Constitution; modifying applicability of certain provisions; modifying definition; adding |
| 11 | requirement for holding certain office; prohibiting decrease of certain compensation; modifying certain |
| 12 | appointment procedure; requiring Senate confirmation of certain judicial appointments; updating language; |
| 13 | making language gender neutral; providing ballot title; and directing filing. |
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| 16 | BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE |
| 17 | 1ST SESSION OF THE 60TH OKLAHOMA LEGISLATURE: |
| 18 | SECTION 1. The Secretary of State shall refer to the people for |
| 19 | their approval or rejection, as and in the manner provided by law, |
| 20 | the repeal of Section 3 of Article VII-B and the following proposed |
| 21 | amendment to Sections 1, 2, and 4 of Article VII-B of the Oklahoma |
| 22 | Constitution to read as follows: |
| 23 | Section 1. (a) The A. On or after the effective date of this |
| 24 | resolution, the provisions of this Article shall govern the |

1 selection and tenure of all Justices of the Supreme Court and Judges 2 of the Court of Criminal Appeals and the Court of Civil Appeals of the State of Oklahoma, to which the provisions hereof may be 3 extended as hereinafter provided, other provisions of the 4 5 Constitution or statutes of the State of Oklahoma to the contrary notwithstanding, and the provisions of Article VII as proposed by 6 House Joint Resolution No. 508 of the First Session of the Thirty-7 first Oklahoma Legislature to the contrary notwithstanding. 9 (b) B. As used in this Section Article, "Judicial Office" means 10 the offices of Justice of the Supreme Court and Judges of the Court of Criminal Appeals <u>and</u> Court of Civil Appeals and "Judicial 11 12 Officer" means a Justice or Judge of each such court, excluding 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 or herself. Thereupon, at such election, there 18 shall be submitted to the qualified electors of the State this 19 state, on a separate ballot, without party designation, this 20 question: 21 "Shall (Here insert name of Justice or Judge) of (Here 22

insert the title of the court) be retained in Office?"

23

24

1 | NO

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

B. Subject to subsection (c) of Section 11 of Article VII of
the Oklahoma Constitution, Judicial Officers appointed or retained
pursuant to this Article on or after the effective date of this
resolution shall hold their offices during good behavior, and shall,
at stated times, receive a compensation for their services which
shall not be diminished during their continuance in office.

Section 4. When a vacancy in any Judicial Office, however arising, occurs or is certain to occur, the Judicial Nominating Commission shall choose and submit to the Governor and the Chief Justice of the Supreme Court three (3) nominees, each of whom has previously notified the Commission in writing that he will serve as a Judicial Officer if appointed. The the Governor shall appoint one (1) of the nominees to fill the vacancy, but if he fails to do so

within sixty (60) days the Chief Justice of the Supreme Court shall
appoint one (1) of the nominees, the appointment to be certified by
the Secretary of State nominate and, with the advice and consent of
the Senate, shall appoint a Judicial Officer. If the Senate is not
in session when a nomination is made, the Governor may call the
Senate into special session to advise and consent on any such
nomination.

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

BALLOT TITLE

Legislative Referendum No. ____ State Question No. ____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would amend Article 7-B of the Oklahoma

Constitution. The measure would amend Sections 1, 2, and 4 of

Article 7-B to establish a new process for appointing Supreme

Court Justices and Judges of the Court of Criminal Appeals and

Court of Civil Appeals to reflect the process established by the

United States Constitution. Judicial Officers appointed or

retained after the effective date of this resolution will serve

during good behavior. The Governor will nominate new Judicial

Officers, subject to confirmation by the Senate. The measure

would repeal Section 3 of Article 7-B, which established the

Judicial Nominating Commission.

| 1 | SHALL THE PROPOSAL BE APPROVED? |
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| 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. |
| 9 | COMMITTEE REPORT BY: COMMITTEE ON RULES |
| 10 | March 5, 2025 - DO PASS AS AMENDED BY CS |
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