

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE JOINT
4 RESOLUTION 1009

By: Roberts (Eric)

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 a proposed amendment to Sections 3 and 9 of
10 Article VII and Section 2 of Article VII-B of the
11 Constitution of the State of Oklahoma; deleting
12 nonpartisan requirement for elections and retention
13 of justices and judges; requiring party designation
14 on ballots for elections and retention of justices
15 and judges; providing ballot title; and directing
16 filing.

17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
18 1ST SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

19 SECTION 1. The Secretary of State shall refer to the people for
20 their approval or rejection, as and in the manner provided by law,
21 the following proposed amendment to Section 3 of Article VII of the
22 Constitution of the State of Oklahoma to read as follows:

23 Section 3. From each of the Supreme Court districts and Court of
24 Criminal Appeals districts, the voters thereof shall elect a Justice
of the Supreme Court and a Judge of the Court of Criminal Appeals at
~~an non-partisan~~ an election with party designation, in a manner

1 provided by statute. In the event intermediate appellate courts are
2 created, the judges thereof shall be elected at ~~a non-partisan~~ an
3 election with party designation, in a manner provided by statute.
4 In the event of a vacancy the Governor shall, by appointment from
5 said district, fill such vacancy until the next election for State
6 Officers, and at such election the vacancy for the unexpired term
7 shall be filled by ~~a non-partisan~~ an election with party designation
8 in a manner provided by statute.

9 SECTION 2. The Secretary of State shall refer to the people for
10 their approval or rejection, as and in the manner provided by law,
11 the following proposed amendment to Section 9 of Article VII of the
12 Constitution of the State of Oklahoma to read as follows:

13 Section 9. District Judges and Associate District Judges shall
14 be elected by the voters of the several respective districts or
15 counties at ~~a non-partisan~~ an election with party designation in the
16 manner provided by statute.

17 SECTION 3. 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 Section 2 of Article VII-B of
20 the Constitution of the State of Oklahoma to read as follows:

21 Section 2. At the general election next before his term
22 expires, any Judicial Officer may seek retention in office by filing
23 with the Secretary of State, not less than sixty (60) days before
24 the date of such election, a declaration of candidacy to succeed

1 himself. Thereupon, at such election, there shall be submitted to
2 the qualified electors of the State, on a separate ballot, ~~without~~
3 with party designation, this question:

4 "Shall (Here insert name of Justice or Judge), (Here insert
5 party designation), of (Here insert the title of the court) be
6 retained in Office?

7 YES

8 NO

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

19 SECTION 4. The Ballot Title for the proposed Constitutional
20 amendment as set forth in SECTIONS 1 through 3 of this resolution
21 shall be in the following form:

22 BALLOT TITLE

23 Legislative Referendum No. _____ State Question No. _____

24 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

1 This measure amends the Oklahoma Constitution. It amends
2 Sections 3 and 9 of Article 7 and Section 2 of Article 7-B of
3 the Oklahoma Constitution. These sections require elections and
4 retention of justices and judges be nonpartisan. These sections
5 do not allow a party designation on the ballot when voting for
6 justices and judges. This amendment would delete the
7 nonpartisan requirement. This amendment requires party
8 designation to be on the ballot for elections and retention of
9 justices and judges.

10 SHALL THE PROPOSAL BE APPROVED?

11 FOR THE PROPOSAL - YES _____

12 AGAINST THE PROPOSAL - NO _____

13 SECTION 5. The Chief Clerk of the House of Representatives,
14 immediately after the passage of this resolution, shall prepare and
15 file one copy thereof, including the Ballot Title set forth in
16 SECTIONS 4 hereof, with the Secretary of State and one copy with the
17 Attorney General.

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