

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE JOINT  
7 RESOLUTION NO. 1037

                                  By: Calvey, Ritze, Cockroft,  
                                  Kern, Faught, Murphey,  
                                  McCullough, Brumbaugh,  
                                  Johnson, Strohm,  
                                  Wesselhoft, Dunlap, Moore,  
                                  Murdock, Fisher, Roberts  
                                  (Sean), Newell and Coody  
                                  (Jeff)

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11  
12                                   COMMITTEE SUBSTITUTE

13                   A Joint Resolution directing the Secretary of State  
14                   to refer to the people for their approval or  
15                   rejection a proposed amendment to the Constitution of  
16                   the State of Oklahoma by repealing Sections 1, 2, 3,  
17                   4, 5, 6 and 7 of Article VII-B of the Constitution of  
18                   the State of Oklahoma, repealing of Section 3 of  
19                   Article VII of the Constitution of the State of  
20                   Oklahoma and adding a new Section 3A to Article VII  
21                   of the Constitution of the State of Oklahoma;  
22                   changing selection process for appellate judges and  
23                   justices; providing for nonpartisan elections;  
24                   abolishing the Judicial Nomination Commission;  
                          providing ballot title; and directing filing.

22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
23 2ND SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

1 SECTION 1. The Secretary of State shall refer to the people for  
2 their approval or rejection, as and in the manner provided by law,  
3 the repeal of Sections 1, 2, 3, 4, 5, 6 and 7 of Article VII-B of  
4 the Constitution of the State of Oklahoma and Section 3 of Article  
5 VII of the Constitution of the State of Oklahoma which relate to  
6 judicial selection.

7 SECTION 2. The Secretary of State shall refer to the people for  
8 their approval or rejection, as and in the manner provided by law,  
9 the following proposed amendment to the Constitution of the State of  
10 Oklahoma by adding a new Section 3A to Article VII thereof, to read  
11 as follows:

12 Section 3A. A. Elections. Beginning in the general election  
13 in 2018, the voters shall elect all Justices of the Supreme Court,  
14 all Judges of the Court of Criminal Appeals and all Judges of the  
15 Court of Civil Appeals at a nonpartisan election on a statewide  
16 ballot.

17 B. Transition Elections. In 2018, all Justices of the Supreme  
18 Court, all Judges of the Court of Criminal Appeals and all Judges of  
19 the Court of Civil Appeals shall be elected at a nonpartisan  
20 election on a statewide ballot at the general election. Following  
21 the 2018 transition election, any procedure for the election of  
22 Justices or Judges shall be established by statute; provided the  
23 statute shall not require the election of more than one-third (1/3)  
24 of any appellate court to stand for election at one time with

1 exception for any special election that may be necessary. Provided  
2 further, statute shall not allow any Justice or Judge to be elected  
3 on less than a statewide ballot. Following the 2018 transition  
4 election, the term of office for Justices and Judges shall be six  
5 (6) years.

6 C. Qualifications for candidacy for judicial positions shall be  
7 established by statute. In the event of a judicial vacancy at any  
8 level, the Governor shall, by appointment, fill such vacancy until  
9 the next election for statewide officers, and at such election the  
10 vacancy for the unexpired term shall be filled at a nonpartisan  
11 election in a manner provided by statute.

12 D. The Judicial Nominating Commission is hereby abolished.

13 E. Any previously stated right to a judicial seat provided for  
14 in this Constitution is hereby extinguished. If any court of  
15 competent jurisdiction shall rule that a Justice or Judge whose term  
16 has not expired by the general election of 2018 is entitled to  
17 finish said term notwithstanding this provision, the remainder of  
18 this provision shall remain in full force and effect.

19 SECTION 3. The Ballot Title for the proposed Constitutional  
20 amendments as set forth in SECTIONS 1 and 2 of this resolution shall  
21 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 resolution amends the Oklahoma Constitution. It changes  
2 the way Justices and Judges of the Supreme Court, Court of  
3 Criminal Appeals and Court of Civil Appeals are selected.  
4 Currently these Justices and Judges are nominated by a judicial  
5 nominating commission, with final selection by the Governor  
6 although the Governor's choice is limited to the three names  
7 submitted to the Governor by the Judicial Nominating Commission.  
8 The amendment would change the selection method so that  
9 appellate judges are now chosen by the people in elections  
10 similar to the manner that district judges are now selected.  
11 The terms of office would be six years.

12 SHALL THE PROPOSAL BE APPROVED?

13 FOR THE PROPOSAL - YES \_\_\_\_\_

14 AGAINST THE PROPOSAL - NO \_\_\_\_\_

15 SECTION 4. The Chief Clerk of the House of Representatives,  
16 immediately after the passage of this resolution, shall prepare and  
17 file one copy thereof, including the Ballot Title set forth in  
18 SECTION 3 hereof, with the Secretary of State and one copy with the  
19 Attorney General.

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21 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated  
22 02/10/2016 - DO PASS, As Amended and Coauthored.  
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