

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. 1042

 By: Cleveland

8 COMMITTEE SUBSTITUTE

9 A Joint Resolution directing the Secretary of State
10 to refer to the people for their approval or
11 rejection a proposed amendment to Section 4 of
12 Article VII-B of the Constitution of the State of
13 Oklahoma; requiring the Judicial Nominating
14 Commission to submit to the Governor the names of all
15 qualified applicants for a vacant judicial office;
16 requiring ranking; making rankings confidential
17 information; prohibiting certain acts by the
18 Commission; requiring proof that specified process
19 was followed be submitted to the Governor; requiring
20 promulgation of rules; requiring establishment of a
21 website; providing ballot title; and directing
22 filing.

23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
24 2ND SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

 SECTION 1. The Secretary of State shall refer to the people for
their approval or rejection, as and in the manner provided by law,
the following proposed amendment to Section 4 of Article VII-B of
the Constitution of the State of Oklahoma to read as follows:

1 Section 4. When a vacancy in any Judicial Office, however
2 arising, occurs or is certain to occur, the Judicial Nominating
3 Commission shall ~~choose~~ evaluate all qualified applicants and submit
4 to the Governor and the Chief Justice of the Supreme Court ~~three (3)~~
5 ~~nominees~~ a list of all qualified applicants, each of whom has
6 previously notified the Commission in writing that he or she will
7 serve as a Judicial Officer if appointed. No member of the Judicial
8 Nominating Commission shall ask any questions or seek out any
9 information relating to the political party affiliation of any
10 applicant. No member of the Judicial Nominating Commission shall
11 question an applicant who is a sitting judge about cases currently
12 pending before that judge or question an applicant about any case
13 that may come before the applicant if he or she is appointed to the
14 vacant office. The Commission shall provide to the Governor a
15 ranking based on qualification of all qualified applicants. The
16 ranking of all applicants by the Commission shall be kept
17 confidential and shall not be subject to public disclosure. Proof
18 that the process provided for in this section has been followed
19 shall be submitted to the Governor at the time the names of the
20 applicants are submitted. The proof shall include a detailed
21 description of the criteria used to determine if an applicant is
22 qualified. Any person shall have standing to challenge the process.
23 The procedure for challenges shall be established by statute. The
24 Governor shall appoint one (1) of the ~~nominees~~ applicants to fill

1 the vacancy, but if he or she fails to do so within sixty (60) days
2 the Chief Justice of the Supreme Court shall appoint one (1) of the
3 ~~nominees~~ applicants, the appointment to be certified by the
4 Secretary of State.

5 The Judicial Nominating Commission shall promulgate rules for
6 the process provided for in this section. The rules shall be
7 published and made available to the public. The rules shall
8 include, but not be limited to, a definition of what constitutes a
9 quorum and a rule that ensures that the financial and private
10 information of each applicant is kept confidential and not provided
11 to any third parties. The rules shall be submitted to the Supreme
12 Court and the Legislature for approval or rejection and shall not
13 take effect until approved by both the Supreme Court and both houses
14 of the Legislature. Any member of the Judicial Nominating
15 Commission who fails to comply with the rules shall be subject to
16 removal from the Judicial Nominating Commission. If a member is
17 removed from the Judicial Nominating Commission for violating the
18 rules, the list of applicants provided to the Governor shall be
19 rejected and the process for the filling of the vacancy shall be
20 reopened.

21 The Judicial Nominating Commission shall establish a website on
22 the official web portal of the state.

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

4 BALLOT TITLE

5 Legislative Referendum No. _____ State Question No. _____

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This measure amends the Oklahoma Constitution. It requires the
8 Judicial Nominating Commission to submit a list and confidential
9 ranking of all qualified applicants for judicial office to the
10 Governor. The Governor must select a judicial officer from that
11 list of names. Currently the Commission submits a list of three
12 names and the Governor has to select one of the three. The
13 amendment would prohibit the Commission from asking questions
14 about political party affiliations on court cases. It would
15 require the Commission to submit proof to the Governor that
16 proper procedure was followed. It would require rules governing
17 procedure be adopted. It would establish a Commission website.

18 SHALL THE PROPOSAL BE APPROVED?

19 FOR THE PROPOSAL - YES _____

20 AGAINST THE PROPOSAL - NO _____

21 SECTION 3. The Chief Clerk of the House of Representatives,
22 immediately after the passage of this resolution, shall prepare and
23 file one copy thereof, including the Ballot Title set forth in
24

1 SECTION 2 hereof, with the Secretary of State and one copy with the
2 Attorney General.

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4 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/17/2016 - DO PASS,
5 As Amended.

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