

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE JOINT
RESOLUTION 33

By: Dahm

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 3 of Article VII-B of the Oklahoma Constitution; modifying appointing authority of certain members of the Judicial Nominating Commission; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 59TH 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 3 of Article VII-B of the Oklahoma Constitution to read as follows:

Section 3. (a) There is established as a part of the Judicial Department a Judicial Nominating Commission of fifteen (15) members, to consist of:

(1) six members to be appointed by the Governor, which shall include at least one from each congressional district established by the Statutes of Oklahoma and existing at the date of the adoption of

1 this Article, none of whom shall be admitted to practice law in the
2 State of Oklahoma or have any immediate family member who has been
3 admitted to the practice of law in the State of Oklahoma or any
4 other state;

5 (2) six members to be appointed by the Governor, which shall
6 include at least one from each congressional district established by
7 the Statutes of Oklahoma and existing at the date of the adoption of
8 this Article who are, however, members of the Oklahoma Bar
9 Association ~~and who have been elected by the other active members of~~
10 ~~their district under procedures adopted by the Board of Governors of~~
11 ~~the Oklahoma Bar Association, until changed by statute; and~~

12 (3) three members at large who shall not have been admitted to
13 the practice of law in the State of Oklahoma or any other state or
14 have any immediate family member who has been admitted to the
15 practice of law in the State of Oklahoma or any other state but who
16 shall be a resident of the State of Oklahoma, one to be selected by
17 not less than eight members of the Nominating Commission. In the
18 event eight members of the Commission cannot agree upon the member
19 at large within thirty (30) days of the initial organization of the
20 Commission or within thirty (30) days of a vacancy in the member at
21 large position, the Governor shall make the appointment of the
22 member at large; one to be selected by the President Pro Tempore of
23 the Senate; and one to be selected by the Speaker of the House of
24

1 Representatives. No more than two members at large shall belong to
2 any one political party.

3 The Commission shall elect one of its members to serve as chair
4 for a term of one (1) year.

5 The six lay members of the Commission who are appointed by the
6 Governor shall be appointed within ninety (90) days from the date
7 that this Article becomes effective. Two members shall be appointed
8 for a term of two (2) years, two members for a term of four (4)
9 years, and two members for a term of six (6) years. The Oklahoma
10 Bar Association shall hold its election and certify to the Secretary
11 of State its members within ninety (90) days from the effective date
12 of this Article, two of whom shall be elected for a term of two (2)
13 years, two for a term of four (4) years, and two for a term of six
14 (6) years. Thereafter all of the members of the Commission, whether
15 elected or appointed, shall serve for a term of six (6) years,
16 except that the member at large shall serve for a term of two (2)
17 years.

18 (b) Vacancies arising during the term of any lay commissioner,
19 other than the member at large, shall be filled by appointment by
20 the Governor for the remainder of his or her term. Vacancies of any
21 lawyer commissioner shall be filled by the Board of Governors of the
22 Oklahoma Bar Association for the remainder of his or her term.

1 (c) In the event of vacancy in the member at large position,
2 the said vacancy shall be filled in the same manner as the original
3 selection.

4 (d) Of those Commissioners named by the Governor, not more than
5 three shall belong to any one political party.

6 (e) The concurrence of the majority of Commissioners in office
7 at the time shall be sufficient to decide any question, unless
8 otherwise provided herein. The Commission shall have jurisdiction
9 to determine whether the qualifications of nominees to hold Judicial
10 Office have been met and to determine the existence of vacancies on
11 the Commission.

12 (f) No Commissioner, while a member of the Commission, shall
13 hold any other public office by election or appointment or any
14 official position in a political party and he or she shall not be
15 eligible, while a member of the Commission and for five (5) years
16 thereafter, for nomination as a Judicial Officer.

17 (g) Commissioners shall serve without compensation but the
18 Legislature shall provide funds to reimburse them for their
19 necessary travel and lodging expenses while performing their duties
20 as such Commissioners.

21 (h) No Commissioner shall be permitted to succeed himself or
22 herself.

1 (i) As used herein, the words "Oklahoma Bar Association" shall
2 include any successor thereof and any future form of the organized
3 Bar of this state.

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

7 BALLOT TITLE

8 Legislative Referendum No. _____ State Question No. _____

9 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

10 This measure will amend Section 3 of Article 7B of the Oklahoma
11 Constitution. It will change who appoints the attorney members
12 of the Judicial Nominating Commission. The Governor will
13 appoint attorney members instead of the Oklahoma Bar
14 Association.

15 SHALL THE PROPOSAL BE APPROVED?

16 FOR THE PROPOSAL - YES _____

17 AGAINST THE PROPOSAL - NO _____

18 SECTION 3. The President Pro Tempore of the Senate shall,
19 immediately after the passage of this resolution, prepare and file
20 one copy thereof, including the Ballot Title set forth in SECTION 2
21 hereof, with the Secretary of State and one copy with the Attorney
22 General.