

1 **SENATE FLOOR VERSION**

February 29, 2024

2 **AS AMENDED**

3 SENATE JOINT  
RESOLUTION NO. 34

By: Daniels, Bullard, Prieto

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6 A Joint Resolution directing the Secretary of State  
to refer to the people for their approval or  
7 rejection the repeal of Section 3 of Article VII-B,  
which relates to the Judicial Nominating Commission,  
8 and the proposed amendment to Sections 1, 2, and 4 of  
Article VII-B of the Oklahoma Constitution; modifying  
9 applicability of certain provisions; modifying  
definition; adding requirement for holding certain  
10 office; prohibiting decrease of certain compensation;  
modifying certain appointment procedure; requiring  
11 Senate confirmation of certain judicial appointments;  
providing ballot title; and directing filing.  
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14 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
15 2ND SESSION OF THE 59TH OKLAHOMA LEGISLATURE:

16 SECTION 1. The Secretary of State shall refer to the people for  
17 their approval or rejection, as and in the manner provided by law,  
18 the repeal of Section 3 of Article VII-B and the following proposed  
19 amendment to Sections 1, 2, and 4 of Article VII-B of the Oklahoma  
20 Constitution to read as follows:

21 Section 1. ~~(a) The~~ A. After November 5, 2024, the provisions  
22 of this Article shall govern the selection and tenure of all  
23 Justices of the Supreme Court and Judges of the Court of Criminal  
24 Appeals and any intermediate appellate court of the State of

1 Oklahoma, to which the provisions hereof may be extended as  
2 hereinafter provided, other provisions of the Constitution or  
3 statutes of the State of Oklahoma to the contrary notwithstanding,  
4 and the provisions of Article VII as proposed by House Joint  
5 Resolution No. 508 of the First Session of the Thirty-first Oklahoma  
6 Legislature to the contrary notwithstanding.

7 ~~(b)~~ B. As used in this ~~Section~~ Article, "Judicial Office" means  
8 the offices of Justice of the Supreme Court and Judges of the Court  
9 of Criminal Appeals and any intermediate appellate court and  
10 "Judicial Officer" means a Justice or Judge of each such court,  
11 excluding retired or supernumerary Justices or Judges.

12 Section 2. A. At the general election next before his or her  
13 term expires, any Judicial Officer may seek retention in office by  
14 filing with the Secretary of State, not less than sixty (60) days  
15 before the date of such election, a declaration of candidacy to  
16 succeed himself. Thereupon, at such election, there shall be  
17 submitted to the qualified electors of the State, on a separate  
18 ballot, without party designation, this question:

19 "Shall (Here insert name of Justice or Judge) of (Here  
20 insert the title of the court) be retained in Office?"

21  YES

22  NO

23 The question shall be decided by a majority of those voting  
24 thereon. If the decision is "yes" the Judicial Officer shall be

1 retained in office for the next ensuing six (6) year term. If the  
2 decision is "no", or if no declaration of candidacy is filed, the  
3 office shall be vacant upon expiration of the term then being  
4 served, and the former Judicial Officer shall not be eligible for  
5 appointment to succeed himself. Retention in office may be sought  
6 for successive terms without limit as to number, except for  
7 retirement as may be provided by the Legislature for a maximum  
8 retirement age.

9 B. Subject to paragraph c of Section 11 of Article VII of the  
10 Oklahoma Constitution, Judicial Officers appointed or retained  
11 pursuant to this Article, **on or** after November 5, 2024, shall hold  
12 their offices during good behavior, and shall, at stated times,  
13 receive for their services, a compensation, which shall not be  
14 diminished during their continuance in office.

15 Section 4. When a vacancy in any Judicial Office, however  
16 arising, occurs or is certain to occur, ~~the Judicial Nominating~~  
17 ~~Commission shall choose and submit to the Governor and the Chief~~  
18 ~~Justice of the Supreme Court three (3) nominees, each of whom has~~  
19 ~~previously notified the Commission in writing that he will serve as~~  
20 ~~a Judicial Officer if appointed. The the Governor shall appoint one~~  
21 ~~(1) of the nominees to fill the vacancy, but if he fails to do so~~  
22 ~~within sixty (60) days the Chief Justice of the Supreme Court shall~~  
23 ~~appoint one (1) of the nominees, the appointment to be certified by~~  
24 ~~the Secretary of State nominate and, with the advice and consent of~~

1 the Senate, shall appoint all Judicial Officers. If the Senate is  
2 not in session when a nomination is made, the Governor may call the  
3 Senate into special session to advise and consent on any such  
4 nomination.

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

8 BALLOT TITLE  
9 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

10 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

11 This measure would amend Article 7-B of the Oklahoma  
12 Constitution. The measure would amend Sections 1, 2, and 4 of  
13 Article 7-B to establish a new process for appointing Supreme  
14 Court justices and judges of the Court of Criminal Appeals and  
15 **any intermediate appellate court** to reflect the process  
16 established by the United States Constitution. The Governor  
17 will nominate new appellate justices and judges, subject to  
18 confirmation by the Senate. Appellate justices and judges  
19 appointed or retained **on or** after November 5, 2024, will serve  
20 during good behavior. The measure would repeal Section 3 of  
21 Article 7-B which established the Judicial Nominating  
22 Commission.

23 SHALL THE PROPOSAL BE APPROVED?

24 FOR THE PROPOSAL — YES \_\_\_\_\_

1           AGAINST THE PROPOSAL – NO \_\_\_\_\_

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

7 COMMITTEE REPORT BY: COMMITTEE ON RULES  
8 February 29, 2024 - DO PASS AS AMENDED  
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