

1 **SENATE FLOOR VERSION**

2 February 7, 2017

3 SENATE JOINT  
4 RESOLUTION NO. 44

By: Sykes

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6  
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 Section 4 of  
10 Article VII-B of the Oklahoma Constitution; modifying  
11 selection process for judicial vacancies; requiring  
12 Senate confirmation of certain appointments;  
13 establishing deadlines for certain confirmations;  
14 providing ballot title; and directing filing.

15 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
16 1ST SESSION OF THE 56TH OKLAHOMA LEGISLATURE:

17 SECTION 1. 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 4 of Article VII-B of  
20 the Oklahoma Constitution to read as follows:

21 Section 4. When a vacancy in any Judicial Office, however  
22 arising, occurs or is certain to occur, the Judicial Nominating  
23 Commission shall choose and submit to the Governor ~~and the Chief~~  
24 ~~Justice of the Supreme Court three (3)~~ five (5) nominees, each of  
whom has previously notified the Commission in writing that he or  
she will serve as a Judicial Officer if appointed. The Governor

1 shall either appoint one (1) of the nominees to fill the vacancy,  
2 ~~but if he fails to do so within sixty (60) days the Chief Justice of~~  
3 ~~the Supreme Court shall appoint one (1) of the nominees~~ or request  
4 five (5) more nominees from the Judicial Nominating Commission.  
5 When the Governor appoints a nominee, the appointment is to be  
6 certified by the Secretary of State and to be confirmed by the  
7 Senate. If the Legislature is in session when an appointment is  
8 made, the Senate shall have sixty (60) days from the date of  
9 appointment to confirm or reject the appointee. If the Legislature  
10 is not in session when an appointment is made, the Governor may  
11 either call the Legislature into special session no more than once  
12 per quarter for the Senate to advise and consent on any such  
13 appointments, or the Senate shall have sixty (60) days from  
14 convening on the first Monday in February of each year pursuant to  
15 Section 26 of Article V of the Oklahoma Constitution to confirm or  
16 reject any interim appointees. Inaction on an appointee by the  
17 Senate within the specified time periods shall constitute  
18 confirmation of such appointee.

19 SECTION 2. The Ballot Title for the proposed Constitutional  
20 amendment as set forth in SECTION 1 of this resolution shall be in  
21 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 would amend the Oklahoma Constitution. It would  
2 amend Section 4 of Article 7-B. This section provides for  
3 filling vacancies for judges. The Judicial Nominating  
4 Commission will give names of possible nominees to the Governor.  
5 The Governor will pick the new judge. The appointment will  
6 require confirmation by the Senate within specific deadlines.  
7 The Governor may call the Senate into special session no more  
8 than once per quarter.

9 SHALL THE PROPOSAL BE APPROVED?

10 FOR THE PROPOSAL - YES \_\_\_\_\_

11 AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
18 February 7, 2017 - DO PASS  
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