

**“WARNING”**

**“It is a felony for anyone to sign an initiative or referendum petition with any name other than his own or knowingly to sign his name more than once for the same measure or to sign such petition when he is not a legal voter.”**

**ONLY FORTY NAMES ALLOWED ON A PETITION OF THIS NATURE**

**INITIATIVE PETITION**

**TO THE HONORABLE HENRY BELLMON,  
GOVERNOR OF THE STATE OF OKLAHOMA:**

We, the undersigned citizens and legal voters of the State of Oklahoma, respectfully order that the following proposed Amendment to the Constitution of Oklahoma shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next regular general election held throughout the state or at a special election ordered by the Governor, and each for himself says:

“I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence and post office are correctly written after my name.”

The time for filing this petition expires ninety days from August 23, 1966.

The question we herewith submit to our fellow voters is: Shall the following proposed amendment to the Constitution of the State of Oklahoma be adopted?

**TITLE**

**A CONSTITUTIONAL AMENDMENT REPEALING ARTICLE VII, AND ADOPTING A NEW ARTICLE CREATING A JUDICIAL DEPARTMENT; VESTING JUDICIAL POWER, PROVIDING FOR THE ESTABLISHMENT, ORGANIZATION AND JURISDICTION OF COURTS; THE NOMINATION, SELECTION, COMPENSATION, TERMS AND TENURE OF JUSTICES, JUDGES, MAGISTRATES AND OTHER PERSONNEL; GRANTING RULE-MAKING POWER; DELINEATING THE RESPECTIVE AUTHORITY OF THE COURTS AND THE LEGISLATURE; AND PROVIDING FOR THE TRANSITION FROM THE OLD TO THE NEW ARTICLE.**

**BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:**

The Constitution of Oklahoma is hereby amended by repealing Article VII thereof as presently existing and by ordaining and establishing in lieu thereof a new Article to be designated Article VII, which shall read as follows:

**ARTICLE VII  
JUDICIAL DEPARTMENT**

**Section 1. THE JUDICIAL POWER.**

The judicial power of this State shall be vested exclusively in one Court of Justice, which shall be divided into one Supreme Court, one Court of Appeals, one trial court of general jurisdiction styled the District Court, one trial court of limited jurisdiction styled Magistrate Court, in such boards, agencies and commissions created by this Constitution or established by the Legislature as exercise adjudicative authority or render decisions in individual proceedings, in the Court on the Judiciary, in the Senate sitting as a Court of Impeachment, and in municipal criminal courts established by general law, or, in cities exercising the power of home rule, by authority of their respective charters.

## Section 2. THE SUPREME COURT.

(1) Composition. The Supreme Court shall be the head of the judicial system and shall consist of the Chief Justice of the State and six Associate Justices of the Supreme Court.

### (2) Jurisdiction.

(A) Original Jurisdiction. The Supreme Court shall have no original jurisdiction. It shall exercise a general administrative and superintending control over all inferior courts, boards, agencies and commissions in the exercise of judicial power vested by this Constitution. It shall have the power to issue all writs necessary or appropriate in aid of its appellate jurisdiction, including (but without limitation) the writ of prohibition, and in aid of the supervision and control of all lower courts, boards, agencies and commissions. It shall exercise, also, all jurisdiction conferred upon it elsewhere in this Constitution. The Court of Appeals, or any division thereof, or any District Court, or judge thereof, or any board, agency or commission, when exercising adjudicative power or entertaining an individual proceeding under this article, if the determination of any pending matter depends upon an unsettled question or questions of law and important and urgent reasons exist for immediate determination, may certify such question or questions, with any facts necessary to proper determination of the law, together with the reasons for immediate determination, to the Supreme Court, which, if it finds the reasons to be sufficient, shall take jurisdiction for the purpose of deciding the questions of law and shall transmit its decision to the tribunal from which the certification came, which thereupon shall proceed in accordance with the decision.

(B) Appellate Jurisdiction. Appeals from a judgment of the District Court imposing a sentence of death or life imprisonment shall be taken directly to the Supreme Court. In all other cases, criminal, civil or administrative, the Supreme Court shall exercise appellate jurisdiction under such terms and conditions as it shall specify in rules, except that a defendant in a criminal case and any party in all other cases shall have an absolute right to one appellate review of each judgment against him, either by the Supreme Court or by the Court of Appeals, as may be specified by the rules. In all appeals in criminal cases, the reviewing Court shall have the power to review all questions of law, and to the extent provided by rule, to review and revise the sentence imposed.

## Section 3. THE COURT OF APPEALS.

The Court of Appeals shall consist of as many divisions as the Supreme Court, acting within the resources available under the legislative appropriations for the judicial department, shall prescribe. Each division shall consist of three judges. The Court of Appeals shall have no original jurisdiction, but, as authorized by rules of the Supreme Court, it may issue all writs necessary or appropriate in aid of its appellate jurisdiction. In all other cases, it shall exercise appellate jurisdiction under such terms and conditions as the Supreme Court shall specify by rules, subject to the provisions of Section 2(B) of this Article.

## Section 4. THE DISTRICT AND MAGISTRATE COURTS.

(1) Composition. The District Court shall be composed of such number of judges as the Supreme Court, within the resources available under the legislative appropriations for the Judicial Department, shall determine to be necessary. Each district shall be a geographical unit, prescribed by rules of the Supreme Court, and shall have at least one judge. Each judge of the District and the Magistrate Courts may sit in any district. In addition to the county seats, the District and Magistrate Courts may sit at such places designated by rules of the Supreme Court as public convenience and the administration of justice require.

(2) District Court Jurisdiction. The District Court shall exercise original general jurisdiction in all cases, except insofar as original jurisdiction may be assigned exclusively to the Magistrate Court by the Supreme Court rules. The District Court may be authorized, by rule of the Supreme Court, to review directly decisions of state boards, agencies, and commissions, and decisions of Magistrate Courts.

(3) Magistrate Court Jurisdiction. The Magistrate Court shall be a court of limited jurisdiction, including the determination of small claims, but excluding matters pertaining to juveniles. Its original jurisdiction shall be prescribed by rules of the Supreme Court.

## Section 5. SELECTION OF JUSTICES, JUDGES AND MAGISTRATES.

(1) Nomination and Appointment. A vacancy in a judicial office, other than that of magistrate or of judge of a municipal criminal court, or in a board, agency or commission, shall be filled by the governor from a list of three eligible nominees presented to him by the appropriate Judicial Nominating Commission. If the governor fails to appoint from the list within sixty days from the day it is presented to him, the appointment shall be made by the Chief Justice or the Acting Chief Justice from the same list. Magistrates shall be appointed for a term of three years by the district court judges of the district wherein the magistrate is to serve. There shall be at least one magistrate in each county.

(2) Election of District Judges. After the lapse of seven years from the last election of judges under the law prevailing when this Article is put into effect, the electors in any district court district, in the exercise of their power under Article V, Section 5 of the Constitution of Oklahoma, may provide for the selection of district judges by nonpartisan election, in accordance with law provided by the legislature, and provided further, the electors in such district may, in the further exercise of such power, revert from nonpartisan election of district judges to the method of selection provided herein.

(3) Eligibility. To be eligible as a Justice of the Supreme Court, Judge of the Court of Appeals, Judge of the District Court, or a Magistrate, a person must be domiciled within the State, a citizen of the United States, and licensed to practice law in the courts of the State.

#### Section 6. TENURE OF JUSTICES AND JUDGES.

(1) Term of Office. At the next general election following the expiration of one year from the date of appointment, and every six years thereafter, so long as he retains his office, every justice and judge shall be subject to approval or rejection by the electorate, of the entire State in the case of a justice of the Supreme Court, and of the respective districts to which they were appointed, in the case of judges of the Court of Appeals and of the District Court. Approval shall retain the justice or judge for a new term of six years; rejection shall create a vacancy in office.

(2) Retirement. Every justice and judge shall retire at the age specified by statute at the time of his appointment. The Chief Justice is empowered to authorize retired justices and judges to perform temporary judicial duties in any court of the State.

(3) Removal and Retirement for Incapacity. Justices of the Supreme Court shall be subject to removal by the impeachment process. Justices of the Supreme Court and all judges and magistrates shall be subject to retirement for incapacity and to removal for cause by the Court on the Judiciary as provided in Article VII-A of this Constitution. No justice, judge, or magistrate, during his term of office, shall engage in the practice of law. No justice, judge, or magistrate, during his term of office, shall run for elective office other than the judicial office which he holds, or, directly or indirectly, make any contribution to, or hold any office in, a political party organization, or take part in any political campaign.

#### Section 7. COMPENSATION OF JUSTICES AND JUDGES.

(1) Salary. The salaries of justices, judges and magistrates shall be fixed by statute.

(2) Pensions. Provision shall be made by the Legislature for the payment of pensions to retired justices and judges and their widows. The Legislature may extend pension provisions to retired magistrates. In the case of retired justices and judges who have served twelve years or more, including service as a judge of a court of record prior to the effective date of this Article, and their widows, the pension shall be not less than fifty percent of the salary received at the time of the retirement or death of the justice or judge.

Until otherwise provided by the Legislature, and subject to the terms of this Article, the existing provisions for the office, compensation and service of supernumerary judges are ratified, confirmed and established as the system for the retirement and retirement compensation for all justices and judges of the Court of Justice. The Legislature shall not reduce a pension which has vested.

(3) No Reduction of Compensation. The compensation of a justice, judge, or magistrate shall not be reduced, but may be increased, during the term for which he was elected or appointed, notwithstanding the provisions of any other Article of this Constitution.

#### Section 8. THE CHIEF JUSTICE.

(1) Selection and Tenure. The Chief Justice of the State shall be selected by the Supreme Court Judicial Nominating Commission from the members of the Supreme Court for a term of five years, subject to reappointment in the same manner, except that a member of the court may resign the office of Chief Justice without resigning from the court. During a vacancy in the office of Chief Justice, all powers and duties of that office shall devolve upon the Justice senior in length of service on that court.

(2) Administration of the Courts. The Chief Justice of the State shall be the chief executive of the judicial system. He shall appoint an Administrator of the Courts and such assistants, including the Clerk of the Appellate Courts, as are necessary to aid the prompt disposition of judicial business. The Administrator, under the direction of the Chief Justice, shall prepare and submit to the Legislature the budget for the Court of Justice and shall perform all other necessary administrative functions relating to the courts. All expenditures for the Court of Justice, including the salary

of the Administrator and his assistants, shall be kept within the resources available under the legislative appropriation for the Judicial Department.

#### Section 9. RULE MAKING POWER.

The Supreme Court shall prescribe rules governing appellate jurisdiction, the assignment of justices, judges and magistrates to sit in the component courts of the Court of Justice and the divisions thereof, rules of evidence for the Court of Justice, and rules of practice and procedure, including rules to insure that at all times in each county there shall be available a judge, regular or pro tem, authorized to transact the day to day judicial business of the district court. Until otherwise ordered by the Supreme Court, statutes and rules of court relating to these matters, in effect at the adoption of this amendment, shall continue operative. In aid of the administration of justice, and in the absence of Supreme Court rules, the Legislature may enact laws relating to these subjects, or as to matters not covered by such rules, or the Legislature may recommend to the Supreme Court for consideration new rules or the amendment or repeal of existing rules. In the exercise of its rule making authority, the Supreme Court may provide for special panels of judges to exercise any jurisdiction currently vested in special courts of record of statewide jurisdiction or it may provide for the exercise of such jurisdiction by the district courts. The Supreme Court, by rule, shall govern admission to the state bar, the discipline of the members of the bar, and, by appropriate order, shall provide for the integration, organization, regulation and supervision of the state bar, reserving to the bar autonomy to the highest degree consistent with assured performance of the bar's duties.

#### Section 10. JUDICIAL NOMINATING COMMISSIONS.

There shall be a Judicial Nominating Commission for the Supreme Court and one for each division of the Court of Appeals and each District of the District Court. Each Judicial Nominating Commission shall consist of seven members and the Chief Justice of the State, who shall act as Ex-Officio non-voting Chairman. The members of the bar of the State residing in the geographical area for which the court or division sits shall elect three of their number to serve as members of said Commission, and the governor shall appoint four citizens, not admitted to practice law before the courts of the state, from among the residents of the geographical area for which the court or division sits. The terms of office and compensation for members of Judicial Nominating Commissions shall be fixed by the Legislature, provided that the terms of not more than one-third of a Commission shall expire in any three-year period. No member of a Judicial Nominating Commission shall hold any other public office or office in a political party or organization and he shall not be eligible for appointment to a state judicial office so long as he is a member of a Judicial Nominating Commission and for a period of five years thereafter. No member of a Judicial Nominating Commission shall succeed himself in office.

#### Section 11. TRANSITIONAL PROVISIONS.

To effectuate a transition from the judicial system in force prior to the effective date of this Article, it is ordained:

(1) All judges of courts of record in this state, in office at the effective date of this Article, shall be members of the Court of Justice, and shall continue in that capacity until the expiration of the respective terms for which they were elected or appointed. The Supreme Court, as constituted immediately prior to the effective date of this Article, shall designate the members of the Court of Justice to service in the respective component courts, subject to the following provisions: persons then serving as Justices of the Supreme Court or as Judges of the Court of Criminal Appeals shall be designated as Justices of the Supreme Court or as Judges of the Court of Appeals; persons then serving as judges of district courts or as judges of superior courts shall be designated as judges of the Court of Appeals or as judges of the District Court; persons then serving as judges of other courts of record shall be designated as judges of the District Court or as judges of the Magistrate Court.

At the expiration of his respective term of office, each elective judge or justice currently in office at the effective date of this Article, if he desires retention on the Court of Justice, shall submit his candidacy at an election, held in the district or constituency from which he was elected, under the provisions of law which were in effect at the effective date of this Article; all judges selected at such an election, and all presently appointive judges now in office, at the expiration of their respective terms, shall be subject to the provisions of Sections 5 and 6 of this Article, in respect to tenure and to continuance in office. Any vacancy occurring by reason of the failure of an elective judge or justice now in office to file for re-election, as provided in the preceding sentence, shall be filled as provided in Sections 5 and 6 of this Article. In the event of a reduction at any time in the total number of judges, such a reduction shall not take effect until the expiration of the term of office of the occupants of the eliminated judgeships.

(2) Salaries of justices of the Supreme Court and of judges of the Court of Appeals shall continue at the sums presently provided for justices of the Supreme Court; salaries of judges of the District Court shall continue at the sums presently provided for judges of the District Courts in the districts in which they are resident; magistrate's salaries shall be set at the sum presently provided for the county judge in the county to which they are assigned; all until such time as the Legislature, subject to other provisions of this Article, shall alter the salaries of the respective offices.

(3) All provisions of existing law relating to traveling expense and other expenses in connection with the operation of the judicial system, and all other provisions of law concerning the operation of the courts, not inconsistent with the provisions of this Article, shall continue in effect until altered by rule of the Supreme Court or by legislative enactment, as the case may be.

(4) The duties and salary of the Clerk of the Supreme Court and of his staff shall devolve upon the clerk of the Appellate Courts, and his staff, as provided in Section 8, Paragraph 2, hereof, and their salaries shall continue as presently provided by law until altered by rule of the Supreme Court or by legislative enactment, as the case may be. The Clerk of the Supreme Court in office at the time this Article takes effect shall remain as Clerk of the Appellate Courts until such time as a vacancy occurs or until a new clerk is appointed under the provisions of this Article.

(5) Until otherwise provided by law or by rule of the Supreme Court as the case may be, all fees, fines, forfeitures or other moneys or monetary payments which arise out of the operation, administration and proceedings of the Court of Justice, including all such moneys in public treasuries arising out of like proceedings in the courts heretofore in operation at the effective date of this Article, shall be available for the support of the Court of Justice and its component courts. All unexpended appropriations, state or local, for the support of courts of record in existence at the effective date of this Article which are superseded by the Court of Justice shall continue and be available for the support of the Court of Justice and its component courts. The Supreme Court, by appropriate rule or order, shall make necessary provision to adjust existing law concerning court revenue, fiscal administration and appropriations for the administration of the courts to carry out the provisions of this Article until the Legislature shall make new regulations thereon.

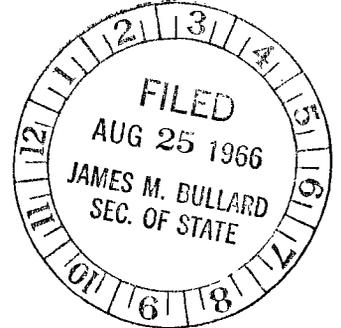
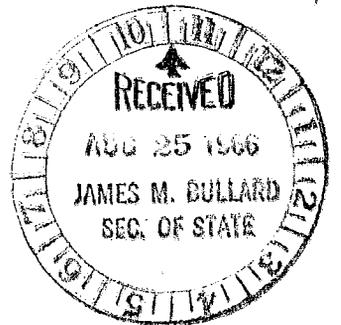
(6) The provisions of this Article shall be put into operation on the first day of January or the first day of July, as the case may be, next occurring after the expiration of six months from its adoption.



STATE OF OKLAHOMA  
OFFICE OF THE ATTORNEY GENERAL  
OKLAHOMA CITY

CHARLES NESBITT  
ATTORNEY GENERAL

August 25, 1966



4.00

Honorable James M. Bullard  
Secretary of State  
State Capitol  
Oklahoma City, Oklahoma

Dear Mr. Bullard:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed on the Attorney General by 34 O.S. Supp. 1965, § 9, he has examined the proposed ballot title to State Question No. 441, Initiative Petition No. 281, which, together with a copy of said Petition, was delivered to him on August 23, 1966, by Mr. Leroy Blackstock, Mr. Earl Sneed, and Mr. Clarke M. Thomas, and from said examination, the Attorney General finds that said ballot title is in legal form and in harmony with the law. Said proposed ballot title is as follows:

BALLOT TITLE

Initiative Petition No. 281

State Question No. 441

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

repealing Article 7 and adopting a new article creating a judicial department; vesting judicial power; providing for the establishment, organization and jurisdiction of the court; the nomination, selection, compensation, terms and tenure of justices, judges, magistrates and other personnel; granting rule-making power; delineating the respective authority of the courts and the Legislature; and providing for the transition from the old to the new article,

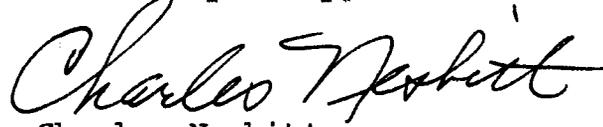
be approved by the people?

Mr. Bullard - (2)  
August 25, 1966

SHALL THE PROPOSED AMENDMENT BE APPROVED?  YES

NO

Yours very truly,



Charles Nesbitt  
Attorney General

CN:HHC:glp

