

A Resolution

ENROLLED SENATE
JOINT RESOLUTION
NO. 16

BY: GARRISON, WILLIAMS, BAGGETT,
GEE, HOWARD, BRECKINRIDGE,
SHORT, SMALLEY, GRANTHAM,
and McSPADEN of the SENATE

and

CONNOR, HUNTER, GREEN,
McCUNE, and THOMPSON of the
HOUSE

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF OKLAHOMA WHICH SHALL BE DENOMINATED ARTICLE VII-B; PROVIDING FOR THE SELECTION OF CERTAIN JUSTICES AND JUDGES; PROVIDING THAT SUCH SELECTION SHALL BE CONTROLLING OVER OTHER PROVISIONS OF THE CONSTITUTION, SECTION 3 OF THE PROPOSED AMENDMENT TO THE OKLAHOMA CONSTITUTION AS CONTAINED IN HOUSE JOINT RESOLUTION NO. 508 OF THE FIRST SESSION OF THE THIRTY-FIRST SESSION OF THE OKLAHOMA LEGISLATURE OR LAWS TO THE CONTRARY NOTWITHSTANDING; DEFINING TERMS; ESTABLISHING A JUDICIAL NOMINATING COMMISSION; ESTABLISHING AND FIXING QUALIFICATIONS, TENURE, COMPENSATION, POWERS AND DUTIES OF COMMISSION; PROVIDING THAT THIS PROPOSED AMENDMENT SHALL BECOME EFFECTIVE IMMEDIATELY BUT OPERATIVE ONLY IF THE AMENDMENT TO ARTICLE VII PROPOSED BY HOUSE JOINT RESOLUTION NO. 508 OF THE FIRST SESSION OF THE THIRTY-FIRST OKLAHOMA LEGISLATURE IS APPROVED; PROVIDING A BALLOT TITLE AND ORDERING A SPECIAL ELECTION.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE FIRST SESSION OF THE THIRTY-FIRST OKLAHOMA LEGISLATURE:

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

SECTION 1. (a) The provisions of this Article shall govern the selection and tenure of all Justices of the Supreme Court and Judges of the Court of Criminal Appeals of the State of Oklahoma, to which the provisions hereof may be extended as hereinafter provided, other provisions of the Constitution or statutes of the State of Oklahoma to the contrary notwithstanding, and the provisions of Article VII as—

Correctly Enrolled: *Richard D. Ramsey* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

proposed by House Joint Resolution No. 508 of the First Session of the Thirty-first Oklahoma Legislature to the contrary notwithstanding. _____

_____ (b) As used in this Section, "Judicial Office" means the offices of Justice of the Supreme Court and Judges of the Court of Criminal Appeals and "Judicial Officer" means a Justice or Judge of each such court, excluding retired or supernumerary Justices or Judges. _____

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

_____ "Shall (Here insert name of Justice or Judge) of _____

_____ (Here insert the title of the Court) be retained in Office?

_____ YES _____

_____ NO _____

The question shall be decided by a majority of those voting thereon. If the decision is "yes" the Judicial Officer shall be retained in office for the next ensuing six (6) year term. If the decision is "no", or if no declaration of candidacy is filed, the office shall be vacant upon expiration of the term then being served, and the former Judicial Officer shall not be eligible for appointment to succeed himself. Retention in office may be sought for successive terms without limit as to number, except for retirement as may be provided by the Legislature for a maximum retirement age. _____

_____ Section 3. (a) There is established as a part of the Judicial Department a Judicial Nominating Commission of thirteen (13) members, to consist of: _____

_____ (1) six (6) members to be appointed by the Governor, one (1) from each congressional district established by the Statutes of Oklahoma and existing at the date of the adoption of this Article, none _____

Correctly Enrolled: *Richard P. Ross* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

of whom shall be admitted to practice law in the State of Oklahoma;

(2) six (6) members, one (1) from each congressional district established by the Statutes of Oklahoma and existing at the date of the adoption of this Article who are, however, members of the Oklahoma Bar Association and who have been elected by the other active members of their district under procedures adopted by the Board of Governors of the Oklahoma Bar Association, until changed by statute; and

(3) one (1) member at large who shall not have been admitted to the practice of law in the State of Oklahoma or any other State, but who shall be a resident of the State of Oklahoma, to be selected by not less than eight (8) members of the Nominating Commission. In the event eight (8) members of the Commission cannot agree upon the member at large within thirty (30) days of the initial organization of the Commission or within thirty (30) days of a vacancy in the member at large position, the Governor shall make the appointment of the member at large.

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

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

(b) Vacancies arising during the term of any lay commissioner,

Correctly Enrolled: Richard C. Long, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

other than the member at large, shall be filled by appointment by the Governor for the remainder of his term. Vacancies of any lawyer commissioner shall be filled by the Board of Governors of the Oklahoma Bar Association for the remainder of his term.

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

(d) Of those Commissioners named by the Governor, not more than three (3) shall belong to any one political party.

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

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

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

(h) No Commissioner shall be permitted to succeed himself.

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

Section 4. When a vacancy in any Judicial Office, however arising, occurs or is certain to occur, the Judicial Nominating Commission shall choose and submit to the Governor and the Chief Justice of the Supreme Court three (3) nominees, each of whom has previously notified

Correctly Enrolled: *Richard H. Ramsey* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

the Commission in writing that he will serve as a Judicial Officer if appointed. The Governor shall appoint one (1) of the nominees to fill the vacancy, but if he fails to do so within sixty (60) days the Chief Justice of the Supreme Court shall appoint one (1) of the nominees, the appointment to be certified by the Secretary of State. _____

Section 5. Each Judicial Officer elected before or after the adoption of this Article shall, unless removed for cause, serve out the term for which he is elected and those Judicial Officers serving at the date of the adoption of this Article, whose Judicial Office comes under the provision of this Article on the date of the expiration of said term, shall be deemed to have been appointed as provided herein and eligible to file a declaration of candidacy to succeed themselves as provided in this Article. If retained in office, the term of each such Judicial Officer shall be six (6) years commencing the second Monday in January following such election. _____

_____ The term and election of each Judicial Officer appointed to fill a vacancy after the adoption of this Article shall be as follows: If such appointed officer has served or will have served twelve (12) _____ months on or before the next general election following appointment, such officer may file for election for the remainder of the term for which such officer was appointed, or for a six (6) year term, whichever is applicable, within the time and in the manner elected Judicial Officers file their candidacy under this Article. If such appointed officer has not served or will not have served twelve (12) months on or before the next general election following appointment, such officer shall continue in office until the second general election following appointment and may file for election for the remainder of the term or for a six (6) year term, whichever is applicable, as herein provided. _____

Section 6. No Judicial Officer appointed or retained in office under the provisions hereof shall make, directly or indirectly, any contribution to or hold office in a political party or organization. _____

Section 7. This proposed amendment to the Constitution of the _____

Correctly Enrolled: *Richard L. Ramsey* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

State of Oklahoma as set forth herein shall be effective upon adoption and shall become operative only and in the event the amendment of Article VII of the Constitution proposed by House Joint Resolution No. 508, of the First Session of the Thirty-first Oklahoma Legislature, repealing the previously existing Article VII of the Oklahoma Constitution and adopting in lieu thereof a new Article VII of the Constitution is approved by the people.

SECTION 2. The Ballot Title for the proposed amendment to the Oklahoma Constitution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. State Question No.

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

amending the Oklahoma Constitution by adding thereto Article VII-B; providing method of appointment and retention of Justices of Supreme Court and Judges of Court of Criminal Appeals; defining terms; providing for retention of Judicial Officers on "yes" and "no" ballot without opposing candidate; establishing Judicial Nominating Commission; fixing qualifications, tenure, powers and duties of members; providing vacancies filled by appointment by Governor; retaining present Judicial Officers; providing this amendment shall become operative only upon approval by the people of amendment to Article VII proposed by House Joint Resolution No. 508, of the First Session of the Thirty-first Oklahoma Legislature,

be approved by the people?

YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

NO

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the adoption of this Resolution, prepare and file one (1) copy thereof, including the above Ballot Title, with the Secretary of

Correctly Enrolled: *Richard C. [Signature]* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

State and one (1) copy with the Attorney General of the State of Oklahoma.

SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on July 11, 1967, at which election the proposed amendment to the Constitution of the State of Oklahoma, as set forth herein, shall be submitted on a yellow ballot to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

Passed the Senate the 9th day of May, 1967.

Acting President of the Senate (Signature)

Passed the House of Representatives the 10th day of May, 1967.

Speaker of the House of Representatives (Signature)

Correctly Enrolled: Richard E. Royce Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

OFFICE OF SECRETARY OF STATE

Received by the Secretary of State this 11 day of May, 1967, at 4:15 o'clock P. M.

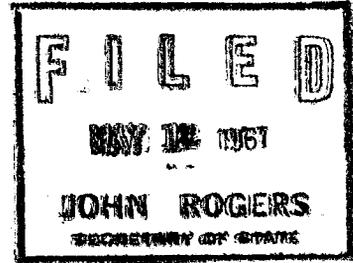
By: John Rogers eb



THE ATTORNEY GENERAL
OF OKLAHOMA

Oklahoma City, Okla. 73105

May 12, 1967



G. T. BLANKENSHIP
ATTORNEY GENERAL

Honorable John Rogers
Secretary of State
State Capitol Building
Oklahoma City, Oklahoma

Dear Mr. Rogers:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by 34 O.S. 1961, § 9, he has examined the proposed ballot title to Enrolled Senate Joint Resolution No. 16 of the 1st regular session of the 31st Oklahoma Legislature, which, together with a copy of said resolution, was delivered to him on May 12, 1967, and from said examination finds that said ballot title is not in legal form, nor in harmony with the law. Therefore, the Attorney General submits the following ballot title which, in his opinion, is in legal form and in harmony with the law.

BALLOT TITLE

Legislative Referendum No. 163 State Question No. 447

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

amending Oklahoma Constitution by adding Article VII-B; providing for selection and tenure of Justices of Supreme Court and Judges of Court of Criminal Appeals; defining terms; providing for retention on "Yes" and "No" ballot without opposing candidate; establishing Judicial Nominating Commission, selection of members, and fixing members' qualifications, tenure, powers and duties; retaining present judicial officers; providing this amendment shall control over other constitutional provisions and statutes contrary

Mr. Rogers - (2)
May 12, 1967

thereto and become operative only upon approval of constitutional amendment proposed by House Joint Resolution No. 508, First Session, Thirty-First Oklahoma Legislature,

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES
 NO

Inasmuch as 34 O.S. 1961, § 9, supra, expressly provides that

"no appeal shall be allowed as to ballot titles of constitutional or legislative enactments proposed by the Legislature which ballot titles have been approved or revised by the Attorney General.",

it is your duty, under the provisions of said section, to immediately

"transmit to the Secretary of the State Election Board an attested copy of the pending proposition, including such approved title."

Yours very truly,


G. T. Blankenship,
Attorney General

GTB:lkf