

ENROLLED SENATE JOINT RESOLUTION 27  
ENACTED BY THE FIRST REGULAR SESSION OF THE  
52ND LEGISLATURE OF THE STATE OF OKLAHOMA  
NUMBERED BY THE SECRETARY OF STATE

**STATE QUESTION NUMBER 752**  
**LEGISLATIVE REFERENDUM NUMBER 352**

RECEIVED: May 20, 2009

# Resolution

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 27

By: Anderson and Jolley of the  
Senate

and

Sullivan 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 Section 3 of Article VII-B of the Oklahoma Constitution; modifying the composition of the Judicial Nominating Commission; making language gender neutral; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 52ND 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 ~~thirteen (13)~~ fifteen (15) members, to consist of:

(1) six (6) members to be appointed by the Governor, which shall include at least one (1) from each congressional district established by the Statutes of Oklahoma and existing at the date of the adoption of this Article, none of whom shall be admitted to practice law in the State of Oklahoma or have any immediate family

member who has been admitted to the practice of law in the State of Oklahoma or any other state;

(2) six ~~(6)~~ members, which shall include at least 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 three members at large who shall not have been admitted to the practice of law in the State of Oklahoma or any other state, or have any immediate family member who has 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, one 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; one to be selected by the President Pro Tempore of the Senate; and one to be selected by the Speaker of the House of Representatives. No more than two members at large shall belong to any one political party.

The Commission shall elect one of its members to serve as Chairman chair 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, other than the member at large, shall be filled by appointment by the Governor for the remainder of his or her term. Vacancies of any lawyer commissioner shall be filled by the Board of Governors of the Oklahoma Bar Association for the remainder of his or her 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 or she 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 or herself.

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

BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

The measure amends Section 3 of Article 7-B of the Oklahoma Constitution. It amends sections that set up the Judicial Nominating Commission. This Commission chooses people to nominate for judge or justice if there is a vacancy. The Commission sends the names of three people to the Governor. The Governor picks one of the three to fill the vacancy. This amendment would change the number of members on the Commission from thirteen to fifteen. It will allow the President Pro Tempore of the Senate to pick one member and the Speaker of the House of Representatives to pick one member.

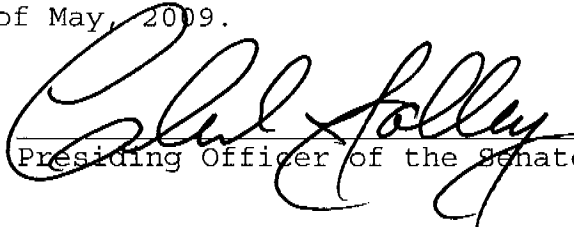
SHALL THE PROPOSAL BE APPROVED?

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

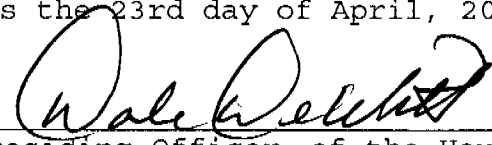
AGAINST THE PROPOSAL - NO \_\_\_\_\_

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

Passed the Senate the 19th day of May, 2009.

  
Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of April, 2009.

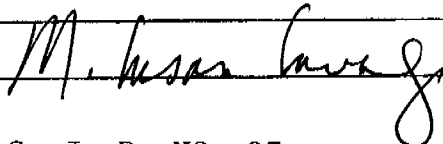
  
Presiding Officer of the House  
of Representatives

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this \_\_\_\_\_

20th day of May, 2009,

at 12:33 o'clock P M.

By: 



W. A. DREW EDMONDSON  
ATTORNEY GENERAL OF OKLAHOMA

May 26, 2009

The Honorable M. Susan Savage  
Oklahoma Secretary of State  
Room 101, State Capitol Building  
Oklahoma City, Oklahoma 73105

Re: State Question Number 752  
Legislative Referendum Number 352

Dear Secretary Savage:

I am in receipt of your letter to Attorney General W.A. Drew Edmondson regarding the above. Attorney General Edmondson has requested that I respond back to you. I have referred this information to Neal Leader, Senior Assistant Attorney General, for his information and use.

If you have any questions, please feel free to contact Mr. Leader directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Gruber".

TOM GRUBER  
FIRST ASSISTANT ATTORNEY GENERAL

TG:st

cc: W.A. Drew Edmondson  
Attorney General

Neal Leader

**RECEIVED**  
MAY 28 2009  
OKLAHOMA SECRETARY  
OF STATE



**OKLAHOMA SECRETARY OF STATE**

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

M. Susan Savage  
Secretary of State

Brad Henry  
Governor

May 20, 2009

The Honorable Drew Edmondson  
Attorney General  
313 NE 21st Street  
Oklahoma City, Oklahoma 73105

Dear Attorney General Edmondson:

You are hereby notified that Enrolled Senate Joint Resolution 27 was received in the Office of the Secretary of State this 20th day of May, 2009. This resolution has been designated as **State Question Number 752, Legislative Referendum Number 352.**

Pursuant to 34 O.S., 2008 Supp., Section 9, this office is submitting the proposed ballot title to you for review.

If this office may be of further assistance, please advise.

Sincerely,

  
M. Susan Savage  
Secretary of State

MSS/ks



**OKLAHOMA SECRETARY OF STATE**

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

M. Susan Savage  
Secretary of State

Brad Henry  
Governor

RECEIVED

MAY 22 2009

OFFICE OF THE  
GOVERNOR

May 20, 2009

The Honorable Brad Henry  
Governor, State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

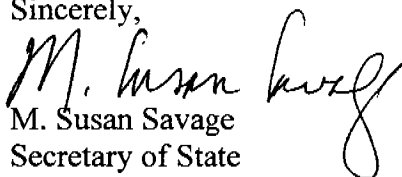
Dear Governor Henry:

You are hereby notified that Enrolled Senate Joint Resolution 27 was received in the Office of the Secretary of State this 20th day of May, 2009. This resolution has been designated as **State Question Number 752, Legislative Referendum Number 352.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. 2008 Supp., Section 9. The official ballot title will be submitted to you upon completion of the review.

If this office may be of further assistance, please advise.

Sincerely,

  
M. Susan Savage  
Secretary of State

MSS/ks



**OKLAHOMA SECRETARY OF STATE**

2300 N. LINCOLN BLVD. ROOM 101

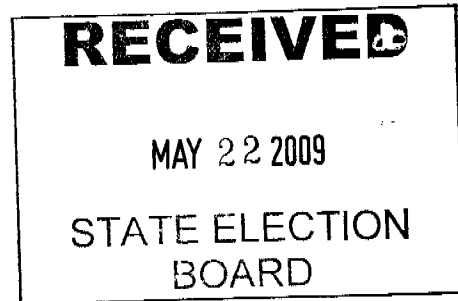
OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

**M. Susan Savage**  
Secretary of State

**Brad Henry**  
Governor



May 20, 2009

The Honorable Paul Ziriak  
Secretary, State Election Board  
State Capitol, Room 3  
Oklahoma City, Oklahoma 73105

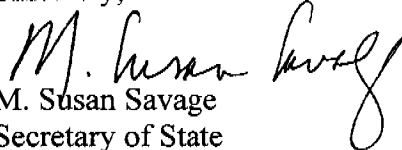
Dear Secretary Ziriak:

You are hereby notified that Enrolled Senate Joint Resolution 27 was received in the Office of the Secretary of State this 20th day of May, 2009. This resolution has been designated as **State Question Number 752, Legislative Referendum Number 352.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. 2008 Supp., Section 9. The official ballot title will be submitted to you upon completion of the review.

If this office may be of further assistance, please advise.

Sincerely,

  
M. Susan Savage  
Secretary of State

MSS/ks



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

June 1, 2009

M. Susan Savage, Secretary of State  
Office of the Secretary of State  
2300 N. Lincoln Blvd., Room 101  
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee  
Senate President Pro Tempore  
State Capitol, Room 422  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

The Honorable Chris Benge  
Speaker of the House of Representatives  
State Capitol, Room 401  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

**FILED**

**JUN 1 2009**

**OKLAHOMA SECRETARY  
OF STATE**

**Re: Ballot Title for State Question No. 752, Legislative Referendum 352**

Dear Secretary Savage, Senator Coffee, and Speaker Benge:

In accordance with the provisions of 34 O.S.Supp.2008, § 9(C), we have reviewed the Ballot Title for the above referenced State Question and conclude that it does not comply with applicable laws for the following reasons:

- It does not adequately explain the effect of the proposition.

Having found that the Ballot Title does not comply with applicable law, we will, in conformity with the provisions of 34 O.S.Supp.2008, § 9(C), within ten (10) business days, prepare a Preliminary Ballot Title which complies with the law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. A. Edmondson".

W. A. DREW EDMONDSON  
ATTORNEY GENERAL

WAE/ab



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

June 15, 2009

M. Susan Savage, Secretary of State  
Office of the Secretary of State  
2300 N. Lincoln Blvd., Room 101  
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee  
Senate President Pro Tempore  
State Capitol, Room 422  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

**FILED**  
JUN 15 2009  
CLERK OF THE SECRETARY  
OF STATE

The Honorable Chris Benge  
Speaker of the House of Representatives  
State Capitol, Room 401  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

**Re: Preliminary Ballot Title for State Question No. 752, Legislative Referendum No. 352**

Dear Secretary Savage, Senator Coffee, and Speaker Benge:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S. Supp. 2008, § 9(C), prepared the following Preliminary Ballot Title. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Preliminary Ballot Title reads as follows:

**PRELIMINARY BALLOT TITLE FOR STATE QUESTION NO. 752**

This measure amends a section of the Oklahoma Constitution. It amends Section 3 of Article 7-B. The measure deals with the Judicial Nominating Commission. This Commission selects nominees to be appointed judges or

justices, when a vacancy occurs. The Commission selects three, sometimes four, qualified nominees. The Governor must appoint one of the nominees.

The amendment adds two at-large members to the Commission. At-large members can come from any Oklahoma congressional district. The Senate President Pro Tempore appoints one of the new at-large members. The Speaker of the House of Representatives appoints the other. At-large members can not be lawyers. Nor can they have a lawyer in their immediate family. Nor can more than two at-large members be from the same political party.

Six non-at-large members are appointed by the Governor. They cannot be Oklahoma lawyers. The measure adds a new qualification for non-lawyer members. They can not have a lawyer from any state in their immediate family. Each congressional district must have at least one non-lawyer member.

Six lawyer members are elected by members of the Oklahoma Bar Association. Each congressional district must have at least one lawyer member.

**SHALL THE PROPOSAL BE APPROVED?**

**FOR THE PROPOSAL - YES** \_\_\_\_\_

**AGAINST THE PROPOSAL - NO** \_\_\_\_\_

Respectfully submitted,



W.A. Drew Edmondson  
Attorney General

WAE/ab



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

July 1, 2009

M. Susan Savage, Secretary of State  
Office of the Secretary of State  
2300 N. Lincoln Blvd., Room 101  
Oklahoma City, Oklahoma 73105-4897

**FILED**

**JUL 1 2009**

**OKLAHOMA SECRETARY  
OF STATE**

The Honorable Glenn Coffee  
Senate President Pro Tempore  
State Capitol, Room 422  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

The Honorable Chris Bengé  
Speaker of the House of Representatives  
State Capitol, Room 401  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

**Re: Final Ballot Title for State Question No. 752, Legislative  
Referendum No. 352**

Dear Secretary Savage, Senator Coffee, and Speaker Bengé:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S. Supp. 2008, § 9(C), prepared the following Final Ballot Title. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Final Ballot Title reads as follows:

**FINAL BALLOT TITLE FOR STATE QUESTION NO. 752**

This measure amends a section of the Oklahoma Constitution. It amends Section 3 of Article 7-B. The measure deals with the Judicial Nominating Commission. This Commission selects nominees to be appointed judges or justices, when a vacancy occurs. The

Commission selects three, sometimes four, qualified nominees. The Governor must appoint one of the nominees.

The amendment adds two at-large members to the Commission. At-large members can come from any Oklahoma congressional district. The Senate President Pro Tempore appoints one of the new at-large members. The Speaker of the House of Representatives appoints the other. At-large members can not be lawyers. Nor can they have a lawyer in their immediate family. Nor can more than two at-large members be from the same political party.

Six non-at-large members are appointed by the Governor. They cannot be Oklahoma lawyers. The measure adds a new qualification for non-lawyer members. They can not have a lawyer from any state in their immediate family. Each congressional district must have at least one non-lawyer member.

Six lawyer members are elected by members of the Oklahoma Bar Association. Each congressional district must have at least one lawyer member.

**SHALL THE PROPOSAL BE APPROVED?**

**FOR THE PROPOSAL - YES** \_\_\_\_\_

**AGAINST THE PROPOSAL - NO** \_\_\_\_\_

Respectfully submitted,



W.A. DREW EDMONDSON  
ATTORNEY GENERAL

WAE/ab