

OKLAHOMA CONSTITUTION
ARTICLE VII - JUDICIAL DEPARTMENT

SECTION VII-1

Courts in which judicial power vested.

The judicial power of this State shall be vested in the Senate, sitting as a Court of Impeachment, a Supreme Court, the Court of Criminal Appeals, the Court on the Judiciary, the State Industrial Court, the Court of Bank Review, the Court of Tax Review, and such intermediate appellate courts as may be provided by statute, District Courts, and such Boards, Agencies and Commissions created by the Constitution or established by statute as exercise adjudicative authority or render decisions in individual proceedings. Provided that the Court of Criminal Appeals, the State Industrial Court, the Court of Bank Review and the Court of Tax Review and such Boards, Agencies and Commissions as have been established by statute shall continue in effect, subject to the power of the Legislature to change or abolish said Courts, Boards, Agencies, or Commissions. Municipal Courts in cities or incorporated towns shall continue in effect and shall be subject to creation, abolition or alteration by the Legislature by general laws, but shall be limited in jurisdiction to criminal and traffic proceedings arising out of infractions of the provisions of ordinances of cities and towns or of duly adopted regulations authorized by such ordinances.

Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 1 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

NOTE: Pursuant to 2010 H.J.R. No. 1056, State Question 755 proposed an amendment to this section. State Question 755 was submitted to and approved by the people at the November 2, 2010 general election. On November 29, 2010, an injunction was issued, and election results for State Question 755 were not certified. See *Awad v. Ziriaux*, 754 F.Supp.2d 1298, affirmed 670 F.3d 1111. On August 15, 2013, a permanent injunction was issued enjoining state officials from certifying the election results. See *Awad v. Ziriaux*, 966 F.Supp.2d 1198.

SECTION VII-2

Supreme Court Justices - Number - Terms - Vacancies - Qualifications - Chief Justice - Vice Chief Justice.

The Supreme Court shall consist of nine Justices until the number shall be changed by statute and each Justice shall be from a separate district of the State. Each district shall remain as presently constituted until otherwise provided by Statute. The terms of office of the Justices of the Supreme Court shall be six years and shall commence on the second Monday of January following their election. Those appointed or elected to fill vacancies shall assume office

immediately upon qualifying for the office. Each Justice, at the time of his election or appointment, shall have attained the age of thirty years, shall have been a qualified elector in the district for at least one year immediately prior to the date of filing or appointment, and shall have been a licensed practicing attorney or judge of a court of record, or both, in Oklahoma for five years preceding his election or appointment and shall continue to be a duly licensed attorney while in office to be eligible to hold the office. The Justices shall choose from among their members a Chief Justice and a Vice Chief Justice.

Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 2 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-3

Election of Justices and Judges - Vacancies.

From each of the Supreme Court districts and Court of Criminal Appeals districts, the voters thereof shall elect a Justice of the Supreme Court and a Judge of the Court of Criminal Appeals at a non-partisan election, in a manner provided by statute. In the event intermediate appellate courts are created, the judges thereof shall be elected at a non-partisan election, in a manner provided by statute. In the event of a vacancy the Governor shall, by appointment from said district, fill such vacancy until the next election for State Officers, and at such election the vacancy for the unexpired term shall be filled by a non-partisan election in a manner provided by statute.

Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 3 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-4

Jurisdiction of Supreme Court - Writs.

The appellate jurisdiction of the Supreme Court shall be co-extensive with the State and shall extend to all cases at law and in equity; except that the Court of Criminal Appeals shall have exclusive appellate jurisdiction in criminal cases until otherwise provided by statute and in the event there is any conflict as to jurisdiction, the Supreme Court shall determine which court has jurisdiction and such determination shall be final. The original jurisdiction of the Supreme Court shall extend to a general

superintending control over all inferior courts and all Agencies, Commissions and Boards created by law. The Supreme Court, Court of Criminal Appeals, in criminal matters and all other appellate courts shall have power to issue, hear and determine writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition and such other remedial writs as may be provided by law and may exercise such other and further jurisdiction as may be conferred by statute. Each of the Justices or Judges shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody and make such writs returnable before himself, or before the Supreme Court, other Appellate Courts, or before any District Court, or judge thereof in the State. The appellate and the original jurisdiction of the Supreme Court and all other appellate courts shall be invoked in the manner provided by law.

Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 4 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-5

Sessions - Quorum - Intermediate appellate courts - Form of decisions - Clerk of Supreme Court.

The sessions of the Supreme Court shall be held at the seat of government, and the sessions and duration thereof shall be fixed by rule of said Court. A majority of the members of the Supreme Court shall constitute a quorum and the concurrence of the majority of said Court shall be necessary to decide any question. The jurisdiction, powers, duties and procedures of intermediate appellate courts shall be as provided by rules of the Supreme Court until otherwise provided by statute. In the event of the creation of intermediate appellate courts, all appeals shall be made to the Supreme Court, which may, by rule, determine the method of assignment to, and recall from, the intermediate appellate courts until otherwise provided by statute. When the intermediate appellate courts acquire jurisdiction in any cause and make final disposition of same, such disposition shall be final and there shall be no further right of appeal except for issuance of a writ of certiorari ordered by a majority of the Supreme Court which may affirm, modify or make such other changes in said decision as it deems proper. The Supreme Court and intermediate appellate court decisions shall be in such form as the Supreme Court shall specify by rule and the Court of Criminal Appeals decisions shall be in such form as it shall specify by rule, until otherwise provided by statute. The Supreme Court shall appoint a Clerk of the Supreme Court, who shall serve at the pleasure of the Supreme Court and who shall perform the duties prescribed by law and rules of the

Supreme Court. The Clerk of the Supreme Court in office on the effective date of this Article shall continue in office for the duration of his elective term.

Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 5 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-6

Administrative authority - Director and staff.

Except with reference to the Senate sitting as a Court of Impeachment and the Court on the Judiciary, general administrative authority over all courts in this State, including the temporary assignment of any judge to a court other than that for which he was selected, is hereby vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at its pleasure to assist the Chief Justice in his administrative duties and to assist the Court on the Judiciary. Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 6 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-7

District Courts - Jurisdiction - Courts abolished - Transfer of jurisdiction, files etc.

(a) The State shall be divided by the Legislature into judicial districts, each consisting of an entire county or of contiguous counties. There shall be one District Court for each judicial district, which shall have such number of District Judges, Associate District Judges and Special Judges as may be prescribed by statute. The District Court shall have unlimited original jurisdiction of all justiciable matters, except as otherwise provided in this Article, and such powers of review of administrative action as may be provided by statute. Existing electing districts for all who are or who become District Judges and Associate District Judges under the terms of this Article shall remain as they are constituted for the offices formerly held by such persons on the effective date of this Article, until changed by statute. The Legislature may at any time delegate authority to the Supreme Court to designate by court rule the division of the State into districts and the number of judges.

(b) All Courts in the State of Oklahoma, except those specifically provided for in this Article, are hereby abolished at midnight on the day preceding the effective date of this Article and their jurisdiction, functions, powers and duties are transferred to the respective District Courts, and, until otherwise provided by statute, all non-judicial functions vested in such courts are transferred to the District Courts and Judges thereof. No person shall file a declaration of candidacy for any such court abolished herein on or after July 1, 1968.

(c) Each court into which jurisdiction of other courts is transferred shall succeed to and assume jurisdiction of all causes, matters and proceedings then pending, with full power and authority to dispose of them and to carry into execution or otherwise to give effect to all orders, judgments and decrees theretofore entered by the predecessor courts.

(d) The files, books, papers, records, documents, monies, securities and other property in the possession, custody, or control of the court hereby abolished, or in the possession, custody or control of any officer thereof, are transferred to the District Court; and thereafter all proceedings in all court shall be matters of record.

(e) In the event a transfer or transition has not been provided for by law, the Supreme Court shall by rule provide for the orderly transfer or transition.

Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 7 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-8

Classes of District Court Judges - Selection - Terms - Jurisdiction - Qualifications.

(a) The Judges of the District Court shall be District Judges, Associate District Judges, and Special Judges. Each District Judge, each Associate District Judge, and each Special Judge shall be selected according to the provisions of this Article.

(b) Superior Court Judges shall become District Court Judges on the effective date of this Article.

(c) Common Pleas, County, Children's and Juvenile Court Judges shall become Associate District Judges in the following manner: Those Judges whose terms expire after the effective date of this Article shall become Associate District Judges on the effective date of this Article. Those Judges whose terms expire on or before the effective date of this Article, shall be subject to selection, in a manner provided by law, as Associate District Judges for a term expiring the

day preceding the second Monday in January, 1971, and the selectees shall become Associate District Judges on the effective date of this Article.

(d) There shall be at least one Associate District Judge for each County in the State. The number of District Judges, including Superior Court Judges who become District Judges, and Associate District Judges shall continue at the number held over under this Article until changed by statute. The District Judges and Associate District Judges shall exercise all jurisdiction in the District Court except as otherwise provided by law. The District Courts, or any Judges thereof, shall have the power to issue any writs, remedial or otherwise necessary or proper to carry into effect their orders, judgments, or decrees.

(e) The appointment of any Judge to any Court abolished by this Article made after its adoption shall be for a period ending on the day preceding the effective day of this Article.

(f) The terms of District Judges and Associate District Judges shall be for four years commencing on the second Monday of January in 1971 and vacancies shall be filled in the manner provided by law.

(g) Each District Judge shall have had prior to election or appointment, a minimum of four years' experience as a licensed practicing attorney, or as a judge of a court of record, or both, within the State of Oklahoma; shall be a qualified elector of the respective district; and shall have such additional qualifications as may be prescribed by statute. Each Associate District Judge shall be an attorney licensed to practice in the State of Oklahoma and an elector in the County at the time of filing; and they shall have such additional qualifications as prescribed by statute. Both District Judges and Associate District Judges shall continue to be licensed attorneys while in office.

(h) The District Judges in each judicial administrative district shall appoint special judges to serve at their pleasure. The District Judges may appoint a nonlawyer as a special judge if no qualified licensed attorney is available. The jurisdiction of Special Judges shall be limited as may be prescribed by statute. The formula used for the number of special judges to be allowed to each judicial administrative district shall be set by the Legislature. All judges of special sessions courts shall become Special Judges for the remainder of their terms.

(i) District Judges, Associate District Judges and Special Judges may hold court anywhere in this State authorized by rule of the Supreme Court.

Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 8 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election

held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-9

Election of District Judges and Associate District Judges.

District Judges and Associate District Judges shall be elected by the voters of the several respective districts or counties at a non-partisan election in the manner provided by statute.

Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 9 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-10

Judicial Administrative Districts.

(a) The State shall be divided into Judicial Administrative Districts, by statute, each consisting of one or more District Court Judicial Districts.

(b) The District Judges and Associate District Judges in each Judicial Administrative District shall select one of the District Judges to serve at their pleasure as Presiding Judge of such Judicial Administrative District. Subject to the authority of the Supreme Court, the Presiding Judge shall have general administrative authority over the Judicial Administrative District, including authority to provide for divisions, general or specialized, and for appropriate times and places of holding court subject to law.

Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 10 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-11

Salaries and expenses - Retirement.

(a) Judges and Supreme Court Justices shall receive for their services salaries provided by statute. The salaries of Judges and Justices shall not be diminished, but may be increased during their respective terms of office. Judicial officers may be paid such actual and necessary expenses as may be provided by statute. All basic salaries and expenses, or any portion thereof, of judges of District Courts shall be paid by the State unless otherwise provided by Statute with such additional salaries as may be provided by statute to be paid by the respective districts or counties.

(b) No Justices or Judges, except those of Municipal Courts, shall engage in the practice of law nor hold any other office or position of profit under the United States or this State or any municipal corporation or political subdivision of this State, nor shall hold office in any political party. Provided that the Judges of the Court on the Judiciary, the Court of Tax Review and the Court of Bank Review and the Judges of any other such Special Courts may serve in such capacities in addition to their other judicial office. Compensation for service in the National Guard or the armed forces of the United States for such periods of time as may be determined by rules of the Supreme Court shall not be deemed "profit".

(c) Notwithstanding the provisions of this Article relating to terms of office, the Legislature may provide by statute for a maximum age qualification for election or appointment to office and for the retirement of Justices and Judges automatically at a prescribed age or after a certain number of years of service, or both. The compensation, age of retirement and procedure for retirement shall be prescribed by statute. Any retired Justice or Judge may, in the discretion of the Supreme Court, be assigned to Judicial service. The compensation for such service shall be that to which the Justice or Judge is entitled in accordance with benefits as provided by statute.

Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 11 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-12

Continuing provisions.

Except to the extent inconsistent with the provisions of this Article, all provisions of law and rules of court in force on the effective date of this Article shall continue in effect until superseded in a manner authorized by law.

Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 12 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-13

Savings clause.

In the event the abolition of any court or office hereunder is held by any court of competent jurisdiction to not take effect upon the effective date of this Article, then such court or office shall

be abolished and terminated at the expiration of the term of the officer holding such office with the same provisions applying thereto, as if abolished on the effective date of this Article. Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 13 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-14

Effective dates - Implementing acts.

This Judicial Article shall become effective on January 13, 1969; except those provisions expressly authorizing or directing a different date; and except those provisions relating to the Supreme Court, the Court of Criminal Appeals, intermediate appellate courts and the Justices and Judges of such Courts, which shall become effective immediately upon the adoption of this Judicial Article. On or after the first Tuesday after the first Monday in January, 1968, the Legislature shall enact the necessary and appropriate laws to implement and place in operation the provisions of this Article. Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 14 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-15

Jury trials - Verdicts.

In all jury trials the jury shall return a general verdict, and no law in force nor any law hereafter enacted, shall require the court to direct the jury to make findings of particular questions of fact, but the court may, in its discretion, direct such special findings.

Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: A prior Section 15 of Article VII was repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-16

Repealer.

Article VII of the Constitution of the State of Oklahoma is hereby repealed.

Added by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967.

NOTE: This section of State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967, repealed a prior Article VII containing Sections 1 through 25, and replaced it with a new Article VII containing Sections 1 through 16. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-17. Repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-18. Repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-19. Repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-20. Repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-21. Repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-22. Repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-23. Repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-24. Repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.

SECTION VII-25. Repealed by State Question No. 448, Legislative Referendum No. 164, adopted at election held on July 11, 1967. Repeal proposed by Laws 1967, p. 698, H.J.R. No. 508.