

**OKLAHOMA CONSTITUTION**  
**ARTICLE VII-B - SELECTION OF JUSTICES AND JUDGES**

SECTION VII-B-1

Governing provisions - Definitions.

(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 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. Added by State Question No. 447, Legislative Referendum No. 163, adopted at election held on July 11, 1967.

SECTION VII-B-2

Declaration of candidacy - Election.

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.

Added by State Question No. 447, Legislative Referendum No. 163, adopted at election held on July 11, 1967.

SECTION VII-B-3

Judicial Nominating Commission.

(a) There is established as a part of the Judicial Department a Judicial Nominating Commission of fifteen (15) members, to consist of:

(1) six members to be appointed by the Governor, which shall include at least one 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 members, which shall include at least one 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) 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 members of the Nominating Commission. In the event eight 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 chair for a term of one (1) year.

The six 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 members shall be appointed for a term of two (2) years, two members for a term of four (4) years, and two 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 of whom shall be elected for a term of two (2) years, two for a term of four (4) years, and two 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 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.

Added by State Question No. 447, Legislative Referendum No. 163, adopted at election held on July 11, 1967. Amended by State Question No. 752, Legislative Referendum No. 352, adopted at election held on Nov. 2, 2010.

#### SECTION VII-B-4

##### Vacancy in Judicial Office - Filling.

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 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. Added by State Question No. 447, Legislative Referendum No. 163, adopted at election held on July 11, 1967.

SECTION VII-B-5

Terms and election.

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 selection for the remainder of the term or for a six (6) year term, whichever is applicable, as herein provided.

Added by State Question No. 447, Legislative Referendum No. 163, adopted at election held on July 11, 1967.

SECTION VII-B-6

Political activity prohibited.

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.

Added by State Question No. 447, Legislative Referendum No. 163, adopted at election held on July 11, 1967.

SECTION VII-B-7

Effective date.

This proposed amendment to the Constitution of the 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.

Added by State Question No. 447, Legislative Referendum No. 163,  
adopted at election held on July 11, 1967.