

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE JOINT  
4 RESOLUTION 1069

By: Nelson

5  
6 AS INTRODUCED

7 A Joint Resolution directing the Secretary of State  
8 to refer to the people for their approval or  
9 rejection a proposed amendment to Section 4 of  
10 Article VII of the Constitution of the State of  
11 Oklahoma; modifying jurisdiction of the Supreme Court  
12 by granting the people of this state the authority to  
13 overturn certain Supreme Court opinions; providing  
14 ballot title; and directing filing.

15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
16 2ND SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

17 SECTION 1. The Secretary of State shall refer to the people for  
18 their approval or rejection, as and in the manner provided by law,  
19 the following proposed amendment to Section 4 of Article VII of the  
20 Constitution of the State of Oklahoma to read as follows:

21 Section 4. The appellate jurisdiction of the Supreme Court  
22 shall be co-extensive with the State and shall extend to all cases  
23 at law and in equity; provided, in any case in which the Supreme  
24 Court issues an opinion on the constitutionality of a law, the  
opinion may be challenged and overturned by a vote of the people  
either through the referendum petition process or by a referendum

1 proposed by the Legislature in the manner provided by law; except  
2 that provided further, the Court of Criminal Appeals shall have  
3 exclusive appellate jurisdiction in criminal cases until otherwise  
4 provided by statute and in the event there is any conflict as to  
5 jurisdiction, the Supreme Court shall determine which court has  
6 jurisdiction and such determination shall be final. The original  
7 jurisdiction of the Supreme Court shall extend to a general  
8 superintending control over all inferior courts and all Agencies,  
9 Commissions and Boards created by law; provided, in any case in  
10 which the Supreme Court issues an opinion on the constitutionality  
11 of a law, the opinion may be challenged and overturned by a vote of  
12 the people either through the referendum petition process or by a  
13 referendum proposed by the Legislature in the manner provided by  
14 law. The Supreme Court, Court of Criminal Appeals, in criminal  
15 matters and all other appellate courts shall have power to issue,  
16 hear and determine writs of habeas corpus, mandamus, quo warranto,  
17 certiorari, prohibition and such other remedial writs as may be  
18 provided by law and may exercise such other and further jurisdiction  
19 as may be conferred by statute. Each of the Justices or Judges  
20 shall have power to issue writs of habeas corpus to any part of the  
21 State upon petition by or on behalf of any person held in actual  
22 custody and make such writs returnable before himself, or before the  
23 Supreme Court, other Appellate Courts, or before any District Court,  
24 or judge thereof in the State. The appellate and the original

1 jurisdiction of the Supreme Court and all other appellate courts  
2 shall be invoked in the manner provided by law.

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

6 BALLOT TITLE

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

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This measure amends the Oklahoma Constitution. It allows the  
10 citizens of this state to overturn certain Supreme Court  
11 rulings. This could occur if the Court issues an opinion on the  
12 constitutionality of a law. It provides that the process could  
13 be started either by referendum petition or legislative  
14 referendum.

15 SHALL THE PROPOSAL BE APPROVED?

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

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

18 SECTION 3. The Chief Clerk of the House of Representatives,  
19 immediately after the passage of this resolution, shall prepare and  
20 file one copy thereof, including the Ballot Title set forth in  
21 SECTION 2 hereof, with the Secretary of State and one copy with the  
22 Attorney General.

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24 55-2-7567 SD 01/21/16