



Oklahoma State Supreme Court Judge Retention Campaign

Background

People for Opportunity, formed in 2021, have bought TV ads in several Oklahoma television markets to convince Oklahoma voters not to retain three of the four justices on the Oklahoma Supreme Court appointed by Democratic governors.

- The TV ads paint Oklahoma Supreme Court Justices Yvonne Kauger, Noma Gurich, and James Edmondson as “activist, liberal” judges, though all justices are nonpartisan.
- Members of the Oklahoma Council of Public Affairs, a far-right think tank, are leading the group.

In Oklahoma, the governor appoints state supreme court justices with the assistance of the Judicial Nomination Commission.

- When voters go to the polls, they are ONLY voting on whether to retain the justices and will not be able to vote on who replaces them.

If they aren’t retained, Republican Gov. Kevin Stitt would appoint their successors.

Impact on Tribal Sovereignty

The Oklahoma State Supreme Court consists of nine judges.

- Stitt has already appointed 3 justices to the Oklahoma Supreme Court. Therefore, Governor Stitt will have appointed six of the nine justices if the judges are not retained.
- It is key to highlight that the three justices being targeted have **voted in favor of tribal sovereignty** in all cases that came before them.

Appointed justices serve an initial term of at least one year, after which they must stand for retention during the next general election. Subsequent terms last six years.

No appellate court justice has ever lost a retention election, and it’s rare for the races to attract much attention. Conservatives hope that the lack of knowledge around the appointment process and that most Oklahomans vote Republican can help them stack the court.

- The separation of Judicial and Executive branches within the Oklahoma government is crucial to the system of checks and balances that has been established in the United States since its founding. Proponents against retaining these justices seek to subvert this process for their own political gain.

If the judges are not retained, the anti-tribal sovereignty policies of the Stitt administration could long outlast his final term.