

HOUSE CONCURRENT RESOLUTION NO. 3035

Introduced by

Representatives Rick C. Becker, Dockter, Meier, Monson, Olson, Ruby, Schatz

Senators Klein, Poolman

1 A concurrent resolution to amend and reenact section 5 of article IV, section 4 of article V, and
2 section 10 of article VI of the Constitution of North Dakota, relating to the qualifications of office
3 for elected and appointed offices of the legislative, executive, and judicial branches of
4 government; and to provide an effective date.

5 **STATEMENT OF INTENT**

6 This measure requires a member of the legislative assembly, an elected executive branch
7 officer, a justice of the supreme court, and a district court judge to be a qualified elector of the
8 state and of the district the individual serves or represents throughout the individual's term of
9 office.

10 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE**
11 **SENATE CONCURRING THEREIN:**

12 That the following amendments to section 5 of article IV, section 4 of article V, and
13 section 10 of article VI of the Constitution of North Dakota are agreed to and must be submitted
14 to the qualified electors of North Dakota at the general election to be held in 2016, in
15 accordance with section 16 of article IV of the Constitution of North Dakota.

16 **SECTION 1. AMENDMENT.** Section 5 of article IV of the Constitution of North Dakota is
17 amended and reenacted as follows:

18 **Section 5.** Each ~~person~~individual elected or appointed to the legislative assembly must be,
19 ~~on the day of the election~~during the six months before the election or appointment and during
20 the entire term for which the member was elected or appointed, a qualified elector in the district
21 from which the member was ~~chosen~~elected or appointed and must have been a resident of the
22 state for one year immediately prior to that election or appointment. If the residence occupied by
23 the member as a qualified elector from that district becomes uninhabitable, the member may
24 serve the remainder of the term for which the member was elected or appointed without regard
25 to residency status. Except as provided in this section, if an individual elected or appointed to

1 the legislative assembly no longer is a qualified elector in the district from which the member
2 was elected or appointed, that member is considered to have vacated that office.

3 **SECTION 2. AMENDMENT.** Section 4 of article V of the Constitution of North Dakota is
4 amended and reenacted as follows:

5 **Section 4.** To be eligible to hold an elective office established by this article, ~~a person~~an
6 individual must be a qualified elector of this state, must remain a qualified elector of this state
7 throughout the term for which the individual was elected or appointed, must be at least
8 twenty-five years of age on the day of the election or appointment, and must have been a
9 resident of this state for the five years preceding election or appointment to office. To be eligible
10 to hold the office of governor or lieutenant governor, a person must be at least thirty years old
11 on the day of the election. The attorney general must be licensed to practice law in this state.

12 If an individual elected or appointed to an office established by this article no longer is a
13 qualified elector of this state, that individual is considered to have vacated that office.

14 **SECTION 3. AMENDMENT.** Section 10 of article VI of the Constitution of North Dakota is
15 amended and reenacted as follows:

16 **Section 10.** ~~Supreme court justices and district court judges shall be citizens of the United~~
17 ~~States and residents of this state, shall be learned in the law, and shall~~A supreme court justice
18 or district court judge must be a qualified elector of this state for the five years preceding
19 election or appointment to office, must remain a qualified elector of this state throughout the
20 term for which the individual was elected or appointed, must be learned in the law and licensed
21 to practice law in this state, and must possess any additional qualifications prescribed by law.
22 Judges of other courts ~~shall~~must be selected for such terms and ~~shall~~must have such
23 qualifications as may be prescribed by law.

24 At the time of election or appointment and during the entire term of office, a district court
25 judge must be a qualified elector in the judicial district for which the judge is appointed or
26 elected. If an individual elected or appointed to the district court no longer is a qualified elector
27 of the judicial district for which the judge is appointed or elected, that individual is considered to
28 have vacated that office. If an individual elected or appointed to the supreme court no longer is
29 a qualified elector of this state, that individual is considered to have vacated that office.

30 ~~Ne~~A justice of the supreme court or judge of the district court of this state ~~shall~~may not
31 engage in the practice of law, or hold any public office, elective or appointive, not judicial in

1 nature. ~~No duties shall~~Duties may not be imposed by law upon the supreme court or any of the
2 justices thereof, except such as are judicial, nor ~~shall~~may any of the justices exercise any power
3 of appointment except as herein provided. ~~No~~A judge of any court of this state ~~shall~~may not be
4 paid from the fees of ~~his~~the office, nor ~~shall~~may the amount of ~~his~~a judge's compensation be
5 measured by fees, other moneys received, or the amount of judicial activity of ~~his~~the judge's
6 office.

7 **SECTION 4. EFFECTIVE DATE.** This measure becomes effective on January 1, 2017, if
8 approved by the electors.