



North Dakota Legislative Council

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2024 PRIMARY ELECTION BALLOT MEASURE

This memorandum summarizes the initiated constitutional measure scheduled to be included on the 2024 primary election ballot.

INITIATED CONSTITUTIONAL MEASURE NO. 1 - CONGRESSIONAL CANDIDATE AGE LIMITS

The [initiated constitutional measure](#) would create a new article of the Constitution of North Dakota relating to congressional candidate age limits. The measure would prohibit an individual from appearing on a ballot or being nominated, appointed, or elected to serve a full or partial term in the Congressional Delegation of this state if that individual will be 81 years of age on or before December 31 of the year immediately preceding the end of a term for the office of United States Senator or Representative in Congress. The measure provides if the congressional candidate age restriction is declared unconstitutional or preempted by federal law, a ballot advisory must appear next to the candidate's name on a ballot for the office of United States Senator or Representative in Congress. The measure would require the ballot advisory to inform the voter of the candidate's age on December 31 of the year immediately preceding the end of the term.

The measure also would grant standing to any elector of this state seeking to enforce the provisions of the article; specifically, whether the measure violates Article 1 of the United States Constitution. As a means to expedite a potential constitutional challenge to the measure, the measure permits an individual who exceeds the age limit in the measure to appear on the 2026 primary election ballot or use an alternate statutory nomination method for the office of United States Senator or Representative in Congress. If an elector files an action to enforce any provision of the article, the measure would require any district court having jurisdiction to issue a final judgment within 60 days of the filing date listed on the district court's docket. Any party appealing the district court's decision would be required to file a notice of appeal within 10 days of the final entry of judgment. The North Dakota Supreme Court would be required to hear all appeals and issue a final ruling within 60 days of the filing date of the notice of appeal. The Attorney General would be required to zealously defend the article because the measure declares congressional candidate age limits are a fundamental state interest. The measure would become effective on the date of its passage.