

Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

**SENATE CONCURRENT RESOLUTION NO. 4005
(Senator Lips)**

A concurrent resolution for the amendment of section 13 of article VI of the Constitution of North Dakota, relating to the filling of judicial vacancies.

STATEMENT OF INTENT

This amendment provides that a person appointed by the governor to fill a judicial vacancy on the supreme court or district court serves at least two years and until the next general election thereafter. The subsequent term for that judgeship may be reduced to allow for the minimum two-year term and for the staggering of judicial elections.

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

That the following proposed amendment to section 13 of article VI of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 1998, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 13 of article VI of the Constitution of North Dakota is amended and reenacted as follows:

Section 13.

1. A judicial nominating committee ~~shall~~ must be established by law. ~~Any~~ The governor shall fill any vacancy in the office of supreme court justice or district court judge ~~shall be filled by appointment by the governor~~ from a list of candidates nominated by the committee, unless the governor calls a special election to fill the vacancy for the remainder of the term. ~~An~~ Except as provided in subsection 2, an appointment shall must continue until the next general election, when the office ~~shall~~ must be filled by election for the remainder of the term.
2. An appointment must continue for at least two years. If the term of the appointed judgeship expires before the judge has served at least two years, the judge shall continue in the position until the next general election immediately following the service of at least two years.
3. Notwithstanding sections 7 and 9 of this article, the term of the judge elected at the subsequent general election provided for in subsection 2 is reduced to the number of years remaining in the subsequent term after the appointee has served at least two years.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

Filed in this office this _____ day of _____, 1997,
at _____ o'clock _____ M.

Secretary of State