

Fifty-fifth  
Legislative Assembly  
of North Dakota

**SENATE CONCURRENT RESOLUTION NO. 4006**

Introduced by

Senator Lips

1 A concurrent resolution for the amendment of sections 7, 9, and 13 of article VI of the  
2 Constitution of North Dakota, relating to the appointment and election of supreme court justices  
3 and district court judges; and to provide an effective date.

4 **STATEMENT OF INTENT**

5 This amendment provides for the appointment by the governor of supreme court justices and  
6 district court judges and establishes a procedure for the election of incumbent justices and  
7 judges and for filling vacancies.

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

10 That the following amendments to sections 7, 9, and 13 of article VI of the Constitution  
11 of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota  
12 at the primary election to be held in 1998, in accordance with section 16 of article IV of the  
13 Constitution of North Dakota.

14 **SECTION 1. AMENDMENT.** Section 7 of article VI of the Constitution of North Dakota  
15 is amended and reenacted as follows:

16 **Section 7.** ~~The governor shall appoint justices of the supreme court shall be chosen by~~  
17 ~~the electors of the state~~ for ten-year terms, so arranged that one justice is ~~elected~~ appointed  
18 every two years. ~~They~~ During the final year of the appointive term or any subsequent term, if  
19 the justice desires to continue to serve as a justice of the supreme court, the justice, in a  
20 manner provided by law, shall request to be placed on the next general election ballot for  
21 election. No opposing candidates to the incumbent justice may be included on the ballot and  
22 the ballot question is whether to extend the term of the incumbent justice for an additional  
23 ten-year term. Each justice shall hold office until their successors are the justice's successor is  
24 duly qualified, and shall must receive compensation as provided by law, but the compensation  
25 of any justice ~~shall~~ may not be diminished during ~~his~~ the justice's term of office.

1           **SECTION 2. AMENDMENT.** Section 9 of article VI of the Constitution of North Dakota  
2 is amended and reenacted as follows:

3           **Section 9.** The state ~~shall~~ must be divided into judicial districts by order of the supreme  
4 court. In each district, one or more judges, as provided by law, ~~shall~~ must be ~~chosen by the~~  
5 ~~electors of the district. The term of office shall be six years, and a~~ appointed by the governor  
6 for a six-year term. During the final year of the appointive or any subsequent term, if the judge  
7 desires to continue to serve as a judge of the district court, the judge, in a manner provided by  
8 law, shall request to be placed on the next general election ballot for election. No opposing  
9 candidate to the incumbent judge may be included on the ballot and the ballot question is  
10 whether to extend the term of the incumbent judge for an additional six-year term. A district  
11 judge shall hold office until his the judge's successor is duly qualified. The compensation of a  
12 district judge shall judge must be fixed by law, but the compensation of any district judge ~~shall~~  
13 may not be diminished during ~~his the judge's~~ term of office.

14           **SECTION 3. AMENDMENT.** Section 13 of article VI of the Constitution of North  
15 Dakota is amended and reenacted as follows:

16           **Section 13.** A judicial nominating committee ~~shall~~ must be established by law. Any  
17 vacancy in the office of supreme court justice or district court judge ~~shall~~ must be filled by  
18 appointment by the governor from a list of candidates nominated by the committee, ~~unless the~~  
19 ~~governor calls a special election to fill the vacancy for the remainder of the term. An~~  
20 ~~appointment shall continue until the next general election, when the office shall be filled by~~  
21 ~~election. The supreme court justice or district court judge who is appointed shall serve for the~~  
22 remainder of the unexpired term.

23           **SECTION 4. EFFECTIVE DATE.** If approved by the voters, this measure becomes  
24 effective on August 1, 1999. Supreme court justices and district court judges serving on the  
25 effective date of this measure may continue to serve the remainder of their terms. Upon  
26 completion of the term in effect on August 1, 1999, each incumbent supreme court justice is  
27 subject to election in the manner provided in section 7 of article VI and each incumbent district  
28 judge is subject to election in the manner provided in section 9 of article VI.