

Introduced by

Representatives VanWinkle, Henderson, Hoverson, D. Johnston, Morton, Osowski, Schatz  
Senator Van Oosting

1 A concurrent resolution to amend and reenact sections 3 and 13 of article VI of the Constitution  
2 of North Dakota, relating to the judicial branch and supreme court.

3 **STATEMENT OF INTENT**

4 The measure removes all civil or criminal judicial immunity for members of the judiciary, renders  
5 any judgment in violation of due process, state or federal law, or the Constitution of North  
6 Dakota or the Constitution of the United States void, and requires each judicial vacancy in the  
7 supreme court or district court to be filled through appointment by a bipartisan committee.

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

10 That the following proposed amendment to sections 3 and 13 of article VI of the  
11 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of  
12 North Dakota at the primary election to be held in 2026, in accordance with section 16 of  
13 article IV of the Constitution of North Dakota.

14 **SECTION 1. AMENDMENT.** Section 3 of article VI of the Constitution of North Dakota is  
15 amended and reenacted as follows:

16 **Section 3.**

- 17 1. The supreme court ~~shall have authority to promulgate~~ may adopt rules of procedure,  
18 including appellate procedure, to be followed by all the courts of this state; ~~and, unless~~  
19 ~~otherwise provided by law, to promulgate rules and regulations for the admission to~~  
20 ~~practice, conduct, disciplining, and disbarment of attorneys at law.~~
- 21 2. A member of the judicial branch, including a justice of the supreme court and a district  
22 judge, may not be determined to be immune from any civil or criminal liability.
- 23 3. A judgment rendered in violation of due process is void and is without authority.
- 24 4. A judgment rendered in violation of state or federal law is void and is without authority.

1        5. A judgment rendered in violation of the Constitution of North Dakota or the Constitution  
2        of the United States is void and is without authority.

3        6. The chief justice shall be the administrative head of the unified judicial system.  
4        ~~He~~The chief justice may assign judges, including retired judges, for temporary duty in  
5        any court or district under such rules ~~and regulations~~ as may be ~~promulgated~~adopted  
6        by the supreme court. The chief justice shall appoint a court administrator for the  
7        unified judicial system. Unless otherwise provided by law, the powers, duties,  
8        qualifications, and terms of office of the court administrator, and other court officials,  
9        ~~shall~~must be as provided by rules of the court.

10       **SECTION 2. AMENDMENT.** Section 13 of article VI of the Constitution of North Dakota is  
11       amended and reenacted as follows:

12       **Section 13.**

13       1. ~~A judicial nominating committee must be established by law. The governor shall fill any~~  
14       ~~vacancy in the office of supreme court justice or district court judge~~ must be filled by  
15       ~~appointment from a list of candidates nominated by the~~ bipartisan committee  
16       established by law, unless the governor calls a special election to fill the vacancy for  
17       the remainder of the term. Except as provided in subsection 2, an appointment must  
18       continue until the next general election, when the office must be filled by election for  
19       the remainder of the term.

20       2. An appointment must continue for at least two years. If the term of the appointed  
21       judgeship expires before the judge has served at least two years, the judge shall  
22       continue in the position until the next general election immediately following the  
23       service of at least two years.

24       3. Notwithstanding sections 7 and 9 of this article, the term of the judge elected at the  
25       subsequent general election provided for in subsection 2 is reduced to the number of  
26       years remaining in the subsequent term after the appointee has served at least two  
27       years.