

## **ARTICLE IV LEGISLATIVE BRANCH**

**Section 1.** The senate must be composed of not less than forty nor more than fifty-four members, and the house of representatives must be composed of not less than eighty nor more than one hundred eight members. These houses are jointly designated as the legislative assembly of the state of North Dakota.

**Section 2.** The legislative assembly shall fix the number of senators and representatives and divide the state into as many senatorial districts of compact and contiguous territory as there are senators. The districts thus ascertained and determined after the 1990 federal decennial census shall continue until the adjournment of the first regular session after each federal decennial census, or until changed by law.

The legislative assembly shall guarantee, as nearly as is practicable, that every elector is equal to every other elector in the state in the power to cast ballots for legislative candidates. A senator and at least two representatives must be apportioned to each senatorial district and be elected at large or from subdistricts from those districts. The legislative assembly may combine two senatorial districts only when a single member senatorial district includes a federal facility or federal installation, containing over two-thirds of the population of a single member senatorial district, and may provide for the election of senators at large and representatives at large or from subdistricts from those districts.

**Section 3.** The legislative assembly shall establish by law a procedure whereby one-half of the members of the senate and one-half of the members of the house of representatives, as nearly as is practicable, are elected biennially.

**Section 4.** Senators and representatives must be elected for terms of four years.

**Section 5.** Each individual elected or appointed to the legislative assembly must be, on the day of the election or appointment, a qualified elector in the district from which the member was selected and must have been a resident of the state for one year immediately prior to that election. An individual may not serve in the legislative assembly unless the individual lives in the district from which selected.

**Section 6.** While serving in the legislative assembly, no member may hold any full-time appointive state office established by this constitution or designated by law. During the term for which elected, no member of the legislative assembly may be appointed to any full-time office that has been created by the legislative assembly. During the term for which elected, no member of the legislative assembly may be appointed to any full-time office for which the legislative assembly has increased the compensation in an amount greater than the general rate of increase provided to full-time state employees.

**Section 7.** The terms of members of the legislative assembly begin on the first day of December following their election.

The legislative assembly shall meet at the seat of government in the month of December following the election of the members thereof for organizational and orientation purposes as provided by law and shall thereafter recess until twelve noon on the first Tuesday after the third day in January or at such other time as may be prescribed by law but not later than the eleventh day of January.

No regular session of the legislative assembly may exceed eighty natural days during the biennium. The organizational meeting of the legislative assembly may not be counted as part of those eighty natural days, nor may days spent in session at the call of the governor or while engaged in impeachment proceedings, be counted. Days spent in regular session need not be consecutive, and the legislative assembly may authorize its committees to meet at any time during the biennium. As used in this section, a "natural day" means a period of twenty-four consecutive hours.

Neither house may recess nor adjourn for more than three days without consent of the other house.

**Section 8.** The house of representatives shall elect one of its members to act as presiding officer at the beginning of each organizational session.

**Section 9.** If any person elected to either house of the legislative assembly shall offer or promise to give his vote or influence, in favor of, or against any measure or proposition pending or proposed to be introduced into the legislative assembly, in consideration, or upon conditions, that any other person elected to the same legislative assembly will give, or will promise or assent to give, his vote or influence in favor of or against any other measure or proposition, pending or proposed to be introduced into such legislative assembly, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the legislative assembly, shall give his vote or influence for or against any measure or proposition, pending or proposed to be introduced into such legislative assembly, or offer, promise or assent so to do upon condition that any other member will give, promise or assent to give his vote or influence in favor of or against any other such measure or proposition pending or proposed to be introduced into such legislative assembly, or in consideration that any other member hath given his vote or influence, for or against any other measure or proposition in such legislative assembly, he shall be deemed guilty of bribery. And any person, member of the legislative assembly or person elected thereto, who shall be guilty of either such offenses, shall be expelled, and shall not thereafter be eligible to the legislative assembly, and, on the conviction thereof in the civil courts, shall be liable to such further penalty as may be prescribed by law.

**Section 10.** No member of the legislative assembly, expelled for corruption, and no person convicted of bribery, perjury or other infamous crime shall be eligible to the legislative assembly, or to any office in either branch thereof.

**Section 11.** The legislative assembly may provide by law a procedure to fill vacancies occurring in either house of the legislative assembly.

**Section 12.** A majority of the members elected to each house constitutes a quorum. A smaller number may adjourn from day to day and may compel attendance of absent members in a manner, and under a penalty, as may be provided by law.

Each house is the judge of the qualifications of its members, but election contests are subject to judicial review as provided by law. If two or more candidates for the same office receive an equal and highest number of votes, the secretary of state shall choose one of them by the toss of a coin.

Each house shall determine its rules of procedure, and may punish its members or other persons for contempt or disorderly behavior in its presence. With the concurrence of two-thirds of its elected members, either house may expel a member.

**Section 13.** Each house shall keep a journal of its proceedings, and a recorded vote on any question shall be taken at the request of one-sixth of those members present. No bill may become law except by a recorded vote of a majority of the members elected to each house, and the lieutenant governor is considered a member-elect of the senate when the lieutenant governor votes.

No law may be enacted except by a bill passed by both houses, and no bill may be amended on its passage through either house in a manner which changes its general subject matter. No bill may embrace more than one subject, which must be expressed in its title; but a law violating this provision is invalid only to the extent the subject is not so expressed.

Every bill must be read on two separate natural days, and the readings may be by title only unless a reading at length is demanded by one-fifth of the members present.

No bill may be amended, extended, or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions.

The presiding officer of each house shall sign all bills passed and resolutions adopted by the legislative assembly, and the fact of signing shall be entered at once in the journal.

Every law, except as otherwise provided in this section, enacted by the legislative assembly during its eighty natural meeting days takes effect on August first after its filing with the secretary of state, or if filed on or after August first and before January first of the following year ninety days after its filing, or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. Every appropriation measure for support and maintenance of state departments and institutions and every tax measure that changes tax rates enacted by the legislative assembly take effect on July first after its filing with the secretary of state or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. An emergency measure takes effect upon its filing with the secretary of state or on a date specified in the measure. Every law enacted by a special session of the legislative assembly takes effect on a date specified in the Act.

The legislative assembly shall enact all laws necessary to carry into effect the provisions of this constitution. Except as otherwise provided in this constitution, no local or special laws may be enacted, nor may the legislative assembly indirectly enact special or local laws by the partial repeal of a general law but laws repealing local or special laws may be enacted.

**Section 14.** All sessions of the legislative assembly, including the committee of the whole and meetings of legislative committees, must be open and public.

**Section 15.** Members of the legislative assembly are immune from arrest during their attendance at the sessions, and in going to or returning from the sessions, except in cases of felony. Members of the legislative assembly may not be questioned in any other place for any words used in any speech or debate in legislative proceedings.

**Section 16.** Any amendment to this constitution may be proposed in either house of the legislative assembly, and if agreed to upon a roll call by a majority of the members elected to each house, must be submitted to the electors and if a majority of the votes cast thereon are in the affirmative, the amendment is a part of this constitution.

**Sections 17 and 18. Repealed.**

**Section 19. Renumbered.**

**Sections 20 to 46. Repealed.**

## ARTICLE XV TERM LIMITS

**Section 1.** An individual shall not serve as a member of the house of representatives for a cumulative period of time amounting to more than eight years. An individual shall not serve as a member of the senate for a cumulative period of time amounting to more than eight years. An individual shall not be eligible to serve a full or remaining term as member of the house of representatives or the senate if serving the full or remaining term would cause the individual to serve for a cumulative period of time amounting to more than eight years in that respective house.

**Section 2.** An individual shall not be elected to the office of governor more than twice. This provision shall not prevent the lieutenant governor from succeeding to the office of governor, nor prevent the secretary of state from acting as governor.

**Section 3.** The limitations established by this article shall have prospective effect only, and service as a member of the house of representatives, service as a member of the senate, and prior election to the office of governor shall not be counted against any service or election, respectively, of any individual that occurs after the effective date of this amendment. Service by the lieutenant governor in his capacity as president of the senate shall not count toward the cumulative amount of time an individual may serve as a member of the senate.

**Section 4.** Notwithstanding the legislative assembly's authority to propose amendments to this constitution under article IV, section 16 thereof, the legislative assembly shall not have authority to propose an amendment to this constitution to alter or repeal the term limitations established in section 1 of this article. The authority to propose an amendment to this constitution to alter or repeal the term limitations established in section 1 of this article is reserved to initiative petition of the people under article III of this constitution.

**Section 5.** This amendment shall be effective on the first day of January immediately following approval by voters.

**Section 6.** The provisions of this article are severable, and if any provision is held to be invalid, either on its face or as applied, the remaining provisions and their application shall not be affected thereby. In any case of a conflict between any provision of this article and any other provision of this constitution, the provisions of this article shall control.

**HOUSE CONCURRENT RESOLUTION NO. 3034**

Introduced by

Representatives Kasper, Kempenich, D. Ruby

*REPEAL*

1 A concurrent resolution to amend and reenact sections 1 and 2 of article XV of the Constitution  
2 of North Dakota, relating to term limits for members of the legislative assembly and statewide  
3 elected officers; to repeal section 4 of article XV of the Constitution of North Dakota, relating to  
4 prohibiting the legislative assembly from proposing certain amendments to article XV of the  
5 Constitution of North Dakota; and to provide for application.

**STATEMENT OF INTENT**

*REPLACE*

7 This measure provides an individual may not serve more than twelve cumulative years in either  
8 the house of representatives or the senate until after four years have elapsed since reaching  
9 twelve cumulative years of service in that chamber. The measure also places twelve cumulative  
10 year term limits on statewide elected executive branch officers, except the governor and the  
11 lieutenant governor. The measure places eight cumulative year term limits on the governor and  
12 lieutenant governor. The measure repeals a provision prohibiting the legislative assembly from  
13 proposing constitutional amendments relating to term limits.

*NEW SAME*

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

16 That the following proposed amendments to sections 1, 2, and 4 of article XV of the  
17 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of  
18 North Dakota at the general election to be held in 2026, in accordance with section 16 of  
19 article IV of the Constitution of North Dakota.

*GENERAL ELECTION*

*Legislative Powers*

20 **SECTION 1. AMENDMENT.** Section 1 of article XV of the Constitution of North Dakota is  
21 amended and reenacted as follows: *LEGISLATURE*

22 Section 1. An Upon serving twelve cumulative years as a member of the house of *12 YEARS*  
23 representatives, an individual shall may not serve as a member of the house of representatives  
24 for a cumulative period of time amounting to more than eight years. An until at least four years *4*  
25 have passed, at which time the individual may serve another twelve cumulative years. A

1 member of the house of representatives elected or appointed to a term of less than four years is  
2 eligible to serve twelve cumulative years following the completion of the partial term. Upon  
3 -serving twelve cumulative years as a member of the senate, an individual shall~~may~~ not serve as  
4 a member of the senate for a cumulative period of time amounting to more than eight years. An  
5 individual shall not be eligible to serve a full or remaining term as member of the house of  
6 representatives or the senate if serving the full or remaining term would cause the individual to  
7 serve for a cumulative period of time amounting to more than eight years in that respective  
8 house until at least four years have passed, at which time the individual may serve another  
9 twelve cumulative years. A member of the senate, elected or appointed, to a term of less than  
10 four years is eligible to serve twelve cumulative years following the completion of the partial  
11 term.

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

14 **Section 2.**

*GOV/LT GOV — 8 YEARS*

15 1. An individual shall ~~may~~ not be elected to the office of ~~serve as the~~ governor more than  
16 twice or lieutenant governor for more than eight years. This provision shall ~~does~~ not  
17 prevent the lieutenant governor from succeeding to the office of governor, nor prevent  
18 the secretary of state from acting as governor. *State Wides — 12 YEARS*

19 2. An individual may not serve more than twelve cumulative years as agriculture  
20 commissioner, attorney general, auditor, insurance commissioner, lieutenant governor, *Amend out*  
21 public service commissioner, secretary of state, superintendent of public instruction,  
22 tax commissioner, or treasurer unless at least four years have passed after having  
23 completed twelve years of service. After four years have passed, the individual may  
24 serve another twelve cumulative years in the office. An individual who is serving as  
25 agriculture commissioner, attorney general, auditor, insurance commissioner, public  
26 service commissioner, secretary of state, superintendent of public instruction, tax  
27 commissioner, or treasurer and was elected or appointed to complete a partial term is  
28 eligible to serve twelve cumulative years following the completion of the partial term.

29 **SECTION 3. REPEAL.** Section 4 of article XV of the Constitution of North Dakota is  
30 repealed.

*REPEAL*

1     **SECTION 4. APPLICATION.** Any service in the senate or the house of representatives  
2 before December 1, 2026, for any member elected in 2026; any service in the senate or the  
3 house of representatives before December 1, 2028, for any member elected at the general  
4 election in 2028; and any service as a statewide elected official, except as the governor or  
5 lieutenant governor, before January 1, 2027; may not be counted toward cumulative years of  
6 service in that office.

*EFFECTIVE DATES*

*"PRIOR SERVICE"*