

SCR 4008: Overturning The Will Of The People

Legislators will have another opportunity to unconstitutionally overturn the will of the people on term limits



DUSTIN GAWRYLOW
JAN 30, 2025 · PAID



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Does your vote really matter?

We know the legislature wants to make it harder for citizens to set the terms and conditions for their government and for their elected officials.

SCR 4008 seeks to overturn amendment the term limits that the voters approved in 2022 by increasing the term limit from two-terms to three-terms.

Beyond that, it seeks to repeal the provision voters approved to prohibit the legislature proposing any changes to the amendment themselves - and requiring all changes to originate from the people using the petition process.

This was attempted in the 2023 legislative session as well:



HCR 3019 Attempts To Violate Constitution To Repeal and Replace Term Limits

DUSTIN GAWRYLOW • FEBRUARY 22, 2023

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HCR 3019 House Floor Debate on Term Limits

DUSTIN GAWRYLOW • MARCH 14, 2023

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For a review of what 2022's Measure 1 actually did, [here is the entirety of the new article in the constitution created by the voters in November 2022:](#)

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.

Section 4 of Article XV is the big issue with regard to SCR 4008 as it was with [HCR 3019](#) in 20, because it specifically prohibits the legislature from using its power to place measures on the ballot with regard to term limits.

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.

Absent this provision, there would be nothing wrong with SCR 4008 or [HCR 3019](#) in 2023. the legislature would have the power to do this. It probably would not be politically wise, but it would be constitution/legal.

What Parts Of the Constitution Are Sacred And Which Are Not?

Legislators say they need the voters to make it harder for voters to change the constitution because it is sacred.



Is The Whole Constitution "Sacred", Or Just Some Of It?

DUSTIN GAWRYLOW · JAN 16

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But yet, they cherry-pick what parts they respect and what parts they do not.

Treating the constitution as if it is a buffet is not holding it sacred.

It's treating it like a dog's chew toy.



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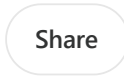
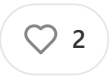
Discussion about this post

HCR 3019 Attempts To Violate Constitution To Repeal and Replace Term Limits

Measure 1 approved by voters in November 2022 locked the legislature out of being able to amend the provisions in Measure 1. HCR 3019 ignores that fact completely.



DUSTIN GAWRYLOW
FEB 22, 2023 · PAID



The North Dakota Watchdog Network did not take a strong stance either way on Measure 1 last fall. There are good aspects, as well as some problems that will be created by term limits - like the lack of long-term knowledge among legislators who already have problems “understanding the system” when they first get elected.

For a review of what Measure 1 actually did, [here is the entirety of the new article in the constitution created by the voters in November 2022:](#)

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Section 4 of Article XV is the big issue with regard to [HCR 3019](#), because it specifically prohibits the legislature from using its power to place measures on the ballot with regard to term limits.

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Absent this provision, there would be nothing wrong with [HCR 3019](#). the legislature would have the power to do this. It probably would not be politically wise, but it would be constitution/legal.

What HCR 3019 wants to do?

[HCR 3019](#), if it were legally intitiated by The People using a petition, would change the limit of 8 years per chamber lifetime to 12 years consecutive with 4 years out of office. It would also add a 12 year term limit to all state-wide officials as well (which should have been in Measure 1 last fall).

23.3033.03000

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3019

Introduced by

Representatives Kasper, Dockter, Koppelman, Lefor, Louser, Rohr, D. Ruby, Steiner, Vetter
Senators Luick, Myrdal, Paulson

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.

6 STATEMENT OF INTENT

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 years of service in that chamber. The measure also places twelve cumulative year term
10 limits on statewide elected executive branch officers. The measure repeals a provision
11 prohibiting the legislative assembly from proposing constitutional amendments relating to term
12 limits.

13 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE

14 SENATE CONCURRING THEREIN:

15 That the following proposed amendments to sections 1, 2, and 4 of article XV of the
16 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of
17 North Dakota at the primary election to be held in June of 2024, in accordance with section 16
18 of article IV of the Constitution of North Dakota.

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

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

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

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

10 **Section 2.** An individual ~~shall~~may not be elected to the office of ~~serve more than a~~
11 ~~cumulative twelve years as agriculture commissioner, attorney general, auditor, governor more~~
12 ~~than twice. This provision shall not prevent the lieutenant governor from succeeding to the office~~
13 ~~of governor, nor prevent the secretary of state from acting as governor, insurance~~
14 ~~commissioner, lieutenant governor, public service commissioner, secretary of state,~~
15 ~~superintendent of public instruction, tax commissioner, or treasurer unless at least four years~~
16 ~~have passed after having completed twelve years of service. After four years have passed, the~~
17 ~~individual may serve another twelve cumulative years in the office.~~

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

20 **SECTION 4. APPLICATION.** Any service in the senate or the house of representatives
21 before December 1, 2024, for any member elected or reelected in 2024; any service in the
22 senate or the house of representatives before December 1, 2026, for any member elected or
23 reelected at the general election in 2026; any service as a statewide elected official, except as
24 the governor or lieutenant governor, before January 1, 2025; and any service as the governor or
25 lieutenant governor before December 15, 2024, may not be counted toward cumulative years of
26 service in that office.

The Unconstitutionality of HCR 3019 Illustrates A Benefit of HCR 3031

Yesterday, I wrote about a constitutional measure to modernize the initiated measure process as well as give legislators some of the protections they want to be added to the constitutional amendment process. ([That resolution has been given a number today, HCR 3031.](#))



North Dakota's Watchdog Update

Press Release: Constitutional Amendment Introduced To Modernize Initiated Measures

Pro-Grassroots Constitutional Amendment Also Addresses Long-Standing Concerns By Legislators By Raising The Bar On Passage Of Future Constitutional Measures, Without Disenfranchising Citizens Of The Powers Reserved To The People In Article III Of The State Constitution...

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One of the benefits of an electronic petition system is that it will make it easier for legislators themselves to propose amendments that don't pass the legislative process - without having a large budget for a paid signature effort.

This same approach would make it easier for legislators to personally lead constitutional change efforts in their role as private citizens.

HCR 3019 is clearly unconstitutional. If the legislature places it on the ballot, it will likely fail, but if it were to pass would lead to a lawsuit challenging the provision the voters approved in Measure 1 last fall.

There will also likely be a natural understanding of the negative aspects to term limits when they start to actually affect the legislative process. That won't really happen for at least a decade. A premature effort to unconstitutionally repeal term limits now may lead to a more difficult process down the road.

The legislature should hold its ammo and follow the will of the people on this one, and streamline the process for citizens and themselves.



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