CHAPTER 27-25
JUDICIAL NOMINATING COMMITTEE

27-25-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Candidate" means any person under consideration by the committee to fill a judicial vacancy.
2. "Chairman" means the chairman of the committee and includes any acting chairman.
3. "Committee" means the judicial nominating committee, consisting of six members in the event of a vacancy in the office of supreme court judge and nine members in the event of a vacancy in the office of a district court judge.
4. "Judge" means a justice of the supreme court or a judge of district court.
5. "Nominee" means any candidate selected by the committee for inclusion on the list of candidates submitted to the governor.
6. "Permanent member" means a person appointed to serve on the committee for all vacancies in the office of judge during that member's term.
7. "Temporary member" means a person appointed to serve on the committee only for the time necessary to fill a vacancy in the office of district judge in that member's district.

27-25-02. Creation and composition of committee - Terms of office - Appointment - Vacancies.

1. A judicial nominating committee is hereby created to consist of six permanent members and three temporary members.
2. The governor, the chief justice, and the president of the state bar association each shall appoint two permanent members to the committee, one of whom is a judge or an attorney authorized to practice law in the state and one of whom is not a judge, former judge, or attorney. The term of each member is three years. Initially, as determined by lot, two members shall serve for two years, and two members shall serve for one year. At the end of the member's term, the appointing authority shall appoint a successor for a full three-year term. No member may serve for more than two three-year terms. A vacancy must be filled by the appointing authority for the remainder of the term. The governor shall designate one of the members as chairman of the committee.
3. Each appointing authority shall appoint an additional temporary member, from the judicial district having a vacancy, to serve on the committee for the time necessary to fill the vacancy. If two or more vacancies in the office of district judge occur in one district at the same time, the committee may submit a combined list to the governor.
4. The judicial nominating committee for vacancies in the office of supreme court judge must be composed of the six permanent members. If two or more vacancies occur in the office of the supreme court judge at the same time, the committee may submit a combined list of candidates to the governor.
5. The executive director of the state bar association shall serve as nonvoting secretary of the committee.

27-25-03. Submission of nominee list to governor.

The committee shall submit to the governor a list of not fewer than two nor more than seven nominees for appointment within sixty days after receipt of written notice from the governor that a vacancy in the office of judge exists. No list of nominees submitted to the governor by the committee is valid unless concurred in by a majority of its members and certified by the chairman. If the committee fails to submit a list of at least two nominees within the time prescribed by this section, the governor may direct that the committee be reconvened or proceed according to subsection 3 of section 27-25-04. If the committee fails to submit a list of at least two nominees to the governor within sixty days after receipt of written notice from the governor directing the committee to reconvene, the governor shall proceed according to subsection 3 of section 27-25-04.

27-25-04. Governor to appoint or call special election.

Within thirty days after receipt of the list of nominees, the governor shall do any of the following:

1. Fill the vacancy by appointment from the list of nominees submitted by the committee.
2. Return the list of nominees and direct the committee to reconvene.
3. Call a special election to fill the vacancy for the remainder of the term.

If the governor determines to call a special election to fill the vacancy, the governor shall issue a writ of election to the auditors of the counties in the district in which the district vacancy occurs commanding them to notify the boards of election in the counties to hold a special election at a time designated by the governor. If the governor determines to call a special election within eighty-one days of the time of the next general election, the special election must be held at the same time as the general election.

27-25-05. Powers and duties.

The committee shall:

1. Seek out qualified judicial candidates and may solicit judicial candidate nominations from any citizen.
2. Make such inquiry into the qualifications of each candidate, including legal knowledge and ability, judicial temperament, experience, and moral character, as the committee deems appropriate in order to secure a list of the most highly qualified nominees.

27-25-06. Submission of names by citizens - Withdrawal.

A person may submit a name of any qualified citizen for consideration as a candidate. Submission must be in writing on forms provided by the committee. Any candidate may withdraw from consideration by written request to the chairman of the committee.

27-25-07. Committee members ineligible for vacancy appointment.

No member of the committee may be considered as a candidate or nominee during the member's term on the committee.

27-25-08. Expenses of committee.

Committee members must be allowed expenses for travel, board, and lodging incurred in the performance of their duties as provided in sections 44-08-04 and 54-06-09.

27-25-09. Committee budget.

The supreme court shall prepare and present to the legislative assembly a proposed biennial budget for the committee.