

ARTICLE XVI CONGRESSIONAL AGE LIMITS

Section 1. No person may be elected or appointed to serve a term or a portion of a term in the United States Senate or the United States House of Representatives if that person could attain eighty-one years of age by December thirty-first of the year immediately preceding the end of the term.

Section 2. Notwithstanding any judicial determination regarding the enforceability of section 1, no candidates who would be barred from service under section 1 shall be permitted to appear on the ballot to be nominated for, or elected to, such offices.

Section 3. In the event superior law requires age-limited candidates to appear on the ballot in primary or general elections in contravention of section 2, the following ballot advisory shall appear parenthetically next to the names of all candidates for all federal legislative offices in future elections: "Candidate would be [candidate age on December thirty-first of the year immediately preceding the end of term] years old by end of term."

Section 4. This article shall take effect immediately and apply to any nomination for, or election to, a federal legislative office held at any election or by any other nominating method held after the effective date of this law.

1. Any elector shall have standing to enforce this article. To expedite legal review, any otherwise eligible person may file to appear on the primary election ballot or to use alternate statutory nomination methods for a federal legislative office for the 2026 elections immediately after this law takes effect. Any denial of a filing under the terms of this article during the 2026 early filing period shall provide immediate standing in the courts of this state to challenge the limited question of whether the denial violates Article 1 of the United States Constitution.
2. Any action filed under this section shall be advanced on the docket and a final judgment shall be entered within sixty days. Any appeal of the judgment shall be noticed within ten days. The North Dakota State Supreme Court shall have jurisdiction over the appeal and shall issue its order and mandate within sixty days of the filing of the notice of appeal.
3. The Attorney General shall zealously defend all portions of this section, in the courts of this state or of the United States, as an exercise of an important and fundamental state interest. In any action commenced in a court of this state, any elector residing within the district of an applicable office shall be permitted to timely join in the defense of this section as a real party in interest.

Section 5. 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.