

SCR 4005: 60% Constitutional Amendment

Sen. Holmberg 1/28/2021

Amending a basic document of government like the constitution should require a heavier lift than what currently exists in North Dakota. For example, to amend the U.S Constitution requires a 2/3 vote of Congress and ratification of $\frac{3}{4}$ of the states. Over half of the states require at least 60% legislative vote, while 17 states require a 2/3 vote. In North Dakota it's a simple majority of the legislature and a simple majority of the voters.

SCR 4005 does not change any of the processes by which the people initiate measures.

Under 4005, Legislature can't put a proposed constitutional amendment on the ballot unless it passes by 60% of the members elect in each house. A constitutional amendment must receive 60% of the vote by the people in order to be put in the constitution.

All constitutional amendments must be on a general election ballot.

Recent History:

The legislature has placed 8 amendments on the ballot since Nov. 2014.

3 passed by voters, all receiving over 60% vote in legislature and in the election.

2014 Prohibition of mortgage taxes

2016 Foundation Aid Stabilization Fund

2016 legislator must live in district

None of the 5 measures defeated by the voters passed by over 60% vote in legislature.

2020 Board of Higher Education. 72.52% No

2020 Initiated Constitutional Amendments 61.61% No

2014 initiated constitutional amendments 57% No

2014 3 member BOHE 74.9% No

2014 Personhood 64% No