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Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3021

Introduced by

Representatives VanWinkle, Henderson, Hoverson, D. Johnston, Morton, Osowski, Schatz

Senator Van Oosting

1 A concurrent resolution to amend and reenact sections 3 and 13 of article VI of the Constitution

2 of North Dakota, relating to the judicial branch and supreme court.

3 **STATEMENT OF INTENT**

4 The measure removes all civil or criminal judicial immunity for members of the judiciary, renders

5 any judgment in violation of due process, state or federal law, or the Constitution of North

6 Dakota or the Constitution of the United States void, and requires each judicial vacancy in the

7 supreme court or district court to be filled through appointment by a bipartisan committee.

8 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE**

9 **SENATE CONCURRING THEREIN:**

10 That the following proposed amendment to sections 3 and 13 of article VI of the

11 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of

12 North Dakota at the primary election to be held in 2026, in accordance with section 16 of

13 article IV of the Constitution of North Dakota.

14 **SECTION 1. AMENDMENT.** Section 3 of article VI of the Constitution of North Dakota is

15 amended and reenacted as follows:

16 **Section 3.**

17   1.   The supreme court ~~shall have authority to promulgate~~may adopt rules of procedure,

18   including appellate procedure, to be followed by all the courts of this state~~; and, unless~~

19   ~~otherwise provided by law, to promulgate rules and regulations for the admission to~~

20   ~~practice, conduct, disciplining, and disbarment of attorneys at law~~.

21   2.   A member of the judicial branch, including a justice of the supreme court and a district

22   judge, may not be determined to be immune from any civil or criminal liability.

23   3.   A judgment rendered in violation of due process is void and is without authority.

24   4.   A judgment rendered in violation of state or federal law is void and is without authority.

1   5.   A judgment rendered in violation of the Constitution of North Dakota or the Constitution

2   of the United States is void and is without authority.

3   6.   The chief justice ~~shall be~~is the administrative head of the unified judicial system.

4   ~~He~~The chief justice may assign judges, including retired judges, for temporary duty in

5   any court or district under such rules ~~and regulations~~ as may be ~~promulgated~~adopted

6   by the supreme court. The chief justice shall appoint a court administrator for the

7   unified judicial system. Unless otherwise provided by law, the powers, duties,

8   qualifications, and terms of office of the court administrator, and other court officials,

9   ~~shall~~must be as provided by rules of the court.

10   **SECTION 2. AMENDMENT.** Section 13 of article VI of the Constitution of North Dakota is

11   amended and reenacted as follows:

12   **Section 13.**

13   1.   A ~~judicial nominating committee must be established by law. The governor shall fill any~~

14   vacancy in the office of supreme court justice or district court judge must be filled by

15   appointment ~~from a list of candidates nominated~~ by ~~the~~a bipartisan committee

16   established by law, unless the governor calls a special election to fill the vacancy for

17   the remainder of the term. Except as provided in subsection 2, an appointment must

18   continue until the next general election, when the office must be filled by election for

19   the remainder of the term.

20   2.   An appointment must continue for at least two years. If the term of the appointed

21   judgeship expires before the judge has served at least two years, the judge shall

22   continue in the position until the next general election immediately following the

23   service of at least two years.

24   3.   Notwithstanding sections 7 and 9 of this article, the term of the judge elected at the

25   subsequent general election provided for in subsection 2 is reduced to the number of

26   years remaining in the subsequent term after the appointee has served at least two

27   years.