



# North Dakota Senate

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## COMMITTEES:

Education  
Energy and Natural Resources

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Good afternoon, Madam Chair Roers and members of the committee. For the record, Senator Justin Gerhardt, serving District 34 in Mandan.

Thank you for this opportunity to present Senate Concurrent Resolution 4028 to you today, a measure that aims to refine North Dakota's approach to term limits in a way that keeps faith with the will of the voters while ensuring our state government continues to work for the people.

This resolution proposes term limits of three elected terms for all statewide offices except the governor and lieutenant governor. It also makes clear that appointments to fill vacancies don't count against these limits. When North Dakotans voted to put term limits in place in 2022, they weren't given the option to weigh in on term limits for other statewide officials like the attorney general, tax commissioner, or superintendent of public instruction. This resolution gives them that choice.

And it fixes a real problem with legislative term limits, appointments. Right now, a legislator can serve no more than two terms in a chamber. I'm a prime example of why that's a mistake. In October of 2023, I was appointed to fill out the remaining year of Senator Doug Larson's term, after he died in an airplane accident. I then ran for and was elected in November of 2024 to a four year term. Under the current term limits, I will be termed out at the end of this term, after serving just over 5 years and in only two regular legislative sessions. As I spent time knocking on doors and visiting with constituents this past election cycle, people wanted to know my story, and as I explained this to them, they overwhelmingly let me know that they don't think this is right and it's not how they expected it to work. Let me restate this, I will be termed out after serving in just two regular sessions which is not more than 160 legislative days. Even under the ideal conditions of two full four years terms, legislators will only serve in 4 sessions, which would be 320 working legislative days. Governing takes time to learn. Addressing appointments and increasing to three terms strike a better balance: long enough to get good at the job, but not so long that anyone becomes entrenched.

## **Main Arguments**

### **1. Experience Matters**

North Dakotans deserve public servants who know what they're doing. Our Citizen lead legislature meets for only 80 days every two years. By the time a new legislator gets a handle on the budget process, legislative rules, and the needs of their district, they're already on their way out the door. The same goes for our statewide officials, who manage big agencies and complicated policy areas. Three terms allow elected officials to develop the expertise they need to be effective, while still ensuring turnover in leadership.

### **2. Three Terms Strikes the Right Balance**

Term limits should stop career politicians, not good public servants from doing their jobs. Three terms allow leaders to serve long enough to gain institutional knowledge and contribute effectively, without making public office a lifetime position.

### **3. Appointments Shouldn't Count Toward Term Limits**

An appointment isn't the same as an election. Appointees step into their roles unexpectedly, often in the middle of a term. They haven't had the chance to build relationships with constituents or set their own agenda. The appointment could be for a few months, a year or two, or even possibly a few days. It doesn't make sense to treat an appointment as one of the terms. This resolution aims to ensure only full, elected terms count toward the limit.

### **4. A Smarter Approach to Legislative Term Limits**

Under the current system, I and others like me—appointed and then elected—could serve only two full legislative sessions, while some of my colleagues get twice the time. That's unfair. More importantly, it's bad for North Dakota. A three-term limit gives legislators the time they need to master the legislative process, lead effectively, and mentor newer members.

## **Addressing Opposition Arguments**

### **1. Does This Measure Override the Voters' Decision on Term Limits?**

No. When North Dakotans voted for term limits, they voted for limits on the governor and legislature. They weren't asked about the other statewide offices. This resolution doesn't undo what voters approved—it expands term limits consistently across all offices and gives voters a better option for legislative term limits. They will make the final call at the ballot box.

### **2. Does Allowing Three Terms Weaken Term Limits?**

Not at all. The purpose of term limits is to stop career politicians and ensure fresh

leadership. A three-term limit still guarantees turnover, but it allows elected officials enough time to get good at their jobs before stepping aside. It's a commonsense approach that ensures government remains both accountable and effective.

**3. Does This Resolution Violate Article XV, Section 4 of the Constitution?**

No, it does not. Section 4 of Article XV prohibits the legislature from amending or repealing the current legislative term limits in Section 1. This resolution **doesn't repeal or amend Section 1**—instead, it offers an **alternative framework** for voters to consider. While this proposal may conflict with the current language, it does not violate Section 4's restriction because it does not directly remove or alter the existing limits.

The key point is this: We are not taking anything away from the voters. We are simply presenting them with another choice. If they prefer this alternative, they can adopt it. If not, the current limits remain in place. That's democracy in action.

**Conclusion**

Madam Chair and members of the committee, this resolution is about making sure North Dakota's government continues to work for its people. It preserves term limits while fixing some real problems. It ensures we don't force out good leaders too soon, while still keeping fresh voices in the mix.

By allowing three terms instead of two, we get the balance right: enough experience to govern well, but not so long that anyone gets too comfortable. By making sure appointments don't count toward limits, we keep things fair. And by offering a **new alternative** rather than repealing, we let the people decide—exactly as it should be. I ask this committee to give this resolution a **“do pass”** recommendation and entrust North Dakotans to make the final decision.

Thank you for your time today and with that I will stand for questions.

# **AMENDMENT TO SENATE CONCURRENT RESOLUTION NO. 4028**

**Sixty-ninth Legislative Assembly of North Dakota**

**Amending the Proposed New Article to the Constitution of North Dakota to Clarify Term Limit Applicability to Partial and Adjusted Terms**

## **SECTION 1. AMENDMENT TO THE PROPOSED NEW ARTICLE**

The following provision is added as a new section following Section 3:

### **Section 4.**

"For the purposes of this article, an election to fill a vacancy for less than a full term or an election to a term of fewer than four years due to legislative redistricting shall not be considered an election toward the term limit established for that office."

**Renumber the remaining sections accordingly.**