



NORTH DAKOTA
SECRETARY OF STATE
MICHAEL HOWE

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April 3, 2023

Mike Lefor
Chairman
Legislative Management

Chairman Lefor,

On March 15, 2024, a proposed constitutional amendment was approved by our office to appear on the June 11, 2024 Primary Election ballot as "Measure 1".

Measure 1 if approved would:

Create a new article in the North Dakota Constitution entitled "Congressional Age Limits." Under this Article, no person may be elected or appointed to serve a term or a portion of a term representing North Dakota in the U.S. Senate or the U.S. House of Representatives if that person could be 81 years old by December 31 of the year immediately preceding the end of the term, and any such person is prohibited from appearing on the ballot. If a superior law requires age-limited candidates to appear on the ballot in a primary or general election, the candidates' age on December 31 of the year immediately preceding the end of the term they are seeking must be printed next to the names of all candidates for all federal legislative offices in future elections. This Article gives standing to enforce the article to any elector; permits an eligible person to file to appear on the primary election ballot or use an alternate statutory nomination method for a federal legislative office for the 2026 election immediately after this law takes effect; and provides immediate standing in the courts of this state to challenge the limited question of whether a denial violates article 1 of the U.S. Constitution. The Article also requires the Attorney General to zealously defend Section 4 of the Article and permits any elector residing within the district of an applicable office to timely join in the defense of Section 4 as a real party in interest. The Article's provisions are severable, and, if any provision is held to be invalid, the remaining provisions and their application must not be affected. If this Article conflicts with any other provision of the North Dakota Constitution, the provisions of this Article must control. The Article will take effect immediately upon passage at the 2024 primary election or 2024 general election.

Our office has determined that there will not be a fiscal impact to the Office of Secretary of State for implementation of Measure 1 should the voters of North Dakota approve it at the June 11, 2024, Primary Election.

Sincerely,

A handwritten signature in black ink that reads "Michael Howe".

Michael Howe
North Dakota Secretary of State