

Questions and Answers Regarding the Proposed Judges Health Savings Plan

1. ***In the course of determining the outcome of the vote on the judges health savings plan, how will a vacant judicial position be addressed? Specifically, you ask whether this vacant position would be counted as part of the voting class?*** *The vacant position will not be counted as part of the voting class. NDCC § 54-52-04(14) requires an approval vote from the “total active participating supreme and district court judges”. Since the judicial position in question is not occupied, it would not constitute an active participating judge, and therefore, the position would not be counted as part of the voting class.*
2. ***What if a judge does not return a completed ballot by the required deadline?*** *NDCC § 54-52-04(14) requires that the board seek the approval of the judges prior to the creation of an IRS § 115 trust health care savings plan. Specifically, the code requires that “...seventy-five percent of the total active participating supreme and district court judges vote to approve the program.” This means that seventy-five percent of the total voting class (active participating judges) affirmatively vote to approve the program.*