



## Qualifications and Terms of Office for all Elected Positions in North Dakota

September 2009

### President and Vice President of the United States

Only natural born citizens who are at least 35 years of age and resided within the United States for at least 14 years shall be eligible for election to the offices of President and Vice President of the United States. No person constitutionally ineligible to hold the office of President shall be eligible to hold the office of Vice President of the United States (United States Constitution, Article 2, Section 1, and Amendment 12).

The 4-year terms of office for President and Vice President of the United States begin at noon on January 20<sup>th</sup> following the election.

The positions will next appear on the ballot in 2012.

### United States Senator

A member of the United States Senate must be at least 30 years of age, a citizen of the United States for at least nine years, and an inhabitant of the state of North Dakota (United States Constitution, Article 1, Section 3).

The 6-year term for United States Senator begins at noon on January 3<sup>rd</sup> following the election.

One of the two positions will be on the ballot in 2010. The other position will appear on the ballot in 2012.

### Representative in Congress

A member of the United States House of Representatives must be at least 25 years of age, a citizen of the United States for at least seven years, and an inhabitant of the state of North Dakota (United States Constitution, Article 1, Section 2).

The 2-year term for Representative in Congress begins at noon on January 3<sup>rd</sup> following the election.

North Dakota's one congressional seat appears on the ballot every even numbered year.

### Governor and Lt. Governor (partisan)

The Governor and Lieutenant Governor must be citizens of the United States, qualified North Dakota voters, at least 30 years of age, and resided in North Dakota for the five years preceding the election to office. ([North Dakota Constitution, Article V, Section 4](#)).

The 4-year terms of office for Governor and Lieutenant Governor begin on December 15<sup>th</sup> following the election.

The two positions run as a team from the same party and will next appear on the ballot in 2012.

### Other Constitutional Statewide Officers (partisan)

The remaining partisan constitutional statewide officers are the Secretary of State, State Auditor, State Treasurer, Attorney General, Insurance Commissioner, Agriculture Commissioner, Public Service Commissioner and Tax Commissioner. To qualify for one of these positions, the candidate must be at least 25 years of age, a qualified North Dakota voter, and resided in North Dakota for the five years preceding the election. In addition, the Attorney General must be licensed to practice law in North Dakota.

([North Dakota Constitution, Article V, Section 4](#)).

Except for the Public Service Commissioner, which has a 6-year term, each remaining position has a 4-year term of office. All terms begin on January 1<sup>st</sup> following the election.

There are three Public Service Commissioners, with one position appearing on the ballot every two years.

The positions of Secretary of State, Attorney General, Agriculture Commissioner, and Tax Commissioner appear on the ballot during the non-presidential election cycle. The remaining positions of State Auditor, State Treasurer and Commissioner of Insurance will appear on the ballot in the same four-year cycle as the Governor and the President of the United States.

### Superintendent of Public Instruction (non-partisan)

The Superintendent of Public Instruction must be at least 25 years of age, a qualified North Dakota voter, and resided in North Dakota for the five years preceding the election to office.

([North Dakota Constitution, Article V, Section 4](#) and [NDCC § 15.1-02-01](#)).

The 4-year term of office for Superintendent of Public Instruction begins on January 1<sup>st</sup> following the election.

The position will next appear on the ballot in 2012.

### Justices of the Supreme Court

Justices of the Supreme Court shall be citizens of the United States, residents of North Dakota, learned in the law, and possess any additional qualifications prescribed by law. No Justice of the Supreme Court shall engage in the practice of law, or hold any public office, elective or appointive, not judicial in nature. Justices of the Supreme Court must possess a certificate of admission to the bar of this state and an annual license from the state board of law examiners ([North Dakota Constitution, Article VI, Section 10](#) and [NDCC §§ 27-11-01 and 27-11-22](#)).

The 10-year terms of office for Justices of the Supreme Court begin on January 1<sup>st</sup> following the election.

One of five Justice positions appears on the ballot every two years.

### Judges of the District Courts

Judges of the District Court shall be citizens of the United States, residents of North Dakota, learned in the law, and possess any additional qualifications prescribed by law. No Judge of the District Courts shall engage in the practice of law, or hold any public office, elective or appointive, not judicial in nature. Judges of the District Courts must possess a certificate of admission to the bar of this state and an annual license from the state board of law examiners ([North Dakota Constitution, Article VI, Section 10](#) and [NDCC §§ 27-11-01 and 27-11-22](#)).

The 6-year terms of office for Judges of the District Court begin on January 1<sup>st</sup> following the election.

There are seven District Courts and a certain number of judgeships in each district appear on the ballot in a rotating manner every two years.

### **Legislature - Senate or House of Representatives**

State Senators and Representatives must be, on the day of the election, qualified voters in the district from which they are chosen and a resident of the state for one year preceding election to office.

[\(North Dakota Constitution, Article IV, Section 4 and 10\)](#).

The 4-year terms of office for State Senators and Members of the House of Representatives begin on December 1<sup>st</sup> following the election.

State Senators and Representatives from odd numbered districts will be on the ballot in 2010.

### **County Officers**

Each county officer must be, at the time of election, a qualified elector in the jurisdiction in which the candidate is to serve. Each county commissioner must be a qualified voter of the jurisdiction from which the commissioner is chosen at the time of the election. Some exceptions may apply depending on the form of county government. [NDCC § 11-10-04](#)

The 4-year terms of office for recorder, state's attorney, and sheriff begin on January 1<sup>st</sup> following the election.

The 4-year term of office for county auditor begins on April 1<sup>st</sup> following the auditor's election.

The 4-year term of office for county treasurer begins on May 1<sup>st</sup> following the treasurer's election.

The 4-year terms of office for county commissioners begin December 1<sup>st</sup> following the election.

At least one commissioner's position appears on the ballot every two years, with the next election in 2010.

### **Southwest Water Authority - Director**

Directors of the Southwest Water Authority must be qualified voters of the county where the officer is chosen when nominating petitions are filed. [\(NDCC § 61-24.5-06\)](#).

Directors are elected at the election held in June.

The 4-year terms of office for Directors begin on the 1<sup>st</sup> Monday in July following the election.

At least one position is on the ballot every two years.

### **Soil Conservation District - Supervisor**

Supervisors of the Soil Conservation District must be qualified voters residing in the district where the officer is chosen when nominating petitions are filed. [\(NDCC § 4-22-16\)](#).

Supervisors are elected directly at the general election without a primary election.

The 6-year terms of office for Supervisors begin on January 1<sup>st</sup> following the election.

One supervisor position appears on the ballot every two years.

### **Garrison Diversion Conservancy - Director**

Directors of the Garrison Diversion Conservancy District must be qualified voters of the county where the officer is chosen when nominating petitions are filed. [\(NDCC § 61-24-03\)](#).

The 4-year terms of office for Directors begin on January 1<sup>st</sup> following the election.

One position appears on the ballot every two years.

### **School Board Member**

Any person who is a qualified elector of this state is qualified to be a member of the school board in the district in which the person resides. [\(NDCC § 15.1-07-14\)](#)

Depending on the school district, the position may appear on the ballot every two years.

### **All City Officers**

A person shall be eligible to hold an elective city office if he or she is a qualified voter of the city and a resident of the city for at least 9 months preceding the election. A person shall be eligible to hold an appointive city office if he or she is a citizen of the United States. No person in default to the city shall be eligible to any city office.

[\(NDCC § 40-13-01\)](#)

### **Mayor**

The mayor must be a qualified voter within the city.

[\(NDCC § 40-08-14\)](#)

The 4-year term of office for mayor lasts until a successor is duly elected and qualified.

### **Councilman**

A person is eligible to the office of council member if the person is a qualified voter of and resident within the ward for which the person is elected [except in cities where council members are elected at large and not required to be a resident of the ward for which the person is elected pursuant to

[NDCC § 40-08-04.2](#). Then the person must be a qualified voter of and a resident within the city. A person is not eligible if he or she has been convicted of malfeasance, bribery, or other corrupt practice or crime. [\(NDCC § 40-08-05\)](#)

The 4-year term of office for a councilman lasts until a successor is duly elected and qualified.

### **Commissioner**

A person shall be eligible to the office of city commissioner if he or she is a qualified voter of the city and a resident of the city for at least 9 months preceding the election. [\(NDCC § 40-13-01\)](#).

The 4-year term of office for a commissioner lasts until a successor is duly elected and qualified.

Mayors, Councilmen, and Commissioners are subject to be on the ballot again in 2010, depending upon the city.