



— State of —
North Dakota
Office of the Governor

Jack Dalrymple
Governor

RECEIVED BY
Chief Justice
Supreme Court

MAR 28 2014

STATE OF
NORTH DAKOTA

March 28, 2014

The Honorable Gerald W. VandeWalle
Chief Justice
Supreme Court
State Capitol
Bismarck, ND 58505-0530

Dear Chief Justice VandeWalle:

On March 28, 2014, I received a letter from Judge Donald L. Jorgensen, of the South Central Judicial District indicating that he would resign District Judgeship No. 8 effective July 3, 2014. This resignation follows Judge Jorgensen's letter dated December 31, 2013, in which he stated his intent not to seek reelection at the end of his current term, which expires December 31, 2014.

The Court's order filed on January 30, 2014, retained the office currently held by Judge Jorgensen at its current location in Linton and ordered that it be filled by election. The resignation notice I received today, however, creates a vacancy as of July 3, 2014, superseding the vacancy that would have come about by Judge Jorgensen's decision not to run for reelection. I understand Article 6, Section 13, of the North Dakota Constitution to impose an obligation on the Governor to fill any vacancy through the nominating committee process or by calling a special election: "The governor shall fill any vacancy in the office of supreme court justice or district court judge by appointment from a list of candidates nominated by the committee, unless the governor calls a special election to fill the vacancy for the remainder of the term."

The timing is unfortunate, because some have already begun preparing to run for the open judgeship that would have been created by Judge Jorgensen's decision not to run for reelection. Because the constitution also provides that any appointment must continue for at least two years, an appointment to fill the vacancy created on July 3 by this unqualified resignation will continue past the end of the term, the judicial office previously ordered by the court to be filled by election will not be vacant and the election process that is just now beginning would be rendered moot.

Considering both my constitutional duty to fill this vacancy without undue delay and the high case load in the South Central Judicial District, I believe it is important that

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we move expeditiously to fill this vacancy through the nominating committee process and ensure that this busy judicial district is not left without a full complement of judges for any longer than necessary.

Please consider this letter a notice of a vacancy under North Dakota Century Code Section 27-05-02.1.

Sincerely,


Jack Dalrymple
Governor

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C: Secretary of State Al Jaeger