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STAGE SET FOR RECALL BATTLE IN NORTH DAKOTA

*ACRU Responds to North Dakota Secretary of State's Denial of Citizens' Effort
to Recall Senator Kent Conrad (D-ND)*

Bismarck, ND—North Dakota is one of ten states with broad language in its constitution to recall elected officials (www.recallcongressnow.org). Yet, in a letter dated 25 March, 2010, Alvin Jaeger, North Dakota's Secretary of State, refused to provide the procedures by which a member of Congress could be recalled from the office they hold to a citizen of North Dakota. The ACRU contends that to deny this request is to deny the citizens of North Dakota their constitutional right of recall.

In response to this denial, Peter Ferrara, General Counsel for the American Civil Rights Union (ACRU), wrote to Secretary Jaeger stating:

I note that the office of Secretary of State of North Dakota includes no power to issue constitutional rulings, whether regarding the Constitution of North Dakota or the United States Constitution. The Secretary of State is compelled solely to follow applicable North Dakota state law. The office has no power to cast words out of the North Dakota Constitution, or to declare any portion of its own state's Constitution unconstitutional.

The North Dakota Constitution provides for the recall of "all elected officials." Since Senator Kent Conrad is an elected official, the specified recall procedures in North Dakota law apply to any recall the people of North Dakota wish to pursue against him. The discretion in this matter lies solely with the people of North Dakota, and not with the office of Secretary of State.

Secretary Jaeger's actions sets the stage for a recall battle in North Dakota just as in New Jersey, where a State Appellate Court, in a March 16th unanimous ruling, paved the way for the first ever recall effort of a U.S. Senator. After being denied their constitutional right last September for permission to circulate a petition to recall Senator Menendez, The Committee to Recall Robert Menendez sued, taking their case to the New Jersey courts...and won. The ACRU was the only outside organization that filed an amicus brief with the Court supporting The Committee to Recall Senator Robert Menendez effort.

Grassroots groups across the country are exercising their constitutional right in demanding accountability from their elected officials. In addition to North Dakota and New Jersey, the states of Arizona, Colorado, Louisiana, Michigan, Montana, Oregon, Washington, and Wisconsin, have laws on their books providing for broad recall of elected officials. These ten states have a total of 13 incumbent Senators not currently up for re-election in 2010 but who could, through successful recall efforts, be on the ballot or face a special elections this year.

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For more information about the [Recall Congress Now](http://www.RecallCongressNow.org) project or to arrange an interview with Peter Ferrara, General Counsel for the American Civil Rights Union, please contact [Lori Roman](mailto:Lori.Roman@libertasglobal.com) at roman@libertasglobal.com.

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