On Tuesday, June 14, North Dakotans went to the polls to vote to repeal a bill that allowed the expansion of corporate farming in the state. Voters overwhelmingly chose to repeal SB 2351 by a measure of 75 percent to 25 percent. The bill, which received Governor Jack Dalrymple’s signature in 2015, made exceptions to the state’s longstanding prohibition of corporate farming. The exceptions would have allowed domestic corporations and limited liability companies to own and operate dairy and swine production facilities in the state, provided that the total operation not exceed 640 acres, or one square mile. According to The New York Times, supporters of the bill hoped that it would spur new economic growth in the state’s declining swine and dairy industries. Opponents, though, feared that it would bring a landslide of outside money and spell the end of small family farms in North Dakota. “We believe corporate farming is wrong for our state, not based on an aversion to progress, but knowing the effects that corporate farming would have on our state,” said North Dakota Farmers Union President Mark Watne.

According to the National Agricultural Law Center at the University of Arkansas, eight other states also have laws or statutes that limit or prohibit corporate farming: Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Wisconsin. These laws vary significantly by state, partly due to a variety of exceptions. For example, some states may allow corporations to own farm lands if they have been acquired as a part of debt collection. Other states make exceptions for “family farm corporations,” which often require that family members have majority control of such a corporation.

The National Agriculture Law Center also notes that the legality of corporate farming laws has been frequently questioned in courts over the last century, including the U.S. Supreme Court. Numerous challenges have claimed that these laws and statutes are unconstitutional, citing the Equal Protection Clause and the Privileges and Immunities Clause, for example. It was not until 2003, however, with South Dakota Farm Bureau, Inc. v. Hazeltine that any corporate farming law had been deemed unconstitutional.