

FOURTH MARIANA ISLANDS DISTRICT LEGISLATURE

SIXTH REGULAR SESSION

ACT NO. 31-1975

INTRODUCED BY: HON. MANUEL D. MUNA, SAIPAN

AN ACT CALLING FOR A CONSTITUTIONAL CONVENTION FOR THE MARIANA ISLANDS DISTRICT; PRESCRIBING ITS POWERS, DUTIES AND FUNCTIONS; APPROPRIATING MONEY THEREFOR; AND FOR OTHER PURPOSES

BE IT ENACTED BY THE FOURTH MARIANA ISLANDS DISTRICT LEGISLATURE, THAT:

Section 1. Constitutional Convention. There is hereby created a constitutional Convention in and for the Mariana Islands District. The Convention shall be known as the Marianas Constitutional Convention.

Section 2. Delegates. The Convention shall consist of Twenty (20) delegates, all of whom must be citizens and bonafide residents of the Mariana Islands District, to be selected as follows:

- 1) Municipality of Saipan shall elect Fifteen (15) delegates.
- 2) Municipality of Tinian shall elect two (2) delegates.
- 3) Municipality of Rota shall elect Three (3) delegates.

Section 3. Election. The election of delegates under this Act shall be as follows:

- (1) All bonafide residents of the Mariana Islands District who have the qualifications of voters for members of the Mariana Islands District Legislature are hereby eligible to vote for and choose delegates to the Convention. Registration to vote for members of the Mariana Islands District Legislature shall also be registration to vote for delegates to the Convention.
- (2) The election of delegates shall be held on the first Tuesday, following the first Monday in November, 1975.
- (3) Any person who is eighteen years of age or older, has fulfilled the

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residence requirements for registration as a voter, as set forth in Chapter 2.32 of the Mariana Islands District Code, is not currently under parole, probation, or sentence for any felony for which he has been convicted by any court of the Trust Territory or any court within the jurisdiction of the United States, shall be eligible for election as a delegate.

(4) The name of any candidate for election as a delegate shall be printed on an official ballot to be used at the election for choosing candidates only if at least twenty days prior to such election a nomination paper shall have been filed in the office of the Election Commissioner in his behalf nominating him as a candidate for a delegate, and signed by not less than twenty-five qualified voters. There shall be deposited with each nomination paper a fee of Ten dollars. Such nomination fee shall be ~~paid~~ ^{Paid} over into the General Fund of the Mariana Islands District Legislature. No such nomination paper shall contain any reference to, or designate any political party, and the ballots used at such election shall not contain any reference to or designation of the political party or affiliation of any candidate. The names of the candidates in each delegate district shall be a separate ballots. The Election Commissioner shall, upon receipt of the nomination paper, endorse thereon the day, hour and minute that such nomination paper is received.

(5) In case of a tie vote at the election for delegates, the candidates so tied shall draw lots under the supervision of the Election Commissioner to determine which of them shall be selected

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as delegates.

(6) Each person voting for delegates shall be permitted to vote for the number of delegates to which the delegate district in which he votes is entitled, and the candidate or candidates receiving the highest number of voters for each delegate district shall be the delegates to the Convention from that delegate district. The candidates not elected shall be designated as alternates in the order in which their vote totals appear.

(7) Except as otherwise specifically provided herein, the election for such delegates shall be conducted, the returns made, the results ascertained, and the certificates of persons elected to be delegates to such Convention issued in the same manner as is prescribed under Chapter 2.32 of the Mariana Islands District Code governing election for the Mariana Islands District Legislature.

(8) The Convention shall be the sole judge of the elections, returns, and qualifications of delegates.

Section 4. Vacancies. Vacancies for any delegate shall be filled by the candidate receiving the next highest number of voters in the election of delegates from the same delegate district.

Section 5. Procedure.

(1) The Constitutional Convention shall convene in Saipan, Mariana Islands and shall continue in session for not longer than sixth (60) calendar days. The President of the Mariana Islands District shall specify the actual date for the convening of the convention, and shall act as President of the Convention until the Convention shall select a President from among its membership.

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(2) The Convention shall select, from among its membership, a President and such additional officers as it may deem necessary and appropriate.

(3) The Convention shall adopt its own rules of procedure not inconsistent with this Act; PROVIDED, HOWEVER, that no question shall be decided affirmatively by the Convention except by the affirmation votes of not less than three-fourths of the delegates *present* ~~entitled to vote in the Convention~~; a quorum being present; and that no voting except in person shall be permitted; and that abstentions shall not be counted as a vote cast in determining the result of any question.

(4) A quorum shall consist of *twenty-five (25)* ~~fifteen~~ voting delegates, unless the Convention by its rules of procedure shall provide for a greater number.

Section 6. Powers of Convention.

(1) The President of the Constitutional Convention, or the Chairman of any duly established Committee thereof, shall have the power and authority to issue subpoenas requiring the attendance of witnesses or the production of books, documents, or other evidence, in any matter related to the purpose of the Constitutional Convention.

Any subpoena or other process issued under the authority of the Convention shall run in the name of the Trust Territory of the Pacific Islands and shall be addressed to any police officer of the Trust Territory. Such subpoena or other process shall be signed by the President, shall contain a reference to this Section, and shall set forth in general terms of the matter or questions with reference to which such testimony or other

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evidence is to be taken.

Any officer to whom the process described in this Subsection is directed, if within his jurisdiction, shall forthwith serve or execute the same upon delivery thereof to him, without charge or compensation; PROVIDED, HOWEVER, that any officer serving or executing such subpoena or process shall be compensated for his actual expenses, if any, in connection therewith.

(2) The President or the Chairman of any duly established Committee may administer oaths to witnesses in any matter under the examination of the Convention.

Every person who, having been summoned as a witness by the Convention to give testimony or to produce papers upon any matter under inquiry before the Convention, refuses to make oath or affirmation, or to answer any question inquiry, shall be guilty of contempt of the Constitutional Convention and upon conviction thereof shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

Whenever a person violates any of the provisions of this Subsection, the President shall certify a statement of such facts to the Attorney General of the Trust Territory ^{or his successor,} who shall prosecute the offender in any appropriate court of the Trust Territory.

(3) The officers and employees of the Trust Territory Government or the district government shall cooperate with the Convention by furnishing such information as may be called for in connection with research activities of the Convention.

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Section 7. Duties. The Convention shall draft a Constitution for the future government of the Northern Marianas. Such Constitution shall make adequate provision for the exercise of legislative, judicial, and executive functions, and shall guarantee to all the citizens of the Northern Marianas a form of government which permits the free democratic expression of their views. It shall provide for an effective date, and shall require approval by a popular referendum as specified in this Act. When said Constitution shall be drafted as aforesaid, the Convention shall notify the Mariana Islands District Legislature that it has completed its deliberations. Upon receipt of such notification, the Mariana Islands District Legislature shall cause the same to be translated into the major languages used in the Marianas, and shall call a referendum on the Constitution.

Section 8. Staff Support. The Convention shall be assisted in its tasks by:

(1) The ~~staff of the~~ Mariana Islands District Legislature, ~~which shall~~ ^{may make available} provide such administrative and technical assistance as may be ^{requested} ~~necessary~~ ^{by the Convention.}

(2) Such other staff as the Convention may deem necessary toward the performance of its tasks, within the limits of the funds made available to it by this act and by other acts.

Section 9. Compensation of Delegates.

(1) Delegates to the Convention shall not be employed for ~~gain~~ or profit while serving as delegates, but may take leave without pay from their regular employment during their service as delegates.

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(2) Delegates shall be entitled to all necessary travel expenses, and to per diem at standard Trust Territory rates, while on the business of the Convention.

(3) Delegates shall be paid at the rate of twenty-five (\$25.00) dollars per day while on the business of the Convention; PROVIDED, HOWEVER, delegates who are members of the Mariana Islands District Legislature, selected under the provisions of ~~Subsection (1) of~~ Section 2 of this Act, shall not be entitled to be paid twenty-five dollars (\$25.00) per day, but shall be entitled to receive travel expenses and per diem, ~~as provided under Act.~~

Section 10. There is hereby authorized to be appropriated out of any unobligated surplus in the General Fund of the Mariana Islands District Legislature, the sum of [^] fifty Thousand Dollars (\$50,000.00) to carryout the purposes of this Act.

Section 11. The funds authorized hereunder shall remain available until June 30, 1976, or until the completion of the purpose for which they are appropriated, whichever shall first occur, whereupon any sums remaining unexpended and unobligated shall rever to the General Fund of the Mariana Islands District Legislature.

Section 12. This Act shall take effect upon its approval by the District Administrator, or upon its becoming law without such approval.

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