

For: Willens

Aug 19 1976

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FOURTH NORTHERN MARIANA ISLANDS LEGISLATURE

EIGHTH REGULAR SESSION

ACT NO. 347-1976

INTRODUCED BY: HON. OLYMPIO T. BORJA, DELEGATE-AT-LARGE  
 HON. JOSE R. CRUZ, TINIAN  
 HON. MANUEL D. MUNA, SAIPAN  
 HON. VICENTE N. SANTOS, SAIPAN  
 HON. JESUS V. GUERRERO, SAIPAN  
 HON. HERMAN Q. GUERRERO, SAIPAN  
 HON. HERMAN R. GUERRERO, DELEGATE-AT-LARGE  
 HON. JUAN C. DIAZ, SAIPAN  
 HON. FRANCISCO M. DIAZ, SAIPAN  
 HON. JULIAN S. CALVO, ROTA  
 HON. MARCELINO M. MANGLONA, ROTA  
 HON. HERMAN T. PALACIOS, DELEGATE-AT-LARGE  
 HON. OSCAR C. RASA, DELEGATE-AT-LARGE  
 HON. BENJAMIN T. MANGLONA, ROTA  
 HON. LORENZO I. GUERRERO, SAIPAN

DISSENTING  
VOTE  
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AN ACT CALLING FOR A CONSTITUTIONAL CONVENTION FOR THE NORTHERN MARIANA ISLANDS; PRESCRIBING ITS POWERS, DUTIES AND FUNCTIONS; AUTHORIZING APPROPRIATION THEREFOR; AND FOR OTHER PURPOSES

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

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

Section 2. Delegates.

(A) The Convention shall consist of not more than forty-one (41) delegates, all of whom must be citizens of the Trust Territory and bonafide residents of the Northern Mariana Islands, to be selected as follows:

(1) Municipality of Saipan shall be entitled to a minimum of twenty-five (25) delegates elected at-large and two (2) discretionary additional delegates appointed by the Resident Commissioner.

(2) Islands north of Saipan, electing one (1) delegate at-large;

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- (3) Municipality of Tinian, five (5) delegates, elected at-large; and
- (4) Municipality of Rota, eight (8) delegates, elected at-large.

Section 3. Qualifications of Delegates and Eligibility.

- (A) Any person who is twenty-one (21) years of age, is a registered voter pursuant to Chapter 2.32 of the Northern Mariana Islands Code, is not currently under a judgment of mental incompetency or insanity, and 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 within the jurisdiction of the United States, and has not been pardoned, shall be eligible for election as a delegate.
- (B) Submit a petition signed by twenty-five (25) qualified and registered voters, all of whom must reside in the electoral precinct which the candidate is running.

Section 4. Voters Qualifications.

- (A) A person shall be qualified to vote for a delegate to the Northern Marianas Constitutional Convention if he is:
  - (1) A Trust Territory citizen domiciled in the Northern Mariana Islands and who has resided in his electoral precinct for at least one (1) year immediately preceding the election.
  - (2) Eighteen (18) years of age or older on the date of the election and is registered to vote. Provided, however, for the purposes of this special election otherwise qualified electors of the Northern Mariana Islands who are bonafide students abroad are exempted from registration under Section 4(A)(2) of this Act, and shall be permitted to vote by absentee ballot pursuant to rules

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and regulations governing same issue by the Election Commissioner as authorized under Section six (6) of this Act.

(3) At the time of registration not serving a sentence or under parole or probation for any felony for which he has been convicted by any court of the Trust Territory; and

(4) At the time of registration not under judgment of mental incompetency or insanity.

(B) For the purpose of this Act "domicile" is defined as "that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which such person has the intention of returning whenever he is absent, even for an extended period."

Section 5. Time of Election. The election of delegates to the Northern Marianas Constitutional Convention shall be held on October 3, 1976, at the hour of 7:00 a. m. to 6:00 p. m., inclusively, provided, however, that all voters waiting within the polling area at the closing hour shall be allowed to vote.

Section 6. Conduct of Election. The Resident Commissioner for the Government of the Northern Mariana Islands shall be the Election Commissioner and be responsible for the planning, the preparations for and the holding of the election of delegates to the Northern Marianas Constitutional Convention, and shall issue such needful rules and regulations, not inconsistent with the following to conduct this election.

(A) 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 delegates only if at least fifteen (15) days

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prior to such election a nomination paper shall have been filed in the office of the Election Commissioner nominating him as a candidate for a delegate, and signed by by not less than twenty-five (25) qualified voters. Provided, however, that candidates from the islands north of Saipan shall timely file nomination papers signed by not less than twenty-five (25) qualified voters along with a fee of Ten Dollars (\$10.00) with a local municipal officer designated by the Resident Commissioner to receive such, and who in turn shall notify the Resident Commissioner of each such filing. There shall be deposited with each nomination paper a fee of Ten Dollars (\$10.00). Such nomination fee shall be paid over into the General Fund of the Northern Mariana Islands 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 Election Commissioner shall, upon receipt of the nomination paper, endorse thereon the day, hour and minute that such nomination paper is received.

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

(C) 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 it prescribed under Chapter 2.32 of the Northern Mariana Islands Code governing elections for the

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(D) The Convention shall be the sole judge of the qualifications of delegates.

Section 7. Vacancies. Vacancies for any elected delegate shall be filled by the candidate receiving the next highest number of votes in the election of delegates from the same electoral precinct. If the next delegate in line refuses or is not available to serve, thereof, and, if the runner-up list is exhausted, the Mayor of the Municipality from which the successful delegate was elected shall appoint a person to fill the vacancy.

Section 8. Pre-Convention Committee; Procedures.

(A) There shall be a Pre-Convention Committee which shall consist of four (4) persons, namely, the Speaker of the Northern Mariana Islands Legislature and chairman of each chartered municipality and to be selected as follows:

(1) Each chartered municipality's delegation to the Convention consisting of all of the delegates elected under the provisions of Section 2, shall meet and select a delegation chairman from its membership who shall be the municipality's representative on the Pre-Convention Committee, including the Speaker of the Northern Mariana Islands Legislature as a representative of the Legislature. Provided, however, that if the Speaker of the Northern Mariana Islands Legislature is not an elected delegate for the Constitutional Convention, then the Speaker is to serve only as a Pre-Convention Committee member. Such selection of delegation shall be made not later than October 11, 1976, and shall be submitted in writing by the municipality's delegation to the Speaker of the Northern Mariana Islands Legislature. 16456

- (2) *The Speaker of the Northern Mariana Islands Legislature shall call the Pre-Convention Committee after the submission of delegations' names for the purpose of electing its chairman and necessary officers.*
- (3) *The duties of the Pre-Convention Committee shall be to facilitate the work of the Convention, and advise the Office of Transition Studies and Planning and the Northern Mariana Islands Legislature regarding the planning and organization of the work of the Convention. To this end, the Committee shall ensure that accommodation and facilities for the Convention are in proper order and take such steps as it may deem necessary or appropriate to accomplish this purpose.*
- (4) *Members of the Committee shall be entitled to per diem and travel expenses, at standard government rates and its policies, while on the business of the Committee.*
- (5) *The Pre-Convention Committee shall specify the actual date for the convening of the Convention, which shall not be later than October 18, 1976.*

Section 9. Powers and Procedures of the Convention.

- (A) *The Constitutional Convention shall convene in Saipan, Mariana Islands, and shall continue in session for no longer than fifty (50) consecutive days. The Resident Commissioner of the Northern Mariana Islands shall act as President of the Convention until the Convention shall select a President from among its membership.*
- (B) *The Convention shall select, from among its membership, a President and such additional officers as it may deem necessary and appropriate.*
- (C) *The Convention shall adopt its own rules of procedure*

which shall not be inconsistent with this Act; Provided, however, that no constitutional provision shall be decided affirmatively by the Convention except by the affirmative votes of not less than three-fourths (3/4) of the delegates present in the Convention; and then no voting except in person shall be permitted.

- (D) A quorum shall consist of twenty-eight (28) delegates, provided, however, at least one delegate from each chartered municipality must be present; AND PROVIDED FURTHER that if the Resident Commissioner exercises his discretionary authority and does appoint additional members from the Municipality of Saipan as provided in Section 2 (A)(1) of this Act, the quorum shall be increased by the number of additional appointees.
- (E) 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 Government of the Northern Mariana Islands, and shall be addressed to any police officer or other duly authorized agent. Such subpoena or other process shall be signed by the President or Chairman, shall contain a reference to this Section, and shall set forth in general terms the matter or questions with reference to which testimony or other evidence is to be taken. Any person to whom the process described in this Subsection is directed, if within this

jurisdiction, shall forthwith serve or execute the same upon delivery thereof to him without change or compensation; provided, however, that any person serving or executing such subpoena or process shall be compensated for his actual expenses, if any, in connection therewith.

(F) The President or the Chairman of any duly established Committee may administer oaths to witnesses in any matter under the examination by the Convention. Every person who, having been 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 Northern Marianas Constitutional Convention, and upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not longer than one (1) 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 District Attorney of the Government of the Northern Marianas, who shall prosecute the offender in any appropriate court of the Trust Territory.

(G) The officers and employees of the Government of the Northern Mariana Islands shall cooperate with the Convention by furnishing such information as may be called for in connection with research of the Convention.

Section 10. Duties. The Convention shall formulate and draft a Constitution for the future Government of the Northern Mariana Islands in conformity with the provisions of the "Covenant To Establish A Commonwealth Of The Northern Mariana Islands In Political Union With The United States Of America". The Constitution shall



provide for a republican form of government with separate executive, legislative, and judicial branches, and shall contain a Bill of Rights. It shall provide for an effective date, and shall require approval by a popular referendum as specified in this Act. When said Constitution has been drafted as aforesaid, the Convention shall notify the Resident Commissioner that it has completed drafting its Constitution. Upon receipt of such notification, the Resident Commissioner shall cause the same to be translated into the major languages used in the Northern Mariana Islands, and shall conduct a Constitutional Convention Program and call for a referendum on the Constitution not more than 120 days after receipt of such notification.

Section 11. Financial Support. Financial and staff support for the Convention and the Pre-Convention Committee, including staff support, professional and other consulting services will be provided by the Office of Transition Studies and Planning. In addition, the Convention and the Pre-Convention Committee shall be assisted in their tasks by:

- (A) The Northern Mariana Islands Legislature which shall make available administrative and technical assistance, in coordination with the Office of Transition Studies and Planning; and
- (B) Such other financial support as the Convention or Pre-Convention Committee, in consultation with the Office of Transition Studies and Planning, may deem necessary to complete the performance of its tasks within the limits of funds made available to it by this Act or other acts.

Section 12. Compensation of Delegates.

- (A) Delegates shall be entitled to all necessary travel

expenses, and to per diem at standard government rates and its policies, while on the business of the Convention or a committee thereof, including but not limited to the Pre-Convention Committee or subcommittee thereof.

- (B) Delegates shall be paid at the minimum rate of Thirty Dollars (\$30.00) per day while on the business of the Convention or a committee thereof; Provided, that delegates who are Government of the Northern Mariana Islands employees or employees of any political subdivision, thereof, shall be entitled to receive their regular salaries plus the difference between their prorated daily salaries, and Thirty Dollars (\$30.00) per day if their salaries are less than the latter amount, such difference to be paid out of the funds of the Convention; AND PROVIDED FURTHER, that any delegate who is employed by the Trust Territory Government, or any political sub-division thereof, who is not granted administrative leave to participate in the Convention, shall be paid an amount equal to his regular daily salary or Thirty Dollars (\$30.00) per day, whichever is higher, chargeable to the funds of the Convention.

Section 13. Conduct of Constitutional Referendum.

- (A) Every person who wishes to vote in the referendum must register with the Election Commissioner, provided that he meets the qualifications specified in Section 4 of this Act. Any person who registered to vote for a delegate to the Convention shall not be required to re-register to vote in the referendum.

- (B) The referendum ballot shall appear substantially as follows:

"CONSTITUTIONAL REFERENDUM"

Do you approve of the Constitution of the Northern Mariana Islands, as adopted by the Northern Marianas Constitutional Convention?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (C) Notwithstanding the provisions of Subsection (B) of this Section, a ballot printed shall be English, Chamorro and Carolinian. The Election Commissioner shall be responsible for the translation of the ballot from the English language into Chamorro and Carolinian.
- (D) The Election Commissioner shall certify the results of the referendum and shall transmit such certification to the Speaker of the Northern Mariana Islands Legislature, as soon as practicable after their receipt.
- (E) The Election Commissioner shall be the sole judge of the referendum and the results thereof.

Section 14. The Constitution shall be deemed to have been ratified and approved by the people if approved by sixty percent (60%) of the votes cast.

Section 15. There is hereby appropriated out of any unobligated surplus in the General Fund of the Northern Mariana Islands Legislature, the sum of Thirty Thousand Dollars (\$30,000.00) or as much thereof as may be necessary to carryout the purpose of this Act.

Section 16. (A) The funds appropriated hereunder shall remain available until March 31, 1977, or until the completion of the purpose for which they are appropriated, whichever shall first occur, whereupon any sums remaining unexpended and unobligated shall revert to the General Fund of the Northern Mariana Islands Legislature.

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(B) At the end of the Convention, any equipment, supplies, or other property purchased shall become property of the Northern Mariana Islands Legislature to be delivered to the Legislature at the completion of its work.

Section 17. This Act shall take effect upon its approval by the Resident Commissioner, or upon its becoming law without such approval.

PASSED BY THE FOURTH NORTHERN MARIANA ISLANDS LEGISLATURE AUGUST 13, 1976.



VICENTE N. SANTOS  
Speaker



SANTIAGO B. MAGAÑA  
Legislative Secretary

Signed this 17th day of August 1976.



ERWIN D. CANHAM  
Resident Commissioner  
Government of the Northern Mariana Islands

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