

October 28, 1976

Agenda for Discussion of Executive Branch of  
Government in Committee on Governmental Institutions

This agenda identifies in outline form the issues which should be considered by the Committee in discussing the subject of the executive branch of the Commonwealth government. Page references are to Briefing Paper No. 2. Delegate proposals that were referred to the Committee on or before October 25, 1976, and concern items in the agenda are indicated. Delegate proposals are referred to by the letters "DP" followed by the number of the proposals. These proposals are attached to the agenda.

- A. Powers of the governor (pp. 11-50).
  - 1. Should the governor have the authority to veto bills passed by the legislature? (pp. 13-15)
    - a. If so, what type or combination of types of veto power should the governor possess? (pp. 15-20)
      - (i) General veto (p. 16)
      - (ii) Pocket veto (pp. 16-17)
      - (iii) Conditional veto (pp. 17-18)
      - (iv) Partial (or item) veto. (pp. 18-20)
    - b. How much time in which to veto a bill ought the governor to have? (pp. 20-22)
      - (i) How much time during the legislative session?
      - (ii) How much time during the last days of the legislative session?
      - (iii) How much time after adjournment of the legislative session?

c. What vote of the legislature will be necessary to override a gubernatorial veto? (pp. 22-23)

Alternative (i) Two-thirds of the elected membership

Alternative (ii) Two-thirds of the members present and voting

Alternative (iii) Three-fifths of the elected members

Alternative (iv) Three-fifths of the members present and voting

Alternative (v) Simple majority of the elected members

d. Should the legislature have the power to override post-adjournment vetoes? (pp. 23-24)

(i) If the legislature is deemed to meet in continuous sessions interrupted by recesses, should legislative leaders be authorized to reconvene the recessed legislature at any time to reconsider vetoed bills?

(ii) Should the legislature be assigned the general power to reconvene in special session?

(iii) Should the legislature be authorized to reconvene itself for the sole purpose of considering post-adjournment vetoes?

(iv) Should the legislature be required to reconvene itself for the sole purpose of considering post-adjournment vetoes:

2. What other powers that directly involve legislative powers ought to be granted to the governor? (pp.24-34)
  - a. Should the governor have the power to reappor- tion the legislature periodically? (pp. 24-25)
  - b. What should be the governor's functions in the formulation of the budget? (pp. 25-33) (DP-58)
    - (i) What should be the governor's role in the preparation of the budget? (pp. 27-29)
      - Alternative (a) Sole responsibility given to the governor
      - Alternative (b) Responsibility shared by the governor and an executive agency
      - Alternative (c) Responsibility shared by the governor and the legislature
      - Alternative (d) Responsibility to review budget requests of the governor and other officials of the executive branch assigned to the legislature
    - (ii) What, if any, controls on the budget should the Constitution impose? (pp. 29-31)
      - (a) Should the Constitution require that the governor specify not only proposed expenditures but also the means of financing those expenditures?

(b) Should the Constitution forbid the legislature to pass an appropriation bill originating in the legislature until it also submits a general appropriation bill to the governor?

(iii) What should be the term of the budget?

(pp. 31-33)

Alternative (a) Annual

Alternative (b) Biennial

Alternative (c) Hybrid

- c. Should the governor be required to deliver an annual address to the legislature? (pp. 33-34)
3. What powers that affect the judicial process ought be conferred on the governor? (pp. 33-37)
- a. Should the governor have the power to appoint judges? (p. 34; Briefing Paper No. 4, § II (C)(1))
- b. Should the governor have the clemency power? (pp. 34-37) (DP-69)
4. What administrative powers will the executive branch exercise? (pp. 37-48)
- a. How should policy-making employees be appointed? (pp. 39-42) (DP-17)

Alternative (i) By the governor whose power to appoint all non-elective policy-making employees would not be limited

Alternative (ii) By the governor from lists of qualified persons

Alternative (iii) By the governor, whose power could be limited or unlimited, subject to the approval of the legislature or some other body

Alternative (iv) By an official or body other than the governor

(v) Assignment of authority to the legislature to prescribe standards concerning qualifications or eligibility of executive branch officials

b. How should the power to remove policy-making employees be assigned? (pp. 42-45) (DP-68)

Alternative (i) Power to the governor to remove all appointed officials

Alternative (ii) Power to the governor to remove all or some appointed officials subject to the advice and consent of one or both houses of the legislature

Alternative (iii) Power to the governor to remove appointed officials only upon showing of cause

c. What provision should the Constitution make for the appointment and removal of ministerial employees? (pp. 45-48) (DP-06)

Alternative (i) Inclusion of basic civil service provisions in the Constitution

Alternative (ii) Requirement that legislature create a central personnel system

Alternative (iii) Authorization to legislature to create a central personnel system

Alternative (iv) Omission in Constitution of any reference to ministerial appointees

5. What military and emergency powers ought to be assigned to the governor? (pp. 48-50) (DP-59, 65)

Alternative (i) Status of commander-in-chief of the Commonwealth's armed forces, with or without limited powers

Alternative (ii) Authority to provide for the continuity of government during an emergency

B. Organization of the executive branch (pp. 50-99)

1. The governor (pp. 51-80)

a. What should be the title of the chief executive of the Commonwealth? (p. 51) (DP-01, 45)

b. What qualifications should be required of the governor? (pp. 52-56)

(i) What age requirements, if any, should be imposed on the governor?

Alternative (a) Specified minimum age requirement above that for qualification to vote

Alternative (b) Minimum age requirement same as that for qualification to vote

Alternative (c) Authorization of legislature to set minimum age requirement

(d) Prescription of, or authorization of legislature to fix, maximum age of eligibility

(ii) What citizenship requirements, if any, should be imposed on the governor? (pp. 53-55)

Alternative (a) United States citizenship for a fixed number of years

Alternative (b) Either United States citizenship or "national" status for a set period of years

Alternative (c) No requirement pertaining to citizenship

(iii) Should the governor be required to satisfy a residency requirement? (pp. 55-56)

Alternative (a) Residency in Northern Mariana Islands for a fixed period of years

Alternative (b) No constitutional residency requirement

Alternative (c) Prohibition of a residency requirement

c. What should be the governor's term of office?

(pp. 56-59)

(i) What should be the length of the governor's term? (pp. 56-57)

(ii) Should the incumbent be eligible for reelection?

(pp. 57-59) (DP-33)

Alternative (a) Restriction of the governor to one term with no eligibility for future terms

Alternative (b) Restriction of the governor to two consecutive terms

Alternative (c) Prohibition against the governor's serving two terms in succession

Alternative (d) Restriction of the governor to two terms, regardless whether those terms are in succession

d. What provisions concerning vacancy, absence and disability should the Constitution contain? (pp. 59-72) (DP-01,45)

(i) How should the Constitution deal with the question of the line of succession to the governorship (pp. 59-64)

Alternative (a) Designation of the line of succession in Constitution

Alternative (b) Deferral to the legislature with respect to decision concerning line of succession



Alternative (c) Deferral to the governor with respect to decision concerning line of succession

(ii) What should be the role of the governor's successor?  
(pp. 64-66)

Alternative (a) Permanent replacement, serving until the expiration of the governor's term

Alternative (b) Temporary replacement, serving only until a new governor is chosen in a special election

(iii) What provision concerning the effect of the temporary absence of the governor from the Commonwealth should be included in the Constitution? (pp. 66-69)

Alternative (a) Provision that whenever the governor physically leaves the Commonwealth a temporary replacement will act as chief executive of the Northern Mariana Islands

Alternative (b) Provision that a temporary replacement act for the governor after he has been absent from the Commonwealth for a fixed period of time

Alternative (c) Provision that a temporary replacement serve as acting governor only if the governor so directs

(iv) Should the Constitution provide for the temporary transfer of a disabled governor's powers to another official? (pp. 69-72)

(a) Should the Constitution specify the grounds for a finding that the governor is disabled?

(b) Should the Constitution designate the person authorized to initiate disability proceedings?

(c) Should the Constitution designate the person or body with the duty to decide if the governor is disabled?

- Alternative 1. Legislature
- Alternative 2. Lieutenant governor
- Alternative 3. Appellate court
- Alternative 4. Group of executive department heads
- Alternative 5. Authorization of legislature to establish an appropriate procedure

e. Should the Constitution impose limitations on the compensation of the governor? (pp. 72-75)

(i) What approach to the governor's salary should the Constitution adopt? (pp. 72-74)

Alternative (a) Prescription of minimum or maximum salary in Constitution

Alternative (b) Provision that actual amount, or minimum or maximum amount, of the governor's salary shall be dependent on an external measure, such as legislators' salaries or a cost-of-living index

Alternative (c) Assignment to legislature of duty

to determine the governor's salary,  
with general protective clause  
providing that this salary cannot  
be altered during the governor's  
term

Alternative (d) Specification of governor's actual  
salary in Constitution

(ii) Should the Constitution prohibit the governor from  
holding a concurrent office or employment?

(pp. 74-75)

Alternative (a) Prohibition of the governor's holding  
any concurrent office or employment

Alternative (b) No such prohibition

f. What provisions concerning impeachment should the Consti-  
tution contain? (pp. 75-80)

(i) To which officers should impeachment provisions  
apply? (pp. 76-77)

Alternative (a) Governor only

Alternative (b) Governor and lieutenant governor only

Alternative (c) All civil officers of the Commonwealth,  
including judges

(ii) What ought to be the grounds for impeachment? (pp.77-78)

Alternative (a) Specification of grounds in Constitution

Alternative (b) No constitutional specification of  
grounds, with decision left to  
legislature

(iii) What should be the method of impeachment and trial?

(pp. 78-79)

Alternative (a) Initiation of proceedings by lower house of legislature and trial by upper house

Alternative (b) Initiation of proceedings by upper house and trial by the appellate court or by a special commission of eminent jurists

(iv) What proportion or number of votes of members of the lower house of the legislature should be necessary for impeachment? (p. 79)

Alternative (a) No constitutional specification

Alternative (b) Majority

Alternative (c) Specification of an extraordinary majority

(v) What proportion or number of votes of members of the upper house of the legislature should be required for conviction of an impeached official? (pp. 79-80)

Alternative (a) No constitutional specification

Alternative (b) Majority

Alternative (c) Specification of an extraordinary majority

2. What should the Constitution provide with respect to executive branch departments? (pp. 80-99)

a. Should the Constitution explicitly provide for any executive offices other than that of governor? (pp.82-89) (DP-07,16, 36, 49)

- (i) Office of lieutenant governor (pp. 83-85)
  - (ii) Office of attorney general (p. 86)
  - (iii) Office of secretary of state (p. 86)
  - (iv) Fiscal offices (pp. 86-88)
    - (a) Office of treasurer
    - (b) Office of auditor
    - (c) Office of comptroller
  - (v) Office of administrative director (pp. 88-89)
- b. How should executive offices designated in the Constitution be filled? (pp. 89-94) (DP-19)
- Alternative (i) Popular election
  - Alternative (ii) Gubernatorial appointment
  - Alternative (iii) Election by legislature
- c. What other constitutional limitations should be imposed on the structure of the executive branch? (pp. 94-97)
- (i) Should the Constitution include a limitation on multi-member boards or multi-head departments?
  - (ii) Should the Constitution impose a ceiling on the number of executive branch departments?
- d. What other organizational matters ought to be included in the Constitution? (pp. 97-99)
- (i) Should the Constitution require that heads of departments constitute the governor's cabinet?
  - (ii) Should the Constitution delegate authority to reorganize the executive branch to the governor?
  - (iii) Should the Constitution guarantee the governor's access to information from executive branch agencies?

## OUTLINE

### Eligibility to Vote and Election Procedures

#### A. Eligibility to Vote

What requirements should be specified to enable persons in the Northern Mariana Islands to vote?

1. Requirement of United States citizenship? (p. 16.)
  - a. Should "nationals" be included within the meaning of "United States citizen" for voting purposes? (pp. 19-20.)
  - b. Should aliens (persons who are not citizens or nationals) be denied the right to vote? (p. 20.)
2. Requirement of a minimum age? Should the Convention act, or authorize the legislature to set, a minimum age requirement of less than 18 years? (pp. 21-22.)
3. Requirement of residence? (pp. 22-25.)
  - a. Should the delegates include a residence requirement in the Constitution?
  - b. If so, should "residence" be defined?
  - c. How long should a residence requirement mandate, if one is included?
4. Requirement of literacy? (pp. 25-28.)

If no literacy requirement is specified, should the Convention provide for voter assistance in minority languages?
5. Requirement that certain classes of persons be disqualified from voting? (p. 28.)

- a. Should persons convicted of certain crimes be denied the franchise? (pp. 29-31.)

If so, should the Convention specify the crimes or authorize the legislature to do so?

- b. Should persons of unsound mind be denied the franchise? (p. 31.)

## B. Election Procedures

- 1. Should the Convention set forth a broad policy Statement about elections and leave the detail to the legislature? (pp. 31-33.)

- 2. Should the Convention specify the details of election procedures? (p. 33.)

If so, what kind of details should be constitutionally provided?

Should the Convention specify:

- a. By what vote of the electors candidates succeed to office? (p. 34.)
- b. Date of commencement of the term of office? (p. 34.)
- c. Continuity of office should the newly elected official be unable to take office immediately? (p. 35.)
- d. Resolution of contested elections? (p. 35.)
- e. Protection for voters from interference or governmental duties? (pp. 36-37.)
- f. Provisions for absentee voting? (p. 37.)
- g. Aid to voters speaking minority languages? (p. 38.)

- h. Penalties for violations of election laws or authorization for legislature to so enact? (p. 39.)
- i. Schedules of elections? (pp. 40-42.)
  - (1) regularly scheduled?
  - (2) timing?
  - (3) election holiday?
- j. Form of voting (ballot, punch card, voting machine)? (pp. 42-43.)
 

Should the Convention specifically prohibit or authorize straight party voting? (p. 43.)
- k. Election administration? (pp. 44-45.)
- l. Registration of voters? (pp. 46-49.)
  - (1) periodic registration?
  - (2) permanent registration?
- m. Nominating procedures? (pp. 49-51.)
  - (1) convention system?
  - (2) direct primary system?

C. Other Sources of Direct Citizen Participation in Government.

- 1. Should the Convention provide for the initiative? (pp. 52-5)
  - a. "Direct initiative"?
  - b. "Indirect initiative"?
  - c. Both?
- 2. Should the Convention provide for the referendum? (pp. 59-6)
  - a. "Petition referendum"?
  - b. "Optional referendum"?



3. Should the Convention provide for the referendum? (pp.61-65)
  - a. Offices to which recall applies?
  - b. Limitations on recall?
  - c. Number of signatures required on a recall petition?
  - d. Grounds for recall stated on petition?
  - e. Specified type of recall election?
  - f. Vote requirement for removal?