

DRAFT

CONSTITUTION OF THE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Approved in Principle

On First Reading

By the

NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

As Of

November 14, 1976

## CONSTITUTIONAL PROVISIONS

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## PREAMBLE

We, the people of the Northern Mariana Islands, ordain and establish this Constitution for our Commonwealth and reaffirm our respect for the Constitution of the United States of America. We declare our goal of establishing a government in political union with the United States that preserves our personal liberty and social equality, our Chamorro and Carolinian heritage, our land and its resources, and our culture, history and traditions.

## ARTICLE I

### PERSONAL RIGHTS

Section 1: Laws Prohibited. No law shall be made that is a bill of attainder, an ex post facto law, or a law impairing the obligation of contracts.

Section 2: Freedom of Religion, Speech, Press and Assembly. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Section 3: Search and Seizure. The right of the people to be secure in their persons, houses, papers, and belongings against unreasonable searches and seizures shall not be violated.

a) No warrants shall issue except upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

b) No wiretapping or other comparable means of surveillance shall be used except pursuant to a warrant.

c) Any person adversely affected by an illegal search or seizure shall have a cause of action against the government within limits provided by law.

Section 4: Criminal Prosecutions. In all criminal prosecutions certain fundamental rights shall pertain.

a) The accused shall have the right to assistance of counsel in all cases, including all appeals.

b) The accused shall have the right to be confronted with the witnesses against him and to have compulsory process for obtaining witnesses in his favor.

c) No person shall be compelled to be a witness against himself.

d) There shall be a speedy and public trial.

e) No person shall be put twice in jeopardy

for the same offense regardless of the governmental entity that first institutes prosecution.

- f) Excessive bail shall not be required.
- g) Excessive fines shall not be imposed.
- h) Cruel and unusual punishment shall not be inflicted.
- i) Capital punishment is prohibited.
- j) Persons who are under 18 years of age shall be protected in criminal judicial proceedings and in conditions of imprisonment.

Section 5: Due Process. No person shall be deprived of life, liberty or property without due process of law.

Section 6: Equal Protection. No person shall be denied the equal protection of the laws. No person shall be denied the enjoyment of civil rights or be discriminated against in the exercise thereof on account of race, color, religion, ancestry or sex.

Section 7: Availability of a Militia. In order that a militia may be available if necessary in times of emergency, the right of the people to keep and bear arms shall not be infringed.

Section 8: Quartering Soldiers. No soldier in time of peace may be quartered in any house without the consent of the owner, nor in time of war except in a manner prescribed by law.

Section 9: Trial by Jury. The legislature may provide for trial by jury in serious criminal and civil cases as defined by law.

Section 10: Free Public Education. Each person shall have the right to a free public education.

Section 11: Clean and Healthful Environment. Each person shall have the right to a clean and healthful environment.

Section 12: Privacy. The right of individual privacy shall not be infringed except upon a showing of compelling government interest.

## ARTICLE II

### THE LEGISLATIVE BRANCH OF GOVERNMENT

Section 1: Legislative Power. The legislative power of the Commonwealth shall extend to all rightful subjects of legislation and shall be vested in a Northern Marianas Commonwealth Legislature composed of a Senate and a House of Representatives.

Section 2: Composition of the Senate.

a) The Senate shall consist of nine (9) members with three (3) members elected at large from Rota, three (3) members elected at large from Saipan and the islands north of it, and three (3) members elected at large from Tinian and Aguiguan. The term of office for senator shall be four (4) years except that the candidate receiving the third highest number of votes in the first election for senator on each island pursuant to this section shall serve a term of two (2) years.

b) The Senate shall be increased to twelve (12) members and three (3) members shall be elected from the islands north of Saipan at the first regular general election after the population of these islands exceeds one thousand (1,000) persons. The senator receiving the third highest number of votes in the first such election shall serve for two (2) years.

c) A senator shall be a qualified voter of the Commonwealth, a United States citizen or national, at least twenty-five (25) years of age, and a resident of the Commonwealth for at least five (5) years immediately preceding his election. A longer residency requirement may be provided by law.

Section 3: Composition of the House of Representatives.

a) The House of Representatives shall consist of thirty (30) members with twenty-five (25) members from Saipan

and the islands north of Saipan, three (3) members from Rota and two (2) members from Tinian and Aguiguan provided, however, that the number of representatives may be increased by law to not more than forty (40). The term of office for representative shall be two (2) years. .

b) A representative shall be a qualified voter of the Commonwealth, a United States citizen or national, at least twenty-one (21) years of age, and a resident of the Commonwealth for at least three (3) years immediately preceding his election. A longer residency requirement may be provided by law.

c) Rota shall constitute one electoral district, Tinian and Aguiguan shall constitute one electoral district, the islands north of Saipan shall constitute one electoral district, and Saipan shall be divided into six (6) electoral districts for the election of representatives. The legislature may change the number and boundaries of the electoral districts used for electing representatives but no district on Rota and Saipan shall consist of more than one island. For ten (10) years following the effective date of this Constitution, the legislature shall not change the electoral districts on Saipan and the islands north of Saipan except pursuant to its duties under section 4 of this article.



Section 4: Reapportionment.

a) At least every ten (10) years and within one hundred and twenty (120) days following each decennial census, the legislature shall reapportion the seats in the House of Representatives as required by changes in Commonwealth population or by law. Any such reapportionment plan shall provide for compact and contiguous districts and for representation by each member of the House of Representatives of approximately the same number of residents to the extent permitted by the geography of the Commonwealth and the distribution of population among the separate islands.

b) If the legislature fails to reapportion the House of Representatives pursuant to subsection (a), the governor shall promulgate a reapportionment plan within one hundred and twenty days after the legislature's failure to act. The governor's plan shall be published in the manner provided for acts of the legislature and shall have the force of law upon such publication. Upon the application of any qualified voter, the Commonwealth appeals court or the United States District Court if no Commonwealth appeals court has been created under section 3 of article IV shall have original, exclusive and final jurisdiction to review any reapportionment plan and shall have jurisdiction to make orders to amend the plan to comply with the requirements of this

Constitution or, if the governor has failed to promulgate a plan within the time provided, to make one or more orders establishing such a plan.

Section 5: Enactment of Legislation.

a) Appropriations and revenue bills may be introduced only in the House of Representatives. Other bills may be introduced in either house of the legislature.

b) Every bill shall be confined to one subject except bills for appropriations and bills for the codification, revision or rearrangement of existing laws. All appropriation bills shall be limited to the subject of appropriations. Legislative compliance with the requirements of this subsection is a constitutional responsibility not subject to judicial review.

c) The legislature shall enact no law except by bill and no bill shall become law without the approval of at least a majority of the votes cast in each house of the legislature.

Section 6: Local Laws. Laws that relate exclusively to local matters on Rota, Saipan, Tinian or the islands north of Saipan may be enacted by the legislature or by a majority of the representatives and senators representing the respective island or islands. The legislature shall define such local matters that can be the subject of legislation enacted by a majority of the representatives and senators from the respective

island or islands, rules or regulations promulgated by a mayor pursuant to article VI, section 3(e), or local laws or ordinances adopted by agencies of local government that may be established pursuant to article VI, section 6(b).

Section 7: Action on Legislation by the Governor.

a). Every bill passed by the legislature under section 5 or by designated members of the legislature under section 6 shall be signed by the presiding officer of the house in which the bill originated. If the governor approves the bill, he shall sign it and the bill shall become law. If the governor disapproves the bill, he shall indicate his veto on the bill and return it to the presiding officers of both houses of the legislature with a statement of the reasons for his action. The governor may veto any specific item or items in any appropriations bill and sign the remainder of the bill.

b) The governor shall have twenty (20) days in which to consider appropriation bills and forty (40) days in which to consider all other bills. If the governor fails either to sign or veto a bill within the applicable period, it shall become law in the same manner as if he had signed the bill.

c) Any bill or item of a bill vetoed by the governor may be reconsidered by the legislature. If two-thirds (2/3) of the members in each house vote upon reconsideration to pass the bill or item, it shall become law.

Section 8: Confirmation of Appointments. The Senate shall have the power to confirm appointments by the governor where such confirmation is required by this Constitution or by law.

Section 9: Impeachment. The legislature may impeach the governor and such other executive and judicial officers of the Commonwealth as are made subject to impeachment by this Constitution. The House of Representatives shall have the power to initiate impeachment proceedings by the vote of two-thirds (2/3) of its members and the Senate shall have the power to hear impeachment charges and to convict by the vote of two-thirds (2/3) of its members. The legislature shall provide procedures for the trial and removal from office after conviction of officers so impeached.

Section 10: Vacancies. A vacancy in the legislature shall be filled by special election if more than one-half (1/2) of the term remains. If less than one-half (1/2) of the term remains, the governor shall fill the vacancy by appointing the unsuccessful candidate for the office in

the last election who received the largest number of votes and is willing to serve or, if no such candidate is available for appointment, any person qualified for the office from the island or electoral district involved.

Section 11: Legislative Compensation. The members of the legislature shall receive an annual salary of twelve thousand dollars (\$12,000) and such reasonable allowances for expenses as may be provided by law. The salary of members may be increased no more frequently than once every four (4) years and only upon the recommendation of an advisory commission to be established by law to study and make recommendations concerning the compensation of Commonwealth executive, legislative and judicial officers. No increase in the salary of the members of the legislature shall apply to the legislature which enacted the same.

Section 12: Prohibition on Government Employment. No member of the legislature shall serve in any other government position including any independent board, agency, authority or commission established by Commonwealth law.

Section 13: Legislative Immunity. No member of the legislature shall be questioned in any other place for any written or oral statement in the legislature or its committees and no member of the legislature shall be subject to arrest while going to or coming from a meeting of the legislature or a committee.

Section 14: Sessions. The legislature shall meet for organizational purposes on the second Monday of January in the year following the regular general election at which members of the legislature are elected and shall be a continuous body for the two years between such organizational meetings. Each house shall meet in regular sessions as provided by law or its procedures and may be convened at other times by its presiding officer or by the governor. When meeting pursuant to the governor's call, the legislature shall consider only those subjects described in the call.

Section 15: Organization and Procedures.

a) Each house of the legislature shall be the final judge of the election and qualifications of its members and the legislature may by law vest in the courts the trial and determination of contested elections of members. Each house may compel the attendance of absent members, discipline its members and, with the concurrence of three-fourths (3/4) of its members, expel a member for commission of treason, a felony, breach of the peace, or violation of the legislature's rules.

b) Each house of the legislature shall choose its presiding officer from among its members, establish such committees as it deems necessary for the conduct of its business, and determine its rules of procedures. Each house shall have the power to compel the attendance and testimony

of witnesses and the production of books and papers before such house or its committees. The legislature shall keep a journal of its proceedings that shall be published from day to day.

c) The meetings of the legislature and its committees shall be public provided, however, that each house of the legislature and any legislative committee may meet in executive session if authorized to do so by two-thirds (2/3) of the members of the house involved. No final action on any legislative matter may be taken in executive session.

Section 15: Conduct of Members. Any member of the legislature who has a financial or other personal interest in any bill before the legislature shall disclose the fact to the house of which he is a member and shall not vote thereon. The legislature shall enact a comprehensive code of conduct for its members that prohibits certain actions by members with conflicts of interest, defines the proper scope of debate in the legislature, and deals with other germane subjects.

### ARTICLE III

#### THE EXECUTIVE BRANCH OF GOVERNMENT

Section 1: Executive Power. The executive power of the Commonwealth shall be vested in a governor and the other officials specified in this article.

Section 2: Qualifications of the Governor. The governor shall be a qualified voter of the Commonwealth, at least thirty years of age, a citizen or national of the United States and a resident and domiciliary in the Commonwealth for at least seven years immediately preceding his election. A different period of required residence or domicile may be provided by law.

Section 3: Lieutenant Governor. A lieutenant governor with the qualifications prescribed in section 2 shall perform those duties assigned by the governor or provided by law. Whenever the office of lieutenant governor is vacant, the governor shall appoint a successor with the advice and consent of the senate.

Section 4: Election of the Governor and the Lieutenant Governor. The governor and lieutenant governor shall be elected at large within the Commonwealth at a regular general election and shall take office as provided by article VIII. The governor and lieutenant governor shall be elected jointly for a term of four years with each voter casting a single vote applicable to both offices. No person shall be elected governor more than three times.

Section 5: Compensation of the Governor and Lieutenant Governor. The governor shall receive an annual salary of twenty-five thousand dollars and the lieutenant governor an annual salary of twenty-two thousand dollars. Both shall



receive such reasonable allowances for expenses as may be provided by law. Upon the recommendation of the advisory commission on executive, legislative and judicial compensation created by article II of this Constitution, the legislature may increase or decrease the governor's or lieutenant governor's salary provided, however, that neither salary shall be increased or diminished during the period for which the governor or lieutenant governor shall have been elected.

Section 6: Prohibition on Government Employment.

The governor or lieutenant governor may not serve in any other government position or receive any compensation for performance of his official duties or from any governmental body except that provided by section 5. The governor and lieutenant governor may each seek any public office during their term. The legislature shall enact a code of conduct for the governor, lieutenant governor and heads of executive departments to require disclosure of financial or other personal interests and to prevent conflicts of interest in the performance of official duties.

Section 7: Succession to the Governorship. In case

of the removal, death or resignation of the governor, the lieutenant governor shall become governor. If the offices of governor and lieutenant governor are both vacant, the president of the

senate shall become acting governor. An acting governor who assumes office when more than one year remains in the term shall serve only until a governor is chosen in a special election as provided by law.

Section 8: Absence or Disability of the Governor.

a) When the governor is physically absent from the Commonwealth, the lieutenant governor shall be acting governor. If the lieutenant governor is also absent or is otherwise unavailable, the president of the senate shall be acting governor.

b) When the governor is unable to discharge the duties of his office by reason of impeachment or other disability, including but not limited to physical or mental disability, the lieutenant governor shall be acting governor. If the lieutenant governor is unavailable to serve, the order of succession to the office of acting governor shall be the same as if the governor were physically absent from the Commonwealth. If the person next in succession to the governor has reason to believe that the governor is unable to discharge the duties of his office, that person shall inform the Commonwealth appeals court or the United States District Court if no Commonwealth appeals court has been created under section 3 of article IV. The court shall have original, exclusive and final jurisdiction to determine all questions regarding disability of the governor, the existence of a vacancy in the office of governor, and succession to the office or its powers and duties.

Section 9: Executive and Administrative Functions.

a) The governor shall be responsible for the faithful execution of the laws.

b) The governor shall prepare and submit to the legislature a proposed annual budget for the following year. The budget shall describe all anticipated revenues of the Commonwealth and shall include recommended legislation with respect to taxation if necessary. The budget shall also recommend expenditures of Commonwealth funds. In preparing the budget, the governor shall consider submissions made by the mayors of Saipan, Rota, Tinian and the Northern Islands as to the budgetary needs of those islands. The governor's submission to the legislature shall state the governor's disposition of the budgetary requests of each mayor. After approval by the legislature, the governor may not reprogram appropriated funds except as provided by law. If the budget is not approved before the start of that fiscal year, all appropriations for government operations and obligations shall be continued at the level for the previous year.

c) The governor shall report at least annually to the legislature regarding the affairs of the Commonwealth and recommending measures he considers necessary or desirable.

d) The governor shall have the power to grant reprieves, commutations and pardons after conviction for all offenses after consultation with a board of parole to be created

by law, provided, however, that this power shall not apply to impeachments or to removals following impeachments.

Section 10: Emergency Powers of the Governor. The governor shall have the power to declare a state of emergency in the case of invasion, civil disturbance, natural disaster or other calamity and may mobilize all available resources to respond to that emergency.

Section 11: Attorney General. The governor shall appoint an attorney general with the advice and consent of the senate. The attorney general shall serve as legal adviser to the governor and executive departments, shall be responsible for representation of the Commonwealth government in all legal matters, and shall serve as chief law enforcement officer with responsibility for prosecuting violations of Commonwealth law.

Section 12: Public Auditor. The governor shall appoint a public auditor with the advice and consent of the legislature. The public auditor shall audit the receipt, possession and disbursement of all public funds by any branch, agency or department of the Commonwealth and shall perform other duties as provided by law. The public auditor shall report his findings to the legislature and the governor at

least once every year and such report shall promptly be made public. The public auditor may be removed only for cause and with the concurrence of two-thirds of the members of the legislature. In the event that there is a vacancy in the office of public auditor, the presiding officer of the senate shall appoint a temporary public auditor who shall serve until the governor appoints a successor with the advice and consent of the legislature.

Section 13: Department of Education. The legislature shall establish a department of education headed by a superintendent of education appointed by a representative board of education. The members of the board of education shall be appointed by the governor with the advice and consent of the senate and shall formulate policy and exercise control over the public school system through the superintendent. The composition of the board of education and other matters pertaining to its operations and duties shall be provided by law.

Section 14: Heads of Executive Departments. Each principal department shall be under the supervision of the governor and, unless otherwise provided in this Constitution or by law, shall be headed by a single executive. The governor may appoint the heads of executive departments with the advice and consent of the senate. The governor may remove the heads of executive departments. All other officers employed by the Commonwealth shall be appointed and may be

removed as provided by law. The governor may at any time require information in writing or otherwise from the officers of any administrative department, office or agency of the Commonwealth.

Section 15: Executive and Administrative Departments.

All executive and administrative offices, agencies and instrumentalities of the Commonwealth government, and their respective functions, powers and duties shall be allocated by law among and within not more than fifteen principal departments so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial and temporary agencies need not be allocated within a principal department. The legislature shall by law prescribe the functions, powers and duties of the principal departments and of all other agencies of the Commonwealth and may from time to time reallocate offices, agencies and instrumentalities among the principal departments, and may change their functions, powers and duties. The governor may make such changes in the allocation of offices, agencies and instrumentalities and in the allocation of their functions, powers and duties as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders which shall be submitted to the legislature and shall become effective sixty days after submission, unless specifically modified or disapproved by a majority of the members of each house of the legislature.

Section 16: Civil Service Commission. The legislature shall provide for a non-partisan and independent civil service commission to establish and administer the personnel policies applicable to executive and administrative departments and to the staff of the judicial branch of government. Appointments and promotions within the civil service shall be based on merit and fitness demonstrated by examination or by other evidence of competence.

Section 17: Impeachment of Executive Officials. The governor, lieutenant governor and other elected officials of the Commonwealth government shall be subject to impeachment as provided in article II, section 9 of this Constitution. Such officers may be impeached and removed only for treason, commission of a felony, corruption or neglect of duty.

Section 18: Public Services.

a) The governor may delegate to the mayor elected under the provisions of section 2 of article VI responsibility for the execution of Commonwealth laws and the administration of public services in the island or islands in which the mayor has been elected.

b) Public services on Rota and Tinian shall be supervised by a resident assistant director in the departments providing such services appointed by the head of the department with the advice and consent of the representatives and senators in the legislature from the island where the assistant director shall perform his duties.

c) Public services authorized by law shall be provided on a fair and equitable basis to all the citizens of the Commonwealth. The legislature may require that such services be provided through decentralized administrative arrangements. The governor shall make any necessary recommendations to the legislature in order to accomplish these objectives.

#### ARTICLE IV

#### THE JUDICIAL BRANCH OF GOVERNMENT

Section 1: Judicial Power. The judicial power of the Commonwealth shall be vested in a judiciary of the Northern Mariana Islands. The judiciary of the Northern Mariana Islands shall include such trial and appeals courts as the legislature may establish pursuant to this article.

Section 2: Commonwealth Trial Court. The legislature shall establish a Commonwealth trial court. This court shall have original jurisdiction over all matters involving land in the Commonwealth and all other civil actions except those in which the value of the matter in controversy exceeds five thousand dollars (\$5,000). The court shall also have original jurisdiction over all criminal actions except those in which the defendant, if convicted, may be fined an amount that exceeds five thousand



dollars (\$5,000) or imprisonment for a term that exceeds five (5) years. At least one (1) full-time judge of the Commonwealth trial court shall be assigned to Rota, and at least one (1) full-time judge of the Commonwealth trial court shall be assigned to Tinian. Land matters within the jurisdiction of the Commonwealth trial court shall be considered by a specialized division of the court for at least five (5) years. After this Constitution has been in effect for five (5) years, the legislature may vest additional civil and criminal jurisdiction in the Commonwealth trial court.

Section 3: Commonwealth Appeals Court. After this Constitution has been in effect for five (5) years; the legislature may establish a Commonwealth appeals court to hear such appeals from judgments and orders of the Commonwealth trial court as are required or permitted by law.

Section 4: Jurisdiction of the United States District Court for the Northern Mariana Islands. The United States District Court for the Northern Mariana Islands shall have trial and appellate jurisdiction in all civil and criminal cases to the extent that such jurisdiction is not vested in courts of the Commonwealth by this article or by the legislature acting pursuant to this article. When the District Court sits as an appellate court to hear appeals

from the Commonwealth trial court or from the District Court sitting as trial court, it shall consist of three judges, at least one of whom shall be a judge regularly assigned to a division of the Commonwealth trial court that functions as a court of record.

Section 5: Appointment and Qualifications. Judges shall be appointed for a term of six (6) years by the governor by and with the consent of the senate. The term of office may be increased by law to not more than twelve (12) years for judges who have served at least one term. A judge shall be at least thirty (30) years of age, a United States citizen or national and possess such other qualifications as may be provided by law.

Section 6: Compensation. The compensation of judges shall be provided by law. There shall be no diminution of the salary of any judge during his term of office.

Section 7: Sanctions. Judges shall be subject to impeachment in the same manner as are other civil officers for the commission of crime, for neglect of duty or for conduct that brings the judicial office into disrepute. The legislature shall establish an advisory commission on the

Section 8: Limitations on Activities of Judges.

No full-time judge shall hold any other compensated government position or engage in the practice of law. No judge shall make any direct or indirect financial contribution to any political organization or party, or hold any executive office therein, or participate in a political campaign of any kind, or be a candidate for an elective public office unless he has resigned his judicial office at least six months prior to his nomination.

Section 9: Rule-Making Power. The judiciary of the Northern Mariana Islands may establish rules governing civil and criminal procedure, judicial ethics, admission to and governance of the Bar of the Northern Mariana Islands, and other matters of judicial administration provided, however, that any proposed rule shall be promptly submitted to the legislature and shall become effective sixty (60) days after its proposal unless disapproved by either house of the legislature. Until rules are established pursuant to this article, the rules governing such matters in the United States District Court for the Northern Mariana Islands shall apply in the Commonwealth courts.

ARTICLE V

WASHINGTON REPRESENTATIVE

Section 1: Washington Representative. A Washington representative shall be elected to represent the Commonwealth in the United States and to perform such related duties as are provided by law. The governor shall certify promptly the representative's election by providing a certificate of selection to the United States Department of State and to the representative.

Section 2: Term of Office. The term of office of the representative shall be two (2) years unless it is increased to no more than four (4) years by popular initiative pursuant to article IX of this Constitution.

Section 3: Qualifications. The representative shall be a qualified voter of the Commonwealth, a United States citizen, at least 30 years of age and a resident and domiciliary in the Commonwealth for at least seven years immediately preceding his election. No person convicted of a felony in the Commonwealth or in any area under the jurisdiction of the United States shall be eligible for this office unless he has received a full pardon.

Section 4: Annual Report. The representative shall submit a written report by January 15 of each year to the governor and legislature of the Commonwealth. Such report shall summarize the representative's official activities on

behalf of the Commonwealth during the preceding year and identify any problems requiring the attention of the Commonwealth government and the Northern Marianas people.

Section 5: Compensation. The representative shall receive an annual salary and reasonable allowances for expenses as provided by law. Such compensation shall neither be increased nor diminished during the representative's term of office.

Section 6: Vacancy. A vacancy in the office of Washington representative shall be filled by special election if more than one-half of the term remains. If less than one-half of the term remains, the governor shall appoint a successor with the advice and consent of the senate.

ARTICLE VI  
LOCAL GOVERNMENT

Section 1: Local Government. There shall be local government established by this article.

Section 2: Election of Mayor. The qualified voters of Rota, Saipan, Tinian and the islands north of Saipan shall elect a mayor to perform the responsibilities specified in this article for each island or group of islands.

a) A mayor shall be a qualified voter of the Commonwealth, a United States citizen or national, at

least twenty-five (25) years of age, a resident of the Commonwealth for at least three (3) years, and shall meet such other qualifications as may be provided by law.

b) A mayor shall be elected at a regular general election for a term of office of four (4) years. A vacancy in the office of mayor shall be filled by special election if more than one-half (1/2) of the term remains and otherwise as provided by law. A mayor may be subject to recall under the provisions of article IX, section 3.

Section 3: Responsibilities of Mayor.

a) The mayor shall serve on the governor's council of mayors provided by section 5 of this article.

b) The mayor shall review the adequacy of the governmental services and the appropriations provided by law for the island or islands he serves and may submit any findings or recommendations regarding these services or appropriations to the governor.

c) The mayor may investigate complaints and conduct public hearings regarding any matter of local concern and submit any findings or recommendations on such subject to the governor and other appropriate agencies of the Commonwealth.

d) The mayor shall propose items for inclusion in the annual budget, review the budget before its submission by the governor to the legislature, and recommend amendments in the budget relating to the island or islands

served by the mayor. Any proposal relating to the budget made by the mayor shall be considered by the responsible Commonwealth official and rejected only for good cause.

e) The mayor may promulgate rules and regulations on local matters pursuant to authority provided by law.

f) The mayor may expend for local public purposes such revenues as are raised by local taxes designated by law for such purposes provided, however, that these expenditures shall be specifically authorized by the legislature or by a majority of the representatives and senators representing the island or islands served by the mayor.

g) The mayor may appoint and supervise such employees as are provided by law to assist in the performance of his responsibilities.

h) The mayor shall perform such other responsibilities as are specified by law.

Section 4: Compensation of Mayor. The mayor shall receive an annual salary and a reasonable allowance for expenses from Commonwealth revenues as provided by law. The salary of the mayor may not be decreased during his term of office. Salaries and expenses for any assistants, to the mayor shall be paid by local taxes designated by law for such purposes provided, however, that these salaries

and expenses shall be specifically authorized by the legislature or by a majority of the representatives and senators representing the island or islands served by the mayor.

Section 5: Governor's Council of Mayors. The mayors elected pursuant to section 2 and the governor shall constitute a council of mayors to advise the governor on local matters. The governor shall preside over the council which shall meet at least four (4) times each year to consider any matter relating to the relationship between the Commonwealth and its separate islands as the members place on the council's agenda.

Section 6: Other Agencies of Local Government.

a) The chartered municipality form of local government shall cease to exist on the effective date of this Constitution. Local taxes paid to the chartered municipal governments on Rota, Saipan and Tinian shall remain in effect until otherwise provided by law and shall be expended if authorized by the legislature or by a majority of the representatives and senators from the island or islands for local public purposes on the island or islands producing such revenues. Ordinances and other rules enacted by municipal councils on Rota, Saipan and Tinian that are consistent with this Constitution shall remain in effect until superseded by Commonwealth law.



b) No additional agency of local government shall be established for at least five (5) years from the effective date of the Constitution. The legislature may then establish agencies of local government in place of or in addition to the agencies provided for in this article with such powers, elected officers and financing as may be provided by law. Agencies of local government shall not be created for geographical units other than Rota, Saipan, Tinian and the islands north of Saipan. No new agencies of local government shall be established without the approval of two-thirds (2/3) of the qualified voters residing on the island or islands to be served by the agency of local government.

## ARTICLE VII

### ELIGIBILITY TO VOTE

Section 1: Qualifications of Voters. Any person is eligible to vote who, at the date of the election, is 18 years of age or older, is domiciled in the Commonwealth, is a resident of the Commonwealth and has resided in the Commonwealth as provided by law, is not serving a sentence for any crime other than a misdemeanor having a maximum sentence of six months or less, has not been found by a court to be of unsound mind, and is either a United States citizen or a United States national, provided, however, that the legislature may require that persons eligible to vote be United States citizens.

Section 2: No Literacy Requirement. No person may be denied the right to vote because such person is unable to read or write.

Section 3: Domicile and Residence. The legislature shall implement section 1 by providing the criteria by which domicile and residence shall be determined for voting purposes and specifying the length of residence within the Commonwealth that shall be required.

## ARTICLE VIII

### ELECTIONS

Section 1: General Election. The election of officers of the Commonwealth provided for by article II, article III and article V of this Constitution shall be held on the first Sunday in November. This election shall be the regular general election of the Commonwealth.

Section 2: Other Elections. Other elections shall be held as provided by law.

Section 3: Election Procedures. The legislature shall by law provide for the registration of voters, the nomination of candidates, absentee voting, secrecy in voting, the administration of elections, the resolution of election contests, and all other matters with respect to election procedures.

Section 4: Taking Office After Elections. All officers elected at the regular general election shall take office on the second Monday of January of the year following the year in which the election was held.

ARTICLE IX

INITIATIVE, REFERENDUM AND RECALL

Section 1: Initiative. The people may enact laws by initiative.

a) An initiative petition shall contain the full text of the proposed law. If the petition proposes a local law that affects only one municipality, the petition shall be signed by at least twenty (20) percent of the total number of voters qualified to vote in the municipality. If the petition proposes a general law for the Commonwealth, the petition shall be signed by at least twenty (20) percent of the total number of qualified voters in each of two of the municipalities.

b) Initiative petitions shall be filed with the attorney general for certification that the requirements of section 1(a) have been met.

c) Initiative petitions certified by the attorney general shall be submitted to the voters at the next regular general election, provided that such election is held at least 180 days from the date the petition is filed with the Attorney General.

d) If the petition proposes a local law that affects only one municipality, it shall become law if approved by two-thirds of the registered voters of the municipality. If the petition proposes a general law for the Commonwealth, it shall become law if approved by two-thirds of the registered voters of the Commonwealth. An initiative petition that has been approved by the voters shall take effect thirty (30) days after the date of the election unless the initiative petition itself otherwise provides.

Section 2: Referendum. The people may reject any act of the legislature by referendum.

a) A referendum petition shall contain the full text of the law that is sought to be rejected and shall be signed by a number of qualified voters equal to at least twenty (20) percent of the total number of qualified voters within the Commonwealth.

b) Referendum petitions shall be filed with the attorney general for certification that the requirements of section 2(a) have been met.

c) Referendum petitions certified by the attorney general shall be submitted to the voters at the next regular general election.

d) A referendum petition submitted to the voters shall take effect if approved by a majority of the

d) If the petition proposes a local law that affects only one municipality, it shall become law if approved by two-thirds of the registered voters of the municipality. If the petition proposes a general law for the Commonwealth, it shall become law if approved by two-thirds of the registered voters of the Commonwealth. An initiative petition that has been approved by the voters shall take effect thirty (30) days after the date of the election unless the initiative petition itself otherwise provides.

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a) A referendum petition shall contain the full text of the law that is sought to be rejected and shall be signed by a number of qualified voters equal to at least twenty (20) percent of the total number of qualified voters within the Commonwealth.

b) Referendum petitions shall be filed with the attorney general for certification that the requirements of section 2(a) have been met.

c) Referendum petitions certified by the attorney general shall be submitted to the voters at the next regular general election.

d) A referendum petition submitted to the voters shall take effect if approved by a majority of the

votes cast and the law that is the subject of the petition shall become null, void and be repealed thirty (30) days after the date of the election unless the referendum petition otherwise provides.

Section 3: Recall. All elected public officials in the Commonwealth are subject to recall by the voters of the Commonwealth or political subdivision from which elected.

a) Recall petitions shall identify the public official sought to be recalled by name and title or office, shall state the grounds for recall, and shall be signed by a number of qualified voters equal to at least forty percent of the total number of persons qualified to vote for the public office from which the public official is to be removed.

b) Recall petitions shall be filed with the attorney general or, if recall of the attorney general is sought, with the governor for certification that the requirements of section 3(a) have been met.

c) Recall petitions that have been certified shall be submitted to the voters at the next regular general election unless the legislature provides that recall petitions be submitted at special elections.

d) A recall petition shall take effect thirty (30) days after the date of the election if approved by

a majority of the votes cast.

e) Recall petitions shall not be filed against any public official more than once in any year or during the first six months of a term in office.

## ARTICLE X

### TAXATION AND FINANCE

Section 1: Public Purpose. No tax shall be levied or appropriation of public money made, directly or indirectly, except for a public purpose.

Section 2: Report on Tax Exemptions. Every five years the governor shall prepare a report to the legislature that assesses the use and the social, fiscal and economic impact of any tax exemptions established by law. The report shall include any recommendations by the governor on exemption policy or laws.

Section 3: Public Debt Authorization. No public debt shall be authorized or incurred unless approved by two-thirds (2/3) of the members in each house of the legislature.

Section 4: Public Debt Limitation. No public indebtedness other than bonds or other obligations of the government payable solely from the revenues derived from any public improvement or undertaking shall be authorized for any operating expenses of the Commonwealth government

or its political subdivisions, or in excess of ten percentum of the aggregate assessed valuation of the real property within the Northern Mariana Islands.

ARTICLE XI  
PUBLIC LANDS

Section 1: Public Lands. All of the lands as to which right, title or interest have been or hereafter are transferred from the Trust Territory of the Pacific Islands to any legal entity in the Commonwealth pursuant to Secretarial Order 2969, promulgated by the United States Secretary of the Interior on December 26, 1974, all of the lands as to which right, title or interest have been vested in the Resident Commissioner pursuant to Secretarial Order 2989, promulgated by the United States Secretary of the Interior on March 24, 1976, all of the lands as to which right, title or interest have been or hereafter are transferred to or by the government of the Northern Mariana Islands pursuant to Article VIII of the Covenant, and all submerged lands off the coast of any part of the Commonwealth to which the Commonwealth now or hereafter may have a claim of ownership pursuant to international law or United States law are public lands and belong collectively to the people of the Commonwealth who are of Northern Marianas descent.



Section 2: Submerged Lands. The management and disposition of submerged lands off the coast of any part of the Commonwealth shall be as provided by law.

Section 3: Surface Lands. The management and disposition of all public lands except those provided for by section 2 shall be the responsibility of the Marianas Public Land Corporation which shall be the legal entity designated pursuant to Secretarial Order 2969.

Section 4: Marianas Public Land Corporation. There is hereby established the Marianas Public Land Corporation.

a) The Corporation shall have nine directors appointed by the governor with the advice and consent of the Senate who shall direct the affairs of the Corporation for the benefit of the people of the Commonwealth who are of Northern Marianas descent.

b) Two directors shall be residents of Saipan, two shall be residents of Rota, two shall be residents of Tinian, one shall be a Carolinian or person of Carolinian descent, and one shall be a resident of the Northern Islands. Each director shall be a United States citizen or national, a resident of the Commonwealth for at least five (5) years preceding his appointment, a person who has not been convicted of any crime carrying a maximum sentence of imprisonment of more than six months, a person who is able to speak Chamorro or Carolinian and a person of Northern Marianas descent.

c) The directors shall serve six-year terms provided, however, that three of the first nine directors appointed shall serve a two-year term, three shall serve a four-year term and three shall serve a six-year term. No person may serve more than one term as director.

d) The Corporation shall act by majority vote of the total number of directors and shall have all of the powers available to a corporation under Commonwealth law.

e) The directors shall prepare and publish once each year a report to the people of the Commonwealth describing the management of the public lands and the nature and effect of any transfers of interests in public land during the preceding year and disclosing the interests of each of the directors in any land in the Commonwealth.

f) At any time ten years after the effective date of this Constitution, by an affirmative vote of two-thirds of the members of each house of the legislature, the Corporation may be dissolved and its functions may be transferred to the executive branch of government.

Section 5: Fundamental Policies. The Marianas Public Land Corporation shall follow certain fundamental policies in the performance of its responsibilities.

a) The Corporation shall make available some portion of the public lands for a homestead program. No person shall be eligible for more than one agricultural and one village

homestead. No person shall receive title to a homestead for five years after the grant of a homestead or shall be able to transfer title to a homestead within ten years of receipt thereof provided, however, that these requirements shall be waived for persons who have established a continuous residence on public lands for at least 20 years as of the effective date of this Constitution. Other requirements for eligibility for the homestead program and the nature of the interest in land to be transferred by the Corporation shall be as provided by law.

b) The Corporation shall not transfer title to any public lands for a period of ten years from the effective date of this Constitution, except with respect to homesteads as provided under section 5(a).

c) The Corporation shall not transfer any leasehold interest in any public lands for a period exceeding twenty-five (25) years including all renewal rights.

d) The Corporation shall not transfer to any person or legal entity any interest in more than five hectares of public land for use for commercial purposes unless the proposed transfer has been approved by a majority vote of the members of the senate.

e) The Corporation shall not transfer any interest in any public lands that are located within 150 feet of the high water mark of any sandy beach within the Commonwealth.

f) The Corporation shall adopt a comprehensive land use plan with respect to the public lands including priority of uses and such plan may be amended from time to time as the Corporation shall provide.

g) The Corporation shall transfer promptly all moneys received from the public lands to the Marianas Public Land Trust provided, however, that the Corporation shall retain the portion of such moneys necessary to meet reasonable expenses of administration.

Section 6: Marianas Public Land Trust. There is hereby established a Marianas Public Land Trust.

a) The Trust shall have three (3) trustees appointed and removed by the Commonwealth trial court.

b) The trustees shall make reasonable, careful and prudent investments. During the first ten (10) years of the Trust, no investments shall be made except in obligations of the United States government.

c) If the legislature authorizes a Marianas development bank, and if the legislature provides that the entire amount of United States economic assistance for economic development loans provided under section 702(c) of the Covenant shall be deposited in that bank, then the Trust shall use up to fifty-five percent (55%) of its receipts in any given year to increase the total capital available to the bank to the

sum of ten million dollars (\$10,000,000). If in any year subsequent to a deposit of funds by the Trust in the bank, the bank has more than ten million dollars (\$10,000,000) in total capital, then the bank shall repay to the Trust the excess above ten million dollars (\$10,000,000) until the Trust has been made whole.

d) The trustees shall carry out the intention of section 803(e) of the Covenant by making available the interest, and, to the extent necessary, the principal of the amount received for the lease of property at Tanapag Harbor for the development and maintenance of a memorial park. The trustees shall transfer to the general revenues of the Commonwealth all remaining interest accrued on the Trust proceeds, provided, however, that the Trustees may retain the amount of the interest necessary to meet the reasonable expenses of administration of the Trust.

e) The trustees shall prepare and publish an annual report to the people of the Commonwealth accounting for all revenues received and expenses incurred by the Trust and describing all investments and other transactions authorized by the trustees.

f) The trustees shall be held to strict standards of fiduciary care.

ARTICLE XII

RESTRICTIONS ON ALIENATION OF LAND

Section 1: Alienation of Land. The acquisition of permanent and long-term interests in real property within the Commonwealth shall be restricted to persons of Northern Marianas descent.

Section 2: Acquisition. The term acquisition as used in section 1 shall include acquisition by means of all transfers by sale, lease, gift, inheritance or any other means provided, however, that a transfer to a spouse by inheritance shall not be considered an acquisition under this section and provided further, that a transfer to a mortgagee by means of a foreclosure on a mortgage shall not be considered an acquisition under this section if the mortgagee does not hold the permanent or long-term interest in real property for more than five years.

Section 3: Permanent and Long-Term Interests in Real Property. The term permanent and long-term interest in real property as used in section 1 shall include all freehold interests and all leasehold interests of more than twenty-five years including all renewal rights.

Section 4: Persons of Northern Marianas Descent. For all purposes under this Constitution, a person of Northern Marianas descent shall be defined as a person who is a citizen or national of the United States and of at least one-quarter Northern Marianas Chamorro or Northern Marianas Carolinian blood or a combination thereof or an adopted child of such person if adopted while under the age of 18 years. For purposes of determining Northern Marianas descent, a person shall be considered to be a full-blooded Northern Marianas Chamorro or Northern Marianas Carolinian if that person was born or domiciled

in the Northern Mariana Islands prior to 1950 and was a citizen of the Trust Territory of the Pacific Islands prior to the termination of the Trusteeship with respect to the Commonwealth.

Section 5: Corporations. A corporation shall be deemed to be a person of Northern Marianas descent so long as it is incorporated in the Commonwealth, has its principal place of business in the Commonwealth, has directors at least fifty-one percent of whom are persons of Northern Marianas descent and has voting shares at least fifty-one percent of which are owned by persons of Northern Marianas descent as defined by section 4.

Section 6. Enforcement. Any transaction made in violation of section 1 shall be void ab initio. At any time that a corporation ceases to be qualified under section 5, any permanent or long-term interest in land in the Commonwealth owned by the corporation shall be forfeited to the government.

## ARTICLE XIII

### EMINENT DOMAIN

Section 1: Eminent Domain Power. The government may exercise the power of eminent domain to acquire private property necessary for the accomplishment of a public purpose as provided by law.

Section 2: Limitations. Private property shall not be taken without just compensation and shall not be taken unless no suitable public land is available for the accomplishment of the public purpose.

Section 3: Statute of Limitations. The legislature may repeal any statute of limitations currently in force in the Commonwealth with respect to land in order for the Commonwealth to provide compensation for past transactions. Such compensation to be provided by the Commonwealth may include monetary relief or priority with respect to the distribution of public lands but shall not affect any right in property that vested pursuant to the repealed statute of limitations.

#### ARTICLE XIV

#### NATURAL RESOURCES

Section 1: Marine Resources. All of the marine resources found in waters off the coast of any part of the Commonwealth over which the Commonwealth now or hereafter may have any jurisdiction pursuant to international law or United States law shall be controlled, protected and preserved by the legislature for the benefit of the people of the Commonwealth. The transfer of any interest in the marine resources of the Commonwealth shall be on terms and conditions provided by law.

Section 2: Uninhabited Islands. The island of Managaha shall be maintained as an uninhabited place and



shall be used only for cultural and recreational purposes. The island of Sarigan and such other islands as may be provided by law shall be maintained as uninhabited places and shall be used only for the preservation of bird and wildlife species provided, however, that the legislature may substitute in place of Sarigan another island equally or better suited for that purpose.

Section 3: Places and Things of Cultural and Historical Significance. Places of importance to the culture and traditions of the people of the Northern Mariana Islands and places where significant historical events occurred within the Northern Mariana Islands shall be protected and preserved and public access thereto shall be maintained, as provided by law. Artifacts and other things of cultural or historical significance shall be protected and preserved as provided by law and shall not be removed from the jurisdiction of the Commonwealth.

## ARTICLE XV

### EDUCATION

Section 1: Education. (a) There shall be free, compulsory and public elementary and secondary education for the people of the Northern Mariana Islands within age and educational levels as provided by law.

b) There shall be higher education and adult education within the Northern Mariana Islands, consistent with the needs and resources of the people, as provided by law.

ARTICLE XVI  
CORPORATIONS

Section 1: Corporations. No private business corporation shall be organized and no existing corporate charter shall be extended or amended except by general laws.

ARTICLE XVII  
OATH OF OFFICE

Section 1: Oath of Office. All members of the legislature and officers and employees of the Commonwealth government and its political subdivisions taking office shall take and subscribe to the following oath or affirmation:

I do solemnly affirm (or swear) that I will support and defend the Constitution and laws of the Commonwealth of the Northern Mariana Islands, the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the applicable provisions of the

Constitution, laws, and treaties  
of the United States of America,  
and that I will faithfully discharge  
my duties to the best of my ability  
(so help me God).

ARTICLE XVIII

CONSTITUTIONAL AMENDMENT

Section 1: Proposal of Amendments. Amendments to this Constitution may be proposed by constitutional convention, legislative initiative or popular initiative.

Section 2: Constitutional Convention. (a) The legislature, by an affirmative vote of a majority of the members of each house, may submit to the qualified voters the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" Such question shall be submitted to the voters no later than seven years after ratification of the Constitution and thereafter in the discretion of the legislature.

(b) The people by initiative petition may direct the legislature to submit to the voters the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" The petition shall be signed by at least three-fourths of the voters of any municipality registered at the time of the preceding general election. The attorney general shall certify the filing of the petition and cause the question to be submitted at the next regular general election provided that the certification

occurs at least thirty days before the election.

(c) If the question of holding a convention is approved by two-thirds of the votes cast, the legislature at the session following approval shall provide for the convention.

(d) The number of delegates to the Convention shall be equal to the number of members of the most populous house of the legislature. The delegates to the convention shall be elected on a nonpartisan basis.

(e) No call for a constitutional convention pursuant to this section shall be subject to a veto by the governor.

Section 3: Legislative Initiative. The legislature by an affirmative vote of three-fourths of the members of each house present and voting may propose amendments to this Constitution. No proposed amendment shall embrace the subject matter of more than one article of the Constitution.

Section 4: Popular Initiative. (a) The people may propose constitutional amendments by initiative. Petitions including the full text of the proposed amendment shall be signed by qualified voters equal in number to at least fifty percent of the number of voters registered at the time of the preceding regular general election, including at least twenty-five percent of the voters so registered in each municipality. Such petition shall be filed with the attorney general no later than 180 days prior to the next regular general election.

(b) An amendment proposed by popular initiative shall be submitted to the legislature. If the proposal is agreed to by a majority vote of the legislature, the proposed amendment shall be submitted for ratification in the same manner as amendments proposed by the legislature. The proposed amendment shall be submitted for ratification to the voters at the next regular general election with or without legislative approval.

Section 5: Ratification of Amendments. (a) A proposed amendment to this Constitution shall be submitted to the qualified voters for ratification at the next regular general election.

(b) An amendment proposed by legislative initiative shall be approved if it receives an affirmative vote of a majority of the votes cast. An amendment proposed by constitutional convention or by popular initiative shall become effective if approved by a majority of the votes cast and at least two-thirds of the votes cast in each of two of the three municipalities.

(c) No proposal for amendment of the Constitution shall be subject to a veto by the governor.

SCHEDULE: , TRANSITIONAL MATTERS

A schedule will be attached to the Constitution for approval by the people that will deal with certain transitional matters including:

a) the continuity of the laws currently in force in the Northern Mariana Islands that are not inconsistent with this Constitution and the Covenant;

b) the continuity of the service of the employees of the government of the Northern Mariana Islands;

c) the continuity of judicial cases pending at the time of the establishment of the Commonwealth;

d) the provision for citizenship qualifications prior to the termination of the Trusteeship Agreement;

e) the scheduling of the election of new Commonwealth officials after approval of the Constitution by the United States and the commencement of their terms of office;

f) the six election districts for the purpose of electing the first House of Representatives.

The Convention has not yet considered this schedule but will take it up when it reconvenes after public hearings.