

FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FOURTH REGULAR SESSION, 1984

AN ACT

To provide for a constitutional convention to propose amendments to the Constitution of the Northern Mariana Islands; to prescribe its powers, duties, functions, and procedures; to provide for the election of delegates; to specify the method by which proposed amendments shall be ratified; and for other purposes.

Offered by Representatives Vicente M. Sablan, Juan B. Tudela, Victor B. Hocog,
Pedro R. Guerrero, Pedro T. Nakatsukasa, Juan T. Guerrero,
Gregorio C. Sablan and Benigno M. Sablan

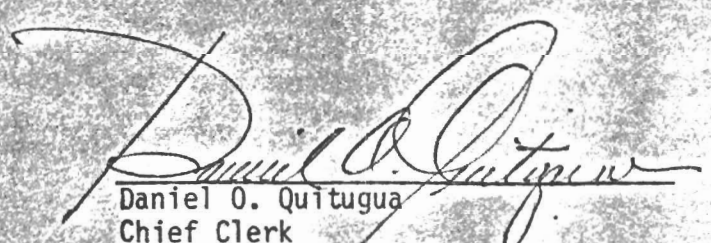
Date: January 31, 1984

House Action

Referred to: Committee on Judiciary & Governmental Operations
Standing Committee Report No. 4-8
Conference Committee Report No. 4-3
First and Second Reading: March 16, 1984
Final Reading: December 19, 1984

Senate Action

Referred to: Committee on Judiciary, Governmental and Law
Standing Committee Report No. 4-57
Second Reading: November 7, 1984
Conference Committee Report No. 4-3
Final Reading: January 23, 1985


Daniel O. Quitugua
Chief Clerk
House of Representatives

AN ACT

To provide for a constitutional convention to propose amendments to the Constitution of the Northern Mariana Islands; to prescribe its powers, duties, functions, and procedures; to provide for the election of delegates; to specify the method by which proposed amendments shall be ratified; and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Short Title. This act may be cited as the "Northern
2 Marianas Constitutional Convention Enabling Act of 1984."

3 Section 2. Findings. The Fourth Northern Marianas Commonwealth
4 Legislature finds that seventy-six percent of the votes cast in the
5 last general election called for the holding of a constitutional
6 convention, thereby requiring that the legislature convene such a
7 convention promptly, pursuant to Subsections (a) and (c) of Section 2
8 of Article XVIII of the Constitution.

9 Section 3. Constitutional Convention Created. There is hereby
10 created in accordance with Article XVIII, Sections 1 and 2 of the
11 Constitution of the Commonwealth of the Northern Mariana Islands a
12 constitutional convention in and for the Commonwealth of the Northern
13 Mariana Islands, to propose amendments to the Constitution of the
14 Commonwealth of the Northern Mariana Islands. The convention shall
15 be known as the 1985 Constitutional Convention to Propose Amendments
16 to the Commonwealth of the Northern Mariana Islands Constitution.

17 Section 4. Delegates. The convention shall consist of
18 twenty-four (24) delegates, elected at-large on a nonpartisan basis
19 from each of the three senatorial districts as defined in Article II,
20 Section 2 of the Constitution of the Commonwealth of the Northern

1 Mariana Islands as follows:

2 (1) Sixteen (16) delegates from the island
3 of Saipan and the islands north of Saipan;

4 (2) Four (4) delegates from the island of Rota;

5 (3) Four (4) delegates from the islands of
6 Tinian and Aguiguan.

7 Section 5. Qualification of Delegates. A person shall be
8 eligible for election as a delegate and the Board of Elections shall
9 certify as a candidate for delegate representing a given senatorial
10 district and cause to have the candidate's name printed on the
11 election ballot any person who:

12 (a) Is qualified to be a senator as prescribed
13 by Section 2(c) of Article II of the Constitution of
14 the Commonwealth of the Northern Mariana Islands;

15 (b) Is registered to vote in the senatorial district
16 concerned;

17 (c) Files with the Board of Elections not later than
18 March 18, 1985 a verified statement of intent to be a
19 candidate for delegate and a petition (which may not
20 contain any reference to or designate any political party)
21 setting forth the name of the candidate and containing
22 the genuine signatures, printed names, residences, and
23 mailing addresses of not less than five percent or 100,
24 whichever is less, of the registered voters of the
25 senatorial district concerned; and

1 (d) Remits to the Board of Elections a filing fee
2 of fifty dollars (\$50.00); provided, that requirements (c)
3 and (d) above shall not apply to write-in candidates.

4 The Board of Elections may refuse to accept for filing any
5 petition that, on its face, fails to comply with the requirements
6 of this Act. If the Board of Elections does not affirmatively take
7 action to deny certification to a candidate within ten (10) days
8 after the nominating petition is filed, the candidate shall be deemed
9 certified for the election ballot. The Convention shall be the sole
10 judge of the qualifications of delegates.

11 Section 6. Election. Election of delegates shall take place on
12 Sunday, April 21, 1985.

13 Section 7. Eligibility to Vote; Conduct of Election; Determination
14 of Results.

15 (a) Except as otherwise provided by this Act, the
16 conduct of the election of delegates, eligibility to vote
17 in said election, the determination of the results of said
18 election, and related matters shall be in accordance with
19 and as prescribed by Title 1, Division 6, Chapters 1, 2,
20 and 4 of the Commonwealth Code.

21 (b) The names of the candidates shall appear on the
22 ballot without any reference to political party affiliation
23 and in a sequence to be established by the drawing of lots
24 to be administered by the Board of Elections.

1 (c) Eligible voters in each senatorial district may
2 cast votes for up to but not more than the number of
3 delegates to be elected from that senatorial district. No
4 more than one vote may be cast for a single candidate by
5 an individual voter. Those candidates in each senatorial
6 district receiving the highest number of votes cast in
7 that senatorial district shall be declared elected, in
8 descending order of votes received, until delegates shall
9 have been declared elected to fill all the delegate seats
10 prescribed by Section 4 of this Act for each senatorial
11 district; provided, that in the event of a tie for the
12 final delegate seat in a senatorial district, the
13 candidates so tied shall draw lots to determine which
14 shall be declared elected.

15 (d) If any voter contests the election:

16 (1) the terms "reverse", "reversing", or
17 "reversed" as used in Article 2 of Chapter 4 of
18 Division 6 of Title 1 of the Commonwealth Code
19 shall be construed to mean "change", "changing",
20 or "changed" with respect to the result of the
21 election; and

22 (2) notwithstanding the provisions of 1 CMC
23 §6427, the defendant shall relinquish the office
24 and the candidate having the highest number of
25 votes among those not elected from the senatorial

1 district concerned shall be declared to have been
2 elected if:

3 (A) the defendant is found to have
4 fewer legal votes than an unsuccessful
5 candidate in the same senatorial district; or

6 (B) the Board finds a winning candidate
7 to have been ineligible or to have violated
8 the election laws of the Commonwealth or the
9 provisions of this Act.

10 (e) The provisions of Article 4 of Chapter 3 of
11 Division 6 of Title 1 of the Commonwealth Code shall apply
12 to candidates for delegate.

13 (f) The provisions of Chapter 5 of Division 6 of
14 Title 1 of the Commonwealth Code shall also apply to the
15 conduct of all persons with respect to the election of
16 delegates for the Constitutional Convention.

17 (g) The Board of Elections shall promulgate such
18 additional regulations as are consistent with this Act
19 and existing law, as necessary to govern the election of
20 delegates to the Constitutional Convention.

21 Section 8. Disqualification for Partisan Activity. Any person
22 who, having declared intent to be a candidate for delegate to the
23 Constitutional Convention, publicly proclaims his political party
24 affiliation, permits his political party affiliation to be used in
25 connection with his name in campaign materials or campaigning, or who

1 in any way makes an issue of the political party affiliation of another
2 candidate, shall be disqualified as a candidate for delegate and, if
3 elected, may not be seated.

4 Section 9. Vacancies. Vacancies for any elected delegate shall
5 be filled by the unsuccessful candidate from the same senatorial
6 district who received the highest number of votes of the unsuccessful
7 candidates in that district; provided, that in the event of a tie, the
8 candidate to fill the vacancy shall be determined by the drawing of
9 lots. If the next delegate in line refuses or is not available to serve
10 and there are no remaining candidates available in that senatorial
11 district, the Mayor of Saipan, Tinian, or Rota, as appropriate, shall
12 appoint a person to fill the vacancy.

13 Section 10. Pre-Convention Committee.

14 (a) There shall be a Pre-Convention Committee
15 composed of the three delegation chairmen selected by
16 and from the delegates elected from each of the three
17 senatorial districts as provided by Section 4 of this
18 Act; designation of delegation chairmen shall be made in
19 writing by each delegation to the Governor, the President
20 of the Senate, and the Speaker of the House of
21 Representatives not later than May 8, 1985.

22 (b) The Governor shall call the Pre-Convention
23 Committee to order not later than May 18, 1985, for the
24 purpose of electing from its membership a chairman and
25 such other officers as the committee may deem appropriate.

1 (c) No matter may be decided by the Pre-Convention
2 Committee except by the affirmative vote of at least
3 two (2) of its members.

4 (d) The Pre-Convention Committee shall:

5 (1) specify the actual date for the
6 convening of the convention, which shall not
7 be later than June 18, 1985;

8 (2) draft proposed Rules of Procedure for
9 consideration by the delegates on the opening
10 date of the Convention;

11 (3) ensure that accommodations, facilities,
12 equipment, and staff support for the Convention
13 are arranged and in proper order; and

14 (4) do such other things as are necessary
15 and appropriate to prepare for and facilitate
16 the work of the Convention.

17 (e) Members of the Pre-Convention Committee shall
18 not receive any compensation for their services on the
19 Committee but shall be entitled to per diem and travel
20 expenses, at standard Government of the Commonwealth of
21 the Northern Mariana Islands rates, while away from their
22 home island on the business of the Committee.

23 (f) The Pre-Convention Committee shall cease its
24 existence upon the convening of the Constitutional
25 Convention and its powers shall devolve upon the
26 Convention.

1 Section 11. Convening the Convention.

2 (a) The 1985 Constitutional Convention to Propose
3 Amendments to the Commonwealth of the Northern Mariana
4 Islands Constitution shall convene in Saipan, Northern
5 Mariana Islands and shall continue in session for not
6 more than thirty (30) calendar days. The Pre-Convention
7 Committee shall specify the actual date for the convening
8 of the Convention, which shall not be later than June 18,
9 1985.

10 (b) The first order of business of the Convention
11 shall be the election of a President. The Chairman of the
12 Pre-Convention Committee shall act as President of the
13 Convention until the delegates shall select a President
14 from among their number.

15 (c) The Convention may also select from among its
16 membership, such additional officers as it may deem
17 necessary and appropriate.

18 (d) The Convention may adopt such Rules of Procedure
19 as it sees fit; provided, that such Rules of Procedure may
20 not be inconsistent with this Act.

21 Section 12. Duties of the Convention. It shall be the duty of
22 the Convention to propose such amendments to the Constitution of the
23 Commonwealth of the Northern Mariana Islands as it believes to be in
24 the best interests of the people of the Commonwealth. Such amendments
25 shall require ratification by popular referendum as provided by
26 Article XVIII, Section 5 of the Constitution, and this Act.

1 Proposed amendments adopted by the Convention to be translated
2 accurately into the Chamorro and Carolinian languages. Upon
4 completion of its work, the Convention shall transmit copies of
5 all proposed amendments adopted by the Convention to the Governor,
6 and President of the Senate, and the Speaker of the House of
7 Representatives.

8 Section 13. Form of Proposed Amendments. The Convention may
9 adopt any number of proposed amendments. A proposed amendment adopted
10 by the Convention may encompass one or more sections, subsections, or
11 articles of the Constitution or may propose the addition of new
12 sections, subsections, or articles to the Constitution, but the
13 Convention may not adopt more than one proposed amendment embracing
14 or affecting the same section, subsection, or article of the
15 Constitution or the same subject matter. Each proposed amendment
16 adopted by the Convention shall be subject to the ratification process
17 independent of the others.

16 Section 14. Quorum. No business may be transacted by the
17 Convention in the absence of a quorum. Presence of a majority of the
18 delegates shall constitute a quorum; provided, that at least one
19 delegate is present from each of the three senatorial districts.

20 Section 15. Voting; Acts of the Convention. No voting shall be
21 permitted except in person. Except as otherwise provided by this Act
22 or in cases where the Rules of Procedure adopted by the Convention may
23 provide for a greater voting requirement, any question before the
24 Convention or a committee thereof may be decided by the vote of a
25 majority of those delegates present and voting, a quorum being present.

1 Adoption by the Convention of proposed amendments to the Constitution
2 shall require the affirmative vote of at least three-fourths (3/4) of
3 the delegates present, a quorum being present. In the event
4 three-fourths of the delegates present is arithmetically a fractional
5 number, the required vote is rounded to the next highest number. A
6 roll call vote shall be required on any motion for the final adoption
7 of a proposed amendment to the Constitution, and, on such votes, the
8 prevailing side of the vote shall have the abstentions, for the
9 purpose of determining the success or failure of the motion.

10 Section 16. Powers of the Convention.

11 (a) The President of the Convention or the Chairman
12 of any duly established Committee thereof, may issue
13 subpoenas requiring the attendance of witnesses and
14 subpoenas duces tecum requiring the production of books,
15 documents, or other evidence, in any matter related to
16 the work and duties of the Convention.

17 (1) Any subpoena or other process issued
18 under the authority of the Convention shall run
19 in the name of the Government of the Commonwealth
20 of the Northern Mariana Islands. The subpoena or
21 other process shall be signed by the President
22 or Chairman, as the case may be, shall contain
23 a reference to this section, and shall set forth
24 in general terms the matter or questions with
25 reference to which the testimony or other
26 evidence is to be taken.

1 (2) Any officer to whom such process is
2 directed, shall forthwith serve or execute the
3 same upon delivery to him, without charge or
4 compensation; provided, that any officer serving
5 or executing such subpoena or other process shall
6 be compensated for actual expenses, if any.

7 (b) The President of the Convention or the Chairman
8 of any duly established Committee thereof, may administer
9 an oath or affirmation to a witness in any matter under
10 examination by the Convention.

11 (c) Any person who:

12 (1) fails or refuses to appear in compliance
13 with a subpoena or, having appeared, fails or
14 refuses to testify under oath or affirmation; or

15 (2) fails or refuses to answer any relevant
16 question or fails or refuses to furnish any
17 relevant book, paper, or other document
18 subpoenaed; or

19 (3) exhibits disrespect of the Convention
20 or a committee thereof by knowingly and wilfully
21 interfering with the operation and function of
22 the Convention or the committee by open defiance
23 of an order in or near the meeting place of the
24 Convention or the committee, by disturbing the
25 peace in or near the meeting place, by interfering

1 with an officer of the Convention or the
2 committee in the lawful performance of his
3 official duties, or by unlawfully detaining or
4 threatening any witness of the Convention or the
5 committee because of that person's duty as a
6 witness;

7 shall be in contempt, and upon conviction
8 thereof shall be fined not more than one thousand
9 dollars (\$1,000) or imprisoned for not more than
10 one year, or both. In any instance of the alleged
11 contempt, the President of the Convention shall
12 certify a statement of the contempt to the Attorney
13 General of the Commonwealth of the Northern Mariana
14 Islands who shall prosecute the offender in the
15 Commonwealth Trial Court.

16 (d) The officers and employees of the Government of
17 the Commonwealth of the Northern Mariana Islands shall
18 cooperate with the Convention or any committee thereof and
19 furnish to it or to its representatives such information
20 as may be called for in connection with the activities of
21 the Convention or its committees.

22 Section 17. Support.

23 (a) The Governor, the President of the Senate, and
24 the Speaker of the House of Representatives shall cooperate
25 and make available, to the greatest extent practicable, the

1 resources of the executive and legislative branches to
2 support the tasks and activities of the Convention and the
3 Pre-Convention Committee, at the lowest possible cost to
4 the Government, and this provision shall apply to all the
5 factors of accommodations, facilities, equipment, and staff
6 support.

7 (b) The Pre-Convention Committee or the Convention
8 may make such other necessary arrangements, engage such
9 other staff or professional services, and procure such
10 supplies as may be deemed necessary in the performance of
11 their tasks, within the limits of the funds made available
12 to it by this Act and other acts, but shall utilize the
13 resources of the executive and legislative branches to the
14 greatest extent practicable.

15 Section 18. Compensation of Delegates.

16 (a) Delegates shall be paid at the rate of
17 seventy-five dollars (\$75.00) per day for every day or
18 part of a day the delegate is actually present at a
19 session of the Convention or a meeting of a committee
20 thereof; provided, that delegates who are employees of
21 the Government of the Commonwealth of the Northern
22 Mariana Islands, its subdivisions, instrumentalities, or
23 independent agencies or authorities, shall be granted
24 administrative leave with pay and be paid out of the
25 funds of the Convention only the difference between their

1 pro-rated daily salary and seventy-five dollars (\$75.00)
2 per day if their salary is less than the latter amount;
3 and provided further, that the employers of delegates who
4 are employees of the private sector or governments other
5 than the Government of the Northern Marianas, its
6 subdivisions, instrumentalities, or independent agencies
7 or authorities, are requested to grant leave with pay to
8 those delegates in their employ, in the public interest,
9 and in the event such leave with pay is granted, those
10 delegates shall be paid out of the funds of the Convention
11 only the difference between their pro-rated daily salary
12 and seventy-five dollars (\$75.00) per day if their salary
13 is less than the latter amount.

14 (b) Delegates shall also be entitled to all necessary
15 travel expenses, and to per diem at standard Government of
16 the Commonwealth of the Northern Mariana Islands rates,
17 while away from their home island on the business of the
18 Convention or any committee thereof.

19 Section 19. Ratification of Proposed Amendments.

20 (a) All proposed amendments to the Constitution of
21 the Commonwealth of the Northern Mariana Islands adopted
22 by the Convention shall be submitted to the voters for
23 ratification at the November 1985 regular general election,
24 pursuant to Article XVIII, Section 5, of the Constitution
25 of the Commonwealth of the Northern Mariana Islands.

1 Authority to conduct the referendum is hereby granted to
2 the Board of Elections, in accordance with the provisions
3 of this Act and existing election law. The Board of
4 Elections shall certify the results of the referendum to
5 the Governor and the Legislature.

6 (b) After receipt of a proposed amendment to the
7 Constitution as adopted by the Convention, the Legislature
8 may, at any time prior to the final sixty (60) days before
9 the November 1985 regular general election, adopt a joint
10 resolution concurring with the proposed amendment, which,
11 if receiving the affirmative vote of three-fourths (3/4)
12 of the members of each house present and voting, shall
13 have the effect of making the proposed amendment a
14 "legislative initiative" within the meaning of Sections 3
15 and 5(b) of Article XVIII of the Constitution, for
16 ratification purposes.

17 (c) The form of the referendum ballot or ballots
18 shall be governed substantially by the following:

19 (1) Each proposed amendment shall be
20 treated separately;

21 (2) The full text of each proposed
22 amendment shall be presented in the English,
23 Chamorro, and Carolinian languages as translated
24 in accordance with Section 12 of this Act;

1 (3) The text of each proposed amendment
2 shall be preceded with a question, in the
3 English, Chamorro, or Carolinian language as
4 appropriate, posed substantially as follows:

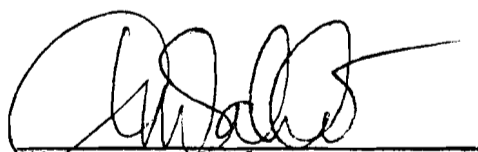
5 "Constitutional Amendment Referendum

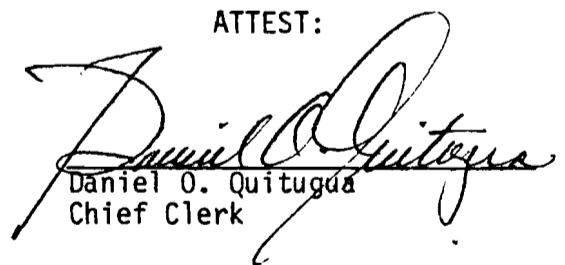
6 Do you approve the following amendment to
7 the Constitution of the Commonwealth of the
8 Northern Mariana Islands, as proposed by the
9 1985 Constitutional Convention?

10 YES _____ NO _____;" and

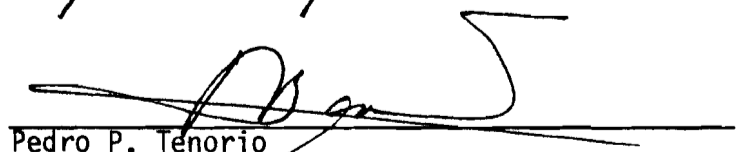
11 (4) In the event the proposed amendment has
12 been made a legislative initiative in accordance
13 with Subsection (b) above, the question outlined
14 in numbered paragraph (3) above shall also contain
15 the words "and the Legislature" following the word
16 "Convention".

17 Section 20. Effective Date. This Act shall take effect upon its
18 approval by the Governor, or upon its becoming law without such approval.


Vicente M. Sablan
Speaker of the House

ATTEST:

Daniel O. Quitugua
Chief Clerk

February 19, 1985


Pedro P. Tenorio
Governor
Commonwealth of the Northern Mariana Islands