

A PROPOSAL

To amend Section 2(a) of Article XVIII of the Constitution of  
the Northern Marianas, relating to Constitutional Convention.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

1 Section 1. Section 2(a) of Article XVIII of the Northern  
2 Marianas Constitution is hereby amended to read as follows:

3 "Section 2: CONSTITUTIONAL CONVENTION."

4 "a) The legislature, by the affirmative vote of  
5 a majority of the members of each house, may submit  
6 to the voters the question, 'Shall there be a constitu-  
7 tional convention to propose amendments to the consti-  
8 tution?' The legislature, or the governor in the event  
9 the legislature fails to act, shall submit this question  
10 to the voters at a regular general election no later  
11 than ~~seven~~ ten years after the effective date of amend-  
12 ~~ments proposed by the 1985 constitutional convention and~~  
*question WAS last submitted*  
13 as provided by law. An act of the legislature under this  
14 subsection may not be vetoed by the governor."  
15

16 Dated: 6/21/85

Offered by: /s/ PAUL A. MANGLONA  
Delegate Paul A. Manglona

/s/ ANICETO H. MUNDO  
Delegate Aniceto H. Mundo

/s/ VICENTE M. CALVO  
Delegate Vicente M. Calvo

/s/ RITA H. INOS  
Delegate Rita H. Inos

ANALYSIS OF CR No. 7.

If the Convention does not propose this amendment, it is my view that the legislature would still have the power to ask the voters if there should be a constitutional convention, at any time it felt a convention was needed. The first sentence of Section 2(a) reads "The legislature, by the affirmative vote of a majority of the members of each house, may submit to the voters the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" The Convention may wish to request a legal opinion to confirm this view. In addition, the voters could demand a constitutional convention pursuant to Article XVIII, Section 2(a), by popular initiative.

Consequently, there is some question as to whether we need to propose this amendment. This amendment would require that the voters 10 years from now be asked if they want another constitutional convention. The voters would probably vote "yes" because some would really want a convention, some would think "its ok, why not?", a few would be against it, and many wouldn't care and wouldn't vote on the question.

So there would probably be another constitutional convention 10 years from now. This does have the advantage of regular, concentrated review of the constitution, but the question is "Will we need another constitutional convention in 10 years?" I believe the 7 year requirement was put in the original constitution in

---

order to ensure that the voters had a chance to evaluate our new constitution after several years of experience and decide if we needed a constitutional convention to do a complete study and make changes and improvements, if needed. I'm not sure the same need will exist after this Convention. Basically, we have a good constitution, one that should stand the test of time well.

If we do want the voters to be asked, on a regular basis, whether there should be a constitutional convention, I would suggest that we change this recommendation so they are asked every 10 or 12 or 15 years. Ten years may be too short, fifteen may be better. So if we proceed with this proposed amendment, I would recommend changing this so the question is submitted to the voters at "the first regular general election twelve years after the question was last submitted to the voters . . ." I am also not certain of the significance or purpose of the phrase "and as provided by law."

A PROPOSAL

To amend Section 2(a) of Article XVIII of the Constitution of the Northern Marianas, relating to Constitutional Convention.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

1 Section 1. Section 2(a) of Article XVIII of the Northern  
2 Marianas Constitution is hereby amended to read as follows:

3 "Section 2: CONSTITUTIONAL CONVENTION."

4 "a) The legislature, by the affirmative vote of  
5 a majority of the members of each house, may submit  
6 to the voters the question, 'Shall there be a constitu-  
7 tional convention to propose amendments to the consti-  
8 tution?' The legislature, or the governor in the event  
9 the legislature fails to act, shall submit this question  
10 to the voters at a regular general election no later  
11 than ~~seven~~ ten years after the effective date of amend-  
12 ~~ments proposed by the 1985 constitutional convention and~~  
*question WAS last submitted*  
13 as provided by law. An act of the legislature under this  
14 subsection may not be vetoed by the governor."  
15

16 Dated: 6/21/85

Offered by: /s/ PAUL A. MANGLONA

Delegate Paul A. Manglona

/s/ ANICETO H. MUNDO

Delegate Aniceto H. Mundo

/s/ VICENTE M. CALVO

Delegate Vicente M. Calvo

/s/ RITA H. INOS

Delegate Rita H. Inos

21

ANALYSIS OF CR No. 7.

If the Convention does not propose this amendment, it is my view that the legislature would still have the power to ask the voters if there should be a constitutional convention, at any time it felt a convention was needed. The first sentence of Section 2(a) reads "The legislature, by the affirmative vote of a majority of the members of each house, may submit to the voters the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" The Convention may wish to request a legal opinion to confirm this view. In addition, the voters could demand a constitutional convention pursuant to Article XVIII, Section 2(a), by popular Initiative.

Consequently, there is some question as to whether we need to propose this amendment. This amendment would require that the voters 10 years from now be asked if they want another constitutional convention. The voters would probably vote "yes" because some would really want a convention, some would think "its ok, why not?", a few would be against it, and many wouldn't care and wouldn't vote on the question.

So there would probably be another constitutional convention 10 years from now. This does have the advantage of regular, concentrated review of the constitution, but the question is "Will we need another constitutional convention in 10 years?" I believe the 7 year requirement was put in the original constitution in

order to ensure that the voters had a chance to evaluate our new constitution after several years of experience and decide if we needed a constitutional convention to do a complete study and make changes and improvements, if needed. I'm not sure the same need will exist after this Convention. Basically, we have a good constitution, one that should stand the test of time well.

If we do want the voters to be asked, on a regular basis, whether there should be a constitutional convention, I would suggest that we change this recommendation so they are asked every 10 or 12 or 15 years. Ten years may be too short, fifteen may be better. So if we proceed with this proposed amendment, I would recommend changing this so the question is submitted to the voters at "the first regular general election twelve years after the question was last submitted to the voters . . ." I am also not certain of the significance or purpose of the phrase "and as provided by law."