

June 5, 1995

Memo for the Chair, Committee on Judiciary and Other Elected
Offices

From: Legal Team

Re: Issues before the Committee with respect to Article XVIII,
Constitutional Amendment

This memorandum lists the issues raised by Article XVIII in order ranked by their apparent complexity or controversial nature, with the least complex and controversial first. The order also suggests issues that may logically flow one to another.

As of June 5, 1995, counsel had received 5 proposals to amend Article XVIII.

The categories of issues are:

1. Changes in the method of constitutional amendment: One proposal suggests doing away with constitutional conventions as a way of amending the constitution. This would leave only legislative initiative and popular initiative as routes for constitutional amendment. Another proposal suggests doing away with legislative initiative, leaving only constitutional convention and popular initiative.
2. Length of time for calling the next convention: One proposal suggests increasing the time interval between constitutional conventions from 10 years to 25 years.
3. Public referendum: Several proposals would change the super-majority required for approval of constitutional amendments (now a majority vote plus 2/3 vote on each of 2 islands) to a commonwealth-wide 2/3 vote or to a commonwealth-wide majority vote. The Attorney General has issued an opinion that the method for approving constitutional amendments currently in the constitution is unconstitutional, so this issue will be an important one.