



Third Northern Mariana Islands Constitutional Convention

-572-

MEMORANDUM FOR THE CHAIR, LAND AND PERSONAL RIGHTS COMMITTEE
CHAIR, EXECUTIVE BRANCH AND LOCAL GOVERNMENT
COMMITTEE
CHAIR, JUDICIARY AND OTHER ELECTED OFFICES
COMMITTEE

SUBJECT: Coordination Among the Committees Regarding
Disqualification for Elected or Appointed Office
in the Commonwealth

Chairman Aldan of the Committee on Legislative Branch and Public Finance has asked counsel to request your committee's assistance in deciding how to deal with a problem that cuts across the jurisdiction of all the committees. The issue is whether to provide in the Constitution for a consistent and uniform rule regarding disqualification for elected or appointed office in the CNMI because of a previous felony conviction.

Delegate Proposal 85, submitted by the President, raises this problem and identifies the many provisions in the Constitution that now address the issue. There are more than 15 places in the Constitution where a felony conviction is stated to be a basis for disqualification for holding a particular office. Everyone seems to agree that a single statement on the subject might be better.

There are two questions to be considered by your committee. First, what kind of disqualification provision do you want? Second, in what article of the Constitution should the provision be placed?

On the first point, the Committee on Legislative Branch and Public Finance has approved the following approach:


"Any person who has been convicted of a felony in the Commonwealth or in any area under the jurisdiction of the United States, which conviction has become final, shall be disqualified from seeking or holding any elective office or any appointed office defined in the Constitution which requires legislative confirmation."

By making no reference to a pardon, the provision indicates that the disqualification exists even if a pardon had been granted. This could be made explicit in the legislative history or, indeed, in the provision if that was thought necessary. The views of the delegates on this issue may differ.

On the second point, the Committee on Legislative Branch and Public Finance has discussed locating such a provision in Article VII and changing its title to "Eligibility to Vote and to Hold

Office." There may be other places to put such a provision if the Convention wants to deal with the subject in one place.

At your convenience and consistent with your committee's other commitments, please let Chairman Aldan know how you wish to handle this matter.

 Howard P. Willens

cc: Chairman Aldan
President Guerrero
Counsel

6/14/95