

June 14, 1995

COMMITTEE ON LEGISLATIVE BRANCH AND PUBLIC FINANCE

REPORT NO. 2: ARTICLE VII; ELIGIBILITY TO VOTE

The Committee met on Monday, June 12, 1995, and Wednesday, June 14, 1995, to consider proposed amendments to Article VII. The Committee considered Delegate Proposals 41 and 227 that had been referred to it by the Committee on Organization and Procedures.

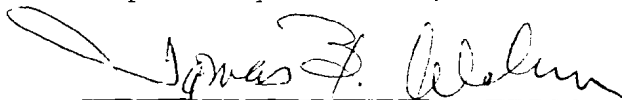
The Committee considered whether to repeal Article VII, Section 3, entitled "Domicile and Residence." This section directed the Legislature to provide criteria for determining domicile and residence for voting purposes. It was included in the first Constitution in 1976 to meet the need for establishing voting qualifications so that CNMI citizens could exercise their fundamental right to vote. Since the Legislature has now enacted a comprehensive program specifying qualifications to vote in the Commonwealth, the Committee concluded that there was no further need for Section 3 and that it should be deleted from Article VII.

The Committee decided not to require that any person who lives in a Senatorial district for more than one year should be required to vote there. The Committee reviewed the relevant provisions of Commonwealth law on the subject and concluded that CNMI officials and the courts have adequately dealt with any perceived problems arising from CNMI citizens who attempt to vote in a Senatorial district where they do not in fact reside. If any problems exist or develop in this regard, the Committee reasoned that an appropriate remedy should be developed by the Legislature and not addressed in the Constitution.

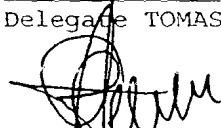
The Committee decided not to limit the right to vote to United States citizens. Section 1 of Article VII presently permits United States nationals, as well as citizens, to vote assuming that all the other specified qualifications are met. The Committee was persuaded that this change would adversely affect those relatively few CNMI residents who had exercised their option under the Covenant to become U.S. nationals rather than U.S. citizens. Because those local people who took advantage of this option were mostly among the elderly, the Committee decided that it would not be fair at this stage of their life to deny them the right to vote. With respect to the concern expressed about U.S. nationals coming to the CNMI from U.S. territories and voting there, the Committee concluded that it did not wish to discriminate among categories of U.S. nationals and that the Legislature had the authority under Section 1 to require that persons eligible to vote be citizens of the United States.

The constitutional language reflecting the Committee's decisions is attached. The Committee recommends this language to the Convention.

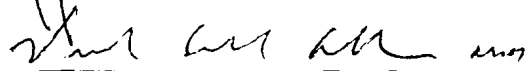
Respectfully submitted,




Delegate TOMAS B. ALDAN, Chair



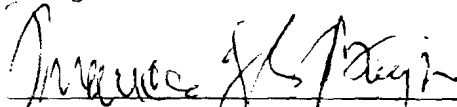
Delegate JUAN S. TENORIO, Vice Chair



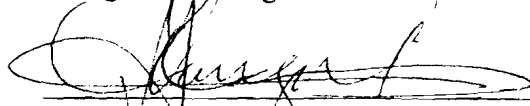
Delegate VICENTE S. ALDAN



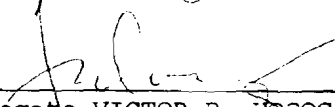
Delegate MARIAN ALDAN-PIERCE




Delegate FRANCES LG BORJA



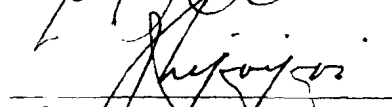
Delegate JOHN O. DLR. GONZALES



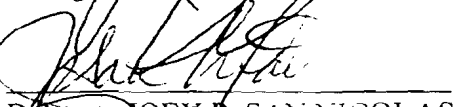
Delegate VICTOR B. HOCOG



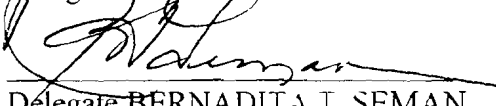
Delegate DAVID L. IGITOL



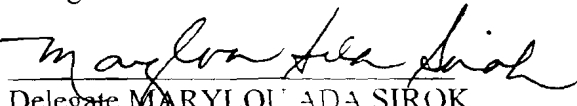
Delegate JOSE R. LICIFOI



Delegate JOEY P. SAN NICOLAS



Delegate BERNADITA T. SEMAN



Delegate MARYLOU ADA SIROK

  
Delegado JOAQUIN B. VILLAGOMEZ

ARTICLE VII: ELIGIBILITY TO VOTE

Section 1: Qualifications of Voters.

A person is eligible to vote who, on the date of election, is eighteen years of age or older, is domiciled in the Commonwealth, is a resident of the Commonwealth and has resided in the Commonwealth for a period of time provided by law, is not serving a sentence for a felony, has not been found by a court to be of unsound mind, and is either a citizen or national of the United States. The legislature may require that persons eligible to vote to be citizens of the United States.

Section 2: Prohibition of Literacy Requirement.

~~A person may not be denied the right to vote because that 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.~~