

July 12, 1995

COMMITTEE ON JUDICIARY AND OTHER ELECTED OFFICES

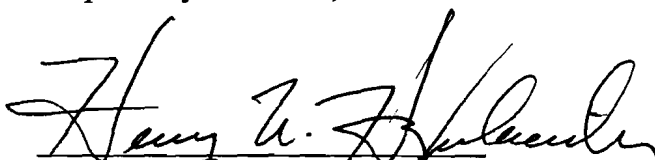
REPORT NO. 4: ARTICLE IX, INITIATIVE, REFERENDUM AND RECALL

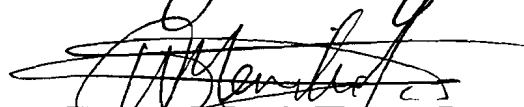
The Committee met on Wednesday, July 5, 1995, Monday, July 10, 1995, and Wednesday, July 12, 1995 to consider proposed amendments to Article IX: Initiative, Referendum and Recall. The Committee considered Delegate Proposals 156, 163, 555, and 346.

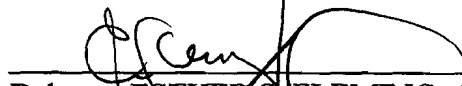
The Committee recommends no changes in Article IX. There have been a few instances in which procedures under this Article did not work as smoothly as they should, but that is to be expected because these are new exercises of political rights that had not been used in the Trust Territory or in the Marianas before the first Constitution was written. The Committee expects that these procedural difficulties will be sorted out without the need for any action to amend the Constitution.

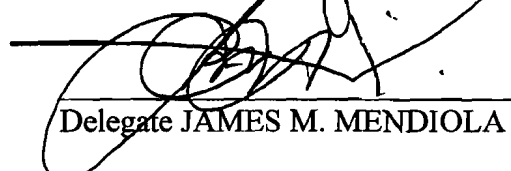
The Committee addressed the question whether a local initiative could be overcome by the Legislature. It decided to await the outcome of the work on Article VI, covering Local Government, before deciding whether any amendment of Article IX was necessary. If local laws are defined in Article VI and made the exclusive province of the municipalities, then there is no problem under Article IX. When a local initiative is passed, it would enact a local law. That local law could not be overturned by the Legislature.


Respectfully submitted,

  
Delegate HENRY U. HOFSCHEIDER, Chair

  
Delegate DONALD B. MENDIOLA, Vice Chair

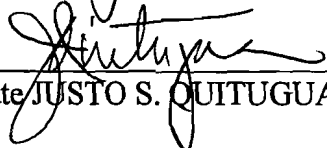
  
Delegate ESTHER S. FLEMING

  
Delegate JAMES M. MENDIOLA



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Delegate FELIX R. NOGIS



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Delegate JUSTO S. QUITUGUA

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Delegate TERESITA A. SANTOS



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Delegate BERNADITA T. SEMAN

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Delegate MARIANO TAITANO

ARTICLE IX: INITIATIVE, REFERENDUM AND RECALL

Section 1: Initiative.

The people may enact laws by initiative.

a) An initiative petition shall contain the full text of the proposed law. If the petition proposes a general law for the Commonwealth, the petition shall be signed by at least twenty percent of the persons qualified to vote in the Commonwealth. If the petition proposes a local law that affects only one senatorial district, the petition shall be signed by at least twenty percent of the persons from the senatorial district who are qualified to vote.

b) An initiative petition shall be filed with the attorney general for certification that the requirements of section 1(a) have been met.

c) An initiative petition certified by the attorney general shall be submitted to the voters at the next regular general election that is held at least ninety days from the date the petition has been certified.

d) An initiative petition that proposes a general law for the Commonwealth shall become law if approved by two-thirds of the votes cast by persons qualified to vote in the Commonwealth. An initiative petition that proposes a local law shall become law if approved by two-thirds of the persons from the senatorial district who are qualified to vote. An initiative petition that has been approved by the voters shall take effect thirty days after the date of the election unless the petition provides otherwise.

Section 2: Referendum.

The people may reject laws by referendum.

a) A referendum petition shall contain the full text of the law sought to be rejected. If the law is a general law for the Commonwealth, the petition shall be signed by at least twenty percent of the persons qualified to vote in the

Commonwealth. If the law is a local law that affects only one senatorial district, the petition shall be signed by at least twenty percent of the persons from the senatorial district who are qualified to vote.

b) A referendum petition shall be filed with the attorney general for certification that the requirements of section 2(a) have been met.

c) A referendum petition certified by the attorney general shall be submitted to the voters at the next regular general election that is held at least thirty days from the date the petition has been certified.

d) A referendum petition concerning a general law for the Commonwealth shall take effect if approved by a majority of the votes cast by persons qualified to vote in the Commonwealth. A referendum petition concerning a local law shall take effect if approved by a majority of the votes cast by persons from the senatorial district who are qualified to vote. A law that is the subject of an approved petition shall become void and be repealed thirty days after the date of the election unless the petition provides otherwise.

Section 3: Recall.

Elected public officials are subject to recall by the voters of the Commonwealth or of the island, islands or district from which elected.

a) A recall petition shall identify the public official sought to be recalled by name and office, state the grounds for recall, and be signed by at least forty percent of the persons qualified to vote for the office occupied by the public official.

b) A recall petition shall be filed with the attorney general for certification that the requirements of section 3(a) have been met.

c) A recall petition certified by the attorney general shall be submitted to the voters at the next regular

general election unless special elections are provided by law for this purpose.

d) A recall petition shall take effect thirty days after the date of the election if approved by two-thirds of the persons qualified to vote for the office involved.

e) A recall petition may not be filed against a public official more than once in any year or during the first six months of a term in office.