

July 25, 1995

REPORT OF THE COMMITTEE ON JUDICIARY AND OTHER ELECTED OFFICES

ARTICLE 9: INITIATIVE, REFERENDUM AND RECALL

The Committee presents the following report to the delegates with respect to the Article IX: Initiative, Referendum and Recall, on second reading.

Delegate Proposals: The Committee's Report No. 4 was prepared on July 12, 1995. There were no Delegate Proposals affecting Article 9 submitted after that time.

Floor Discussion: The Committee of the Whole discussed Report No. 4 on July 13, 1995. Some of the delegates were concerned about whether a local initiative can be overturned by the Commonwealth Legislature. Article 2, Section 6 has been deleted. That Section allowed the senatorial district delegations to enact local laws. After the deletion of Article 2, Section 6, the power to enact local laws is with the Municipal Councils. Because a local initiative enacts a local law, it could be overturned by the Municipal Council, which has the power to enact local laws.

Other delegates were concerned about the timing of elections when a recall petition has been certified by the Attorney General. They did not want to leave an elected official in office for a protracted period of time with a recall petition pending. The Committee has included an amendment to deal with this problem. Article 9, Section 3(c) would be amended as follows:

- c) A recall petition certified by the attorney general shall be submitted to the voters at the next regular general election if held within 90 days of certification, otherwise at a special election held within 90 days of certification.

There was some concern voiced on the floor during first reading about the timing of elections on recall petitions if a four-year term was adopted for the House of Representatives and regular general elections became more widely spaced. Article 2 still provides for two-year terms, so that is not a problem.

Some of the delegates supported a provision that would require a special election if more than half the term remains; otherwise the question of a special election would be left to the legislature. That would provide an advantage to the elected officials who hold four-

year terms. The Committee believes that a flat rule applying to all politicians is the best. Recalls do not happen often in the Commonwealth, so the extra expense of the special election should not be a significant burden.

One delegate was concerned about the possible funding for a special election. The Committee decided that the most effective approach to this problem was to mention in the legislative history that the governor would have reprogramming authority for the election if the legislature did not provide funding.

Delegate Amendments: The Committee has received Delegate Amendment No. 7 pertaining to Article IX, which proposes an amendment to section 3(c) to require that if more than half of the term of office of the public official to be recalled remains, then there must be a special election called within 90 days of the Attorney General's certification of the recall petition. If less than half of the term of office remains, then the legislature has the option of providing for a special election. If the legislature does not act, then a special election is called within 90 days. The Committee believes that its proposed amendment described above is a more efficient way to handle the problem.

Committee Changes: The Committee also took account of the comments during debate on other constitutional articles about the necessity to improve the recall provision to make it easier for the voters to get rid of an elected official who was performing poorly.

The Committee made two changes in this regard. Article 9, Section 3(a) would be amended as follows:

- 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 twenty percent of the persons qualified to vote for the office occupied by the public official.

This amendment reduces the number of signatures from 40%, which is a very high hurdle just to get the petition on the ballot, to 20% of those qualified to vote. The initiative petition to enact a law and the referendum petition to repeal a law are both initiated by petitions containing the signatures of 20% of those qualified to vote.

- d) A recall petition shall take effect thirty days after the date of the election if approved by a majority of the votes cast.

Initiative petitions require two-thirds of the votes cast. Referendum petitions require a majority of the votes cast. The Committee decided that recall is more like a referendum and should require only a majority vote.

Respectfully submitted,

Delegate HENRY U. HOFSCHEIDER, Chair

Delegate DONALD B. MENDIOLA, Vice Chair

Delegate ESTHER S. FLEMING

Delegate JAMES M. MENDIOLA

Delegate FELIX R. NOGIS

Delegate JUSTO S. QUITUGUA

Delegate TERESITA A. SANTOS

Delegate BERNADITA T. SEMAN

Delegate MARIANO TAITANO



Third Northern Mariana Islands Constitutional Convention

Delegate Amendment No. 007

Date: July 20, 1995

ARTICLE AND SECTION TO BE AMENDED: Art. IX, Section 3(c)

COMMITTEE ASSIGNED: Committee on Judiciary and Other Elected Offices

It is proposed that the article passed on first reading be amended as follows:

Article IX

Section 3: Recall

(c) A recall petition certified by the attorney general shall be submitted to the voters at a special election within 90 days unless more than half of the term remains and a special election is provided by law for this purpose.

Submitted by: _____
Delegate JOAQUIN P. VILLAGOMEZ

Notes: This deletes the current provision for recall petitions to be voted on at the next regular general election with an option for special elections, and substitutes a special election in all cases. The special election occurs within 90 days in cases in which 50% or less of the term remains. If 51% of the term remains, then the legislature has the option to pass a law scheduling the special election. If the legislature does not act, then the special election occurs in 90 days.

July 29, 1995

REPORT OF THE COMMITTEE ON EXECUTIVE BRANCH AND LOCAL
GOVERNMENT

ARTICLE XVII (ETHICAL STANDARDS), SECOND READING

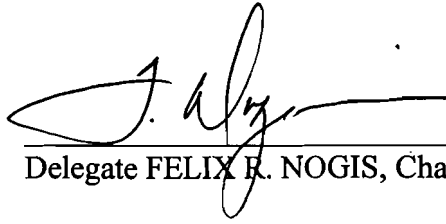
The Committee met on Saturday, July 29, 1995, to consider further the proposed Article XVII (Ethical Standards), formerly number Article XIX. This proposal was approved on first reading by the Convention on July 20, 1995.

No delegate amendments have been submitted with respect to this article. The Committee recommends that it be adopted on second reading. The text is as follows:

ARTICLE XIX: ETHICAL STANDARDS

A public office is a public trust. The people of the Commonwealth expect that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, avoid the appearance of impropriety, and not use their position for private gain or advantage. Each branch of government shall ensure that appropriate laws and regulations are enacted to enforce these standards.

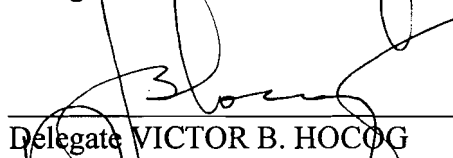
Respectfully submitted,


Delegate FELIX R. NOGIS, Chair

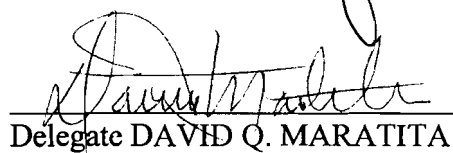
Delegate JAMES M. MENDIOLA, Vice Chair

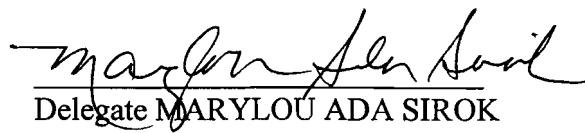

Delegate TOMAS B. ALDAN


Delegate FRANCES L. BORJA

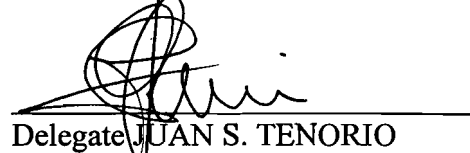

Delegate VICTOR B. HOCOG

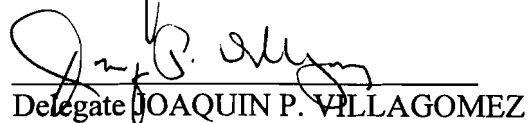

Delegate BENJAMIN T. MANGLONA


Delegate DAVID Q. MARATITA


Delegate MARYLOU ADA SIROK


Delegate HELEN TARO-ATALIG


Delegate JUAN S. TENORIO


Delegate JOAQUIN P. VILLAGOMEZ