

Draft 9/20/95

OFFICIAL BALLOT

PROPOSED CONSTITUTIONAL AMENDMENTS

November 4, 1995

ENGLISH VERSION

**AMENDMENT NUMBER 1
PERSONAL RIGHTS**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE I: PERSONAL RIGHTS by updating the protection against quartering soldiers (Section 7); clarifying the protection for a clean and healthful environment (Section 9); expanding the protection of life (Section 11); and deleting former Sections 11 (Victims of Crime) and 12 (Abortion).

Yes

No

**AMENDMENT NUMBER 2
LEGISLATIVE BRANCH**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE II: LEGISLATIVE BRANCH in order to reduce the size of the Senate (Section 2) and the House (Section 3); authorize the Lieutenant Governor to break ties in the Senate (Section 2); provide for at-large elections on Saipan for representatives and increase the term for representatives to four years (Section 3); require the Legislature to hold joint hearings on all tax and spending measures, to enact an appropriation bill to cover any expenditure, and to have two readings on separate days before a bill can be passed (Section 5); delete the Legislature's power to enact local laws (former Section 6); require the Governor to transmit a vetoed bill to the Legislature within 5 days (new Section 6); require that vacancies be filled promptly (Section 8); make it easier to expel a member and provide for automatic expulsion of legislators convicted of a felony (Section 13); establish a fixed budget ceiling for all legislative expenses, limit the amount that can be used for office expenses, provide inflation protection, and prohibit the use of public funds (other than a member's salary and office expenses) for personal or political activities (Section 15); expand the duties of the Legislative Bureau and further protect its independence and non-partisan functioning

(Section 16); make other updating and consistency changes in Article II; and provide for transition

Yes

No

**AMENDMENT NUMBER 3
EXECUTIVE BRANCH**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE III: EXECUTIVE BRANCH in order to change the succession procedures when the Governor and Lieutenant Governor positions become vacant (Section 7); clarify the allocation of funds in the event that a budget has not been approved before the fiscal year begins (Section 9); require the Governor to report annually in person before a joint session of the Legislature (Section 9) and to report within 30 days after exercising emergency powers (Section 10); change the qualifications for the Attorney General and provide for removal only for cause (Section 11); clarify the Public Auditor's responsibilities and delete the guaranteed budget (Section 12); allow "acting" appointments only for a limited period (Sections 12 and 14); require the Executive Assistant for Carolinian Affairs to report annually to the new Council for Indigenous Affairs and delete the guaranteed salary (Section 18); require the Legislature to consider the views of the Retirement Board of Trustees before changing retirement legislation and allow access for non-retirement purposes only to funds declared excess by the Board (new Section 19); create a new Council for Indigenous Affairs (new Section 20); delete limitations on boards and commissions (Section 21); delete the Special Assistant for Women's Affairs (Section 22) and the Resident Executive for Indigenous Affairs (Section 23); make other updating and consistency changes in Article III; and provide for transition.

Yes

No

**AMENDMENT NUMBER 4
JUDICIAL BRANCH**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE IV: JUDICIAL BRANCH in order to provide a constitutional basis for the Commonwealth's courts; change the terms of office, qualifications and method for reappointment

of judges and justices; ensure a functioning advisory commission; require judges and justices who become candidates for political office to resign at least six months before the election; require an annual report by the Chief Justice; change the processing of the courts' budget, its rule-making authority, and its use of judges from other jurisdictions when needed; provide for prompt filling of vacancies; authorize advisory opinions to resolve promptly disputes between government officials or agencies; make other updating and consistency changes; and provide for transition.

Yes

No

**AMENDMENT NUMBER 5
WASHINGTON REPRESENTATIVE**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE V: REPRESENTATION IN THE UNITED STATES to state the Commonwealth's priority for obtaining member or delegate status for the Commonwealth in the United States Congress; to provide for automatic transition when such status is granted; update the current provisions regarding the Resident Representative to the United States; and make other updating and consistency changes.

Yes

No

**AMENDMENT NUMBER 6
LOCAL GOVERNMENT**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE VI: LOCAL GOVERNMENT to change the qualifications and compensation for the Mayor (Section 2); expand the Mayor's executive authority with respect to local matters (Section 3); create the position of Executive Assistant to the Mayor of Saipan and delete the position of Mayor for the Northern Islands (Sections 1 and 3); increase the size of municipal councils and provide for filling vacancies, qualifications and compensation for council members (Section 3); authorize councils to enact municipal ordinances on local matters, override the Mayor's veto, confirm appointments, raise revenues and expend local funds subject to certain restrictions, review

and approve the municipal budget, define the size and structure of local government, and provide for filling any vacancy in the Mayor's office (Section 5); provide that local government personnel paid from Commonwealth funds are subject to same rules and regulations as other Commonwealth employees, limit Commonwealth funding for local government at the 1996 level for 1997 and 1998 and decrease Commonwealth funding thereafter to match the revenues raised locally, and limit the number of local government employees paid from Commonwealth funds (Section 7); make other updating and consistency changes in Article VI; and provide for transition.

Yes

No

**AMENDMENT NUMBER 7
ELIGIBILITY TO VOTE AND HOLD OFFICE**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE VII: ELIGIBILITY TO VOTE AND HOLD OFFICE to delete current Section 3 relating to domicile and residence, add a new Section 3 providing that a felony conviction is a permanent bar to the holding of any Commonwealth elected or appointive office subject to legislative confirmation, and change the title of the article to reflect this new provision.

Yes

No

**AMENDMENT NUMBER 8
ELECTIONS**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE VIII: ELECTIONS to delete Section 3 relating to election procedures on which the Legislature has already acted; and renumber the other sections.

Yes

No

**AMENDMENT NUMBER 9
INITIATIVE, REFERENDUM AND RECALL**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE IX : INITIATIVE, REFERENDUM AND RECALL to decrease the number of signatures for a recall petition from 40% to 20% of the qualified voters (Section 3); change the number of votes required to approve a recall petition from 2/3 of the qualified voters to a majority of the votes cast; and make other updating and consistency changes in Article IX.

Yes

No

**AMENDMENT NUMBER 10
TAXATION AND PUBLIC FINANCE**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE X: TAXATION AND PUBLIC FINANCE to add a definition of "public purpose" (Section 1); delete the requirement for a special report on tax exemptions (Section 2); add limitation that public debt may not be authorized in order to retire a deficit (new Section 3); decrease the number of votes required to approve real property taxes (new Section 4); impose a hiring and salary freeze for government employees when a deficit occurs except that public health and safety replacements can be hired (new Section 5); delete the Legislature's authority to go beyond employment ceilings by joint resolution (new Section 6); provide that the Secretary of Finance once appointed can be removed only for cause (new Section 7); require collected taxes that will be rebated to be maintained in a separate fund used only for tax rebates (new Section 8); expand taxpayer suits to cover all expenditures of public funds in violation of the Constitution (Section 9); make other updating and consistency changes in Article X; and provide for transition.

Yes

No

**AMENDMENT NUMBER 11
PUBLIC LANDS**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE XI: PUBLIC LANDS to change its title to Commonwealth Lands; establish the Marianas Land Bureau to administer the public lands, set the qualifications for the Bureau's directors, impose strict standards of fiduciary care, and require an annual report (Section 4); establish policies for an expanded homestead and homestead housing program, impose a time deadline for the completion of land exchanges, require notice and public hearings before the grant of commercial leases and terminate such leases within three years if the commercial purpose is not achieved within that period, require the Legislature to act within 60 days to approve or reject commercial leases without change, provide for a comprehensive land use plan, and require an annual budget (Section 5); establish permanent preserves to be used only for public purposes with authority for the Bureau to exempt specified public lands from this category (Section 6); assign responsibilities regarding land titles to the Bureau (Section 7); update provisions relating to the Marianas Public Land Trust, reduce the term of office for trustees, impose term limits, regulate the investment of trust assets, provide for use of interest income including allocation to new Council for Indigeneous Affairs (Section 8); make other updating and consistency changes to Article XI; and provide for transition.

Yes

No

**AMENDMENT 12
RESTRICTIONS ON ALIENATION OF LAND**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE XII: RESTRICTIONS ON ALIENATION OF LAND to allow transfers by gift or inheritance to children or grandchildren who do not meet the 25% Northern Marianas descent requirement and to adopted children not of Northern Marianas descent so long as adopted before the age of six years, allow transfers to spouses not of Northern Marianas descent to the extent permitted by the Legislature (Section 2); prohibit contractual provisions that would have the effect of extending the lease beyond 55 years (Section 3); delete the qualification of adopted children as persons of Northern Marianas descent (Section 4); change the requirements for control of corporations from 100% to 51% to qualify as persons of Northern Marianas descent (Section 5); ~~change the enforcement standard from "void-ab initio" to "voidable"~~ to provide the courts with flexibility in deciding disputes under this Article, provide a 6 year statute of limitations, and require the Attorney General to establish a new office to assist landowners and enforce these provisions

(Section 6); and provide for transition.

Yes

No

**AMENDMENT NUMBER 13
EDUCATION**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To delete ARTICLE XV: EDUCATION, and place the education provisions in Section 13 (Education) of ARTICLE III: EXECUTIVE BRANCH as it was in the 1976 Constitution; delete the guarantee of free education (Section 13(a)); provide for a Secretary of Education appointed by the Governor to run the Department of Education (Section 13(b)); eliminate the Commonwealth-wide elected board of education and substitute locally-elected school boards in each Senatorial district and specify the qualifications of such board members and their functions (Section 13(c)); delete the guaranteed budget for the public school system and postsecondary educational institutions; provide for an annual appropriation for instruction (but not administration or CIP) to be allocated to schools based on a per-student basis (Section 13(d)); provide generally for post-secondary education, and confirm the independence of such institutions (including the Northern Marianas College) governed by boards of regents (Section 13(e)); and provide for transition.

Yes

No

**AMENDMENT NUMBER 14
NATURAL RESOURCES**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE XIV: NATURAL RESOURCES to extend the claim of the Commonwealth over waters to the full extent permitted under any international law (Section 1); add protection for

natural resources on or under public lands (Section 4); allocate to local governments 5% of royalties

from government licenses of natural resources (Section 5); and make other updating and consistency changes in Article XIV.

Yes

No

**AMENDMENT NUMBER 15
GAMBLING**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To delete ARTICLE XXI: GAMBLING and place the provisions on gambling in ARTICLE XV: GAMBLING; to prohibit casino gambling except as authorized by popular initiative in individual senatorial districts.

Yes

No

**AMENDMENT NUMBER 16
CIVIL SERVICE**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To delete ARTICLE XX: CIVIL SERVICE and place the civil service provisions in Section 16 (Civil Service) of ARTICLE III: EXECUTIVE BRANCH as it was in the 1976 Constitution; to define the civil service as including everyone employed or paid by the Commonwealth with exceptions for elected officials, appointed positions provided by the Constitution, and other exceptions created by the Legislature (Section 16(a)); downsize the Civil Service Commission from 7 to 5 members, provide 5 year terms, and provide that Commission members may not hold other government jobs (Section 16(b)); give the Commission authority to propose salary levels for civil service positions that may be decreased but not increased by the Legislature (Section 16(c)); and provide for transition.

Yes

No

AMENDMENT NUMBER 17
ETHICS

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To delete ARTICLE XIX: CODE OF ETHICS and place the ethics provisions in ARTICLE XVII: ETHICAL STANDARDS; to provide for constitutional ethical standards applicable to Commonwealth officials and employees; delete the former direction to the legislature to enact an ethics code; and revise the title of the article to reflect this change.

Yes

No

AMENDMENT NUMBER 18
CONSTITUTIONAL AMENDMENT

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To amend ARTICLE XVIII: CONSTITUTIONAL AMENDMENT to make it easier to propose constitutional amendments by popular initiative (decreasing the signature requirements on petitions from 50% to 30% of qualified voters) (Section 1); make it more difficult to call a constitutional convention by popular initiative (no call permitted for 25 years, and increasing the signature requirements on petitions from 25% to 30% of qualified voters) (Section 2); delete the legislative initiative (former Section 3); delete the legislature's power to call a constitutional convention (former Section 2(a)); add a requirement for the approval of the Legislature, the Governor, and the people for any mutual consent to a change in the Covenant (new Section 3); change the requirement for ratification of constitutional amendments to 60% of the votes cast (Section 4); and make other updating and consistency changes in Article XVIII.

Yes

No

**AMENDMENT NUMBER 19
COMMONWEALTH UNITY**

Do you approve the following amendment to the Constitution of the Commonwealth of the Northern Mariana Islands, as proposed by the 1995 Constitutional Convention?

To delete both ARTICLE XVII: OATH OF OFFICE and ARTICLE XXII: OFFICIAL SEAL, FLAG AND LANGUAGES and place these provisions in ARTICLE XIX: COMMONWEALTH UNITY; to change the words "official seal" to "1978" denoting the year of the start of the new Commonwealth, and specify a deep blue color (Marianas Trench blue) for the seal (Section 2); add Saipan as the capital of the Commonwealth (Section 5); and provide generally for transition.

Yes

No