



# ATTORNEY-CLIENT PRIVILEGE

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
OFFICE OF THE ATTORNEY GENERAL  
2ND FLOOR - ADMINISTRATION BLDG., CAPITOL HILL  
SAIPAN, MP 96950

CONFIDENTIAL

ATTORNEY GENERAL  
DEPUTY ATTORNEY GENERAL  
CIVIL LITIGATION DIVISION  
SOLICITORS DIVISION  
Tel: (670) 322-4311/4312  
FACSIMILE: (670) 322-4320

CRIMINAL DIVISION  
Tel: (670) 234-7771/7111/6207  
FACSIMILE: (670) 234-7016

June 2, 1995

TO: Honorable Froilan C. Tenorio  
Governor

FROM: C. Sebastian Aloom  
Acting Attorney General

William J. Ohle  
Assistant Attorney General

SUBJECT: Unconstitutional Aspect of Article XVIII § 5(b)  
of CNMI Constitution

## INTRODUCTION

This is in response to your March 29, 1995, inquiry regarding your belief that the requirements of CNMI Constitution, Article XVIII, Section 5(b), may violate the "one person, one vote" requirements of Section 1 of the Fourteenth Amendment to the United States Constitution. Section 5(b) of the CNMI Constitution requires both: (1) a majority of all Commonwealth voters ratify any amendment proposed by a constitutional convention; and (2) at least two-thirds of the voters in each of two senatorial districts in the CNMI also vote for approval. Based on our research, which is summarized below, we believe your concerns are well founded.

A copy of your inquiry plus copies of the two most applicable court decisions, Sablan v. Northern Marianas Board of Elections, 1 CR 741 (Dist. Ct. App. Div. 1983) and State v. State Canvassing Board, 78 N.M. 682, 437 P.2d 143 (1968), are attached to this memorandum.