

Eighteenth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

Session, 2013

H. B. 18-5

A BILL FOR AN ACT

To present to the voters in the Commonwealth in the next general election the question: "Shall there be a constitutional convention to propose amendments to the Constitution?"

**BE IT ENACTED BY THE EIGHTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature finds that the Northern
2 Mariana Islands Constitution was adopted by the first constitutional convention
3 delegation on December 5, 1976, and ratified by Commonwealth voters on March
4 6, 1977 (6,554 in favor of ratification and 258 opposed; fifty-eight percent of
5 voters cast ballots). The Constitution became effective on January 9, 1978, and
6 since its adoption, it has been amended over 50 times.

7 Historically, after the adoption of the Constitution by the first
8 constitutional convention in 1978, two subsequent constitutional conventions
9 convened. On November 3, 1985, voters ratified all 44 amendments proposed by
10 the second constitutional convention that was held in the same year. All 19
11 amendments proposed by a third constitutional convention that was held in 1995
12 failed to win the voters' approval. An amendment proposed by *constitutional*

1 convention becomes effective if approved by a majority of the votes cast and at
2 least two-thirds of the votes cast in each of two senatorial districts.

3 As provided by Article XVIII, constitutional amendments may be proposed
4 by 1) constitutional convention, 2) popular initiative, or 3) legislative initiative. As
5 set forth herein, the submission of the question to the voters in 2012 is
6 constitutionally mandated. Article XVIII section 2 (a) of the Constitution provides,
7 “[t]he legislature, by the affirmative vote of a majority of the members of each
8 house, may submit to the voters the question, ‘Shall there be a constitutional
9 convention to propose amendments to the Constitution?’”

10 Furthermore, pursuant to the Constitution, this question must be submitted to the
11 voters by the legislature, or the governor, in the event the legislature fails to act,
12 “at a regular general election no later than ten years after the question was last
13 submitted and as provided by law.”¹

14 The instant legislation as indicated above, aims to present the question of
15 whether to convene another constitutional convention to the voters of the
16 Commonwealth during the next general election in November of 2012. It does not
17 advocate nor recommend a position relative to the question.

18 Based on the foregoing, because the submission of the question to the
19 voters is constitutionally mandated, and because the issue was last presented to
20 voters in 2005 where there were 7394 votes in favor of convening the

¹ This submission, if done by the Legislature is not subject to the Governor’s veto. CNMI Constitution. Article XVIII section 2 (a).

1 constitutional convention and 5156 votes against, the Legislature finds that it is
2 now necessary to present the question once again.²

3 **Section 2. Mandate.** Pursuant to Article XVIII section 2 (a), in the next
4 regular general election in November 2012, the Commonwealth Board of Election
5 shall place before the people of the Commonwealth for vote on the ballot, together
6 with the Findings and Purpose section herein, the following question:

7 “Shall there be a constitutional convention to propose amendments to the
8 Constitution?”

9 **Section 3. Adoption and Transmittal.** The Speaker of the House and the
10 President of the Senate shall certify, and the Clerks of the House and Senate shall
11 attest to the passage of this House Bill. The House Clerk shall then cause the Bill
12 to be transmitted to the Governor and the Board of Elections whereupon the
13 Board shall place the question presented, with the Findings and Purpose section
14 herein, before the people of the Commonwealth for vote in the next regular general
15 election.

16 **Section 4. Severability.** If any provisions of this Act or the application of
17 any such provision to any person or circumstance should be held invalid by a court
18 of competent jurisdiction, the remainder of this Act or the application of its
19 provisions to persons or circumstances other than those to which it is held invalid
20 shall not be affected thereby.


21 **Section 5. Savings Clause.** This Act and any repealer contained herein
22 shall not be construed as affecting any existing right acquired under contract or

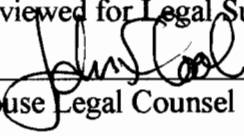
² Article XVIII section 2 (c) requires two-thirds of the votes for passage.

1 acquired under statutes repealed or under any rule, regulation, or order adopted
2 under the statutes. Repealers contained in this Act shall not affect any proceeding
3 instituted under or pursuant to prior law. The enactment of the Act shall not have
4 the effect of terminating, or in any way modifying, any liability, civil or criminal,
5 which shall already be in existence on the date this Act becomes effective.

6 **Section 6. Effective Date.** This Act shall take effect upon its approval by
7 the Governor, or its becoming law without such approval.

prefiled: 11/15/13
Date: 11/15/13

Introduced By: 
/s/ Rep. Felicidad T. Ogumoro

Reviewed for Legal Sufficiency by:

House Legal Counsel