

A BILL FOR AN ACT

To provide for a special election to consider proposed amendments to the Constitution which may be submitted by the Third Northern Mariana Islands Constitutional Convention; ~~and for other purposes~~ .

BE IT ENACTED BY THE NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Title. This Act shall be known as the Special Constitutional Amendment Election Act
2 of 1995.

3 Section 2. Findings. The Legislature finds that the Pre-Convention Committee of the Third
4 Constitutional Convention has requested that the Legislature provide for a special election to consider
5 constitutional amendments, instead of putting the amendments on the ballot of the general election of
6 November 1995.

7 There are two compelling reasons for holding a special election. First, it appears that the
8 Convention will not complete its work until August of 1995. This would allow only three months for
9 public education, discussion and debate. These important issues should be given more time.

10 Second, if the amendments are placed on the general election ballot, it is likely that the
11 Constitutional issues will become part of the general election campaign, and will be mixed with partisan
12 politics.

13 ~~For this reasons~~ ~~However~~ For this reasons , the Legislature finds that the ~~Convention alone~~
14 ~~should decide whether a particular~~ amendments should be considered separately, in a special election ~~to be~~
15 ~~to be~~ held ~~at least~~ ~~approximately~~ at least six months after the end of the Convention ~~or presented for~~
16 ~~ratification during the November 1995 general election~~ .

17 Section 3. Special Election.

18 a) Authority. Pursuant to Article XVIII, Section 5(a) of the Constitution of the
19 Commonwealth of the Northern Mariana Islands, the Commonwealth Legislature hereby provides
20 for a special election to consider those amendments to the Constitution ~~which may be~~ which may
21 be proposed by the Third Northern Marianas Islands Constitutional Convention ~~which the~~
22 ~~Convention shall designate for submission to the voters at such special election~~ .

1 b) Date of election. The special election shall be held on the ~~first last~~ *first* Saturday
2 following the date that is six months after the end of the 1995 General Election ~~of February 1996~~
3 *following the date that is six months after the end of the 1995 General Election* .

4 c) Scope of election. The election shall only consider those Constitutional amendments
5 proposed ~~and designated~~ by the Third Constitutional Convention ~~for consideration at the election~~

6 .
7 ~~Section 4. Ratification Conflicts. In the event a legislative initiative and an amendment proposed~~
8 ~~by the Third Constitutional Convention are both ratified in the same election, the multiple amendments~~
9 ~~shall be given effect to the fullest extent possible, but if the two amendments cannot be enforced or~~
10 ~~construed together because of conflict, in whole or in part, the amendment proposed by the Convention~~
11 ~~shall prevail to the extent of the conflict; Provided, that if the amendment concerns the legislative branch,~~
12 ~~the amendment garnering the larger number of votes shall prevail.~~

13 ~~Section 5. Vote Required to Propose Amendments. Section 15 of Public Law No. 9-18 is hereby~~
14 ~~amended to read:~~

15 ~~"Section 15. Voting; Acts of the Convention. No voting shall be permitted except in~~
16 ~~person. Except as otherwise provided by the Rules of Procedure adopted by the Convention,~~
17 ~~which may provide for a greater voting requirement, and except for the final vote to approve a~~
18 ~~proposed amendment, any question before the Convention or a committee thereof shall be decided~~
19 ~~by the vote of the majority of those delegates present and voting, a quorum being present. Final~~
20 ~~adoption by the Convention of each proposed amendment shall require the affirmative vote of not~~
21 ~~less than two thirds of the Convention delegates. A roll call vote shall be required on any motion~~
22 ~~for the final adoption of a proposed amendment to the Constitution."~~

23 Section 4 ~~§~~ 4. Severability. If any provision of this Act or the application of any such
24 provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the
25 remainder of this Act or the application of its provisions to persons or circumstances other than those to
26 which it is held invalid shall not be affected thereby.

27 Section 5 ~~§~~ 5. Savings Clause. This Act and any repealer contained herein shall not be
28 construed as affecting any existing right acquired under contract or acquired under statutes repealed or
29 under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not
30 affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have
31 the effect of terminating, or in any way modifying, any liability civil or criminal, which shall already be in
32 existence at the date this Act becomes effective.

33 Section 6 ~~§~~ 6. Effective Date. This Act shall take effect upon its approval by the Governor or
34 upon its becoming law without such approval.

HOUSE BILL NO. 9-408, S.D.2, H.S.1

DATE: Prefiled 05/05/95
Introduced 05/08/95

Introduced by: /s/ _____
Rep. Jesus T. Attao
/s/ _____
Rep. Heinz S. Hofschneider
/s/ _____
Rep. Oscar M. Babauta

Reviewed for legal sufficiency: /s/ Maya B. Kara