

FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THIRD REGULAR SESSION, 2007

H. L. I. NO. 15-14

A HOUSE LEGISLATIVE INITIATIVE

To amend Article IV, Section 5 of the Constitution of the Commonwealth of the Northern Mariana Islands to authorize the election of the chief justice and presiding judge by a majority of the justices and judges, respectively.

BE IT ENACTED BY THE FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings.** The Legislature finds that Commonwealth law provides that
2 the chief justice of the Commonwealth Supreme Court and presiding judge of the
3 Commonwealth Superior Court be appointed by the Governor and confirmed by the
4 Senate. However, there is no procedure for a chief justice or presiding judge to resign
5 from the position without resigning as a justice or judge altogether. The Legislature finds
6 that there may be some instances where a chief justice or presiding judge may desire to
7 resign from his or her position but remain a justice or judge.

8 The Legislature further finds that the practice of the Governor appointing the chief
9 justice and presiding judge does not involve a selection criteria including, but not limited
10 to, the justice or judge's (1) management and administrative ability, (2) interest in serving
11 in the position, (3) experience and familiarity with a variety of court assignments, and (4)
12 ability to motivate and educate other judicial officers and court personnel. The present
13 practice of appointing presiding officers further detracts from collegiality and respect
14 among justices and judges. The Legislature finds that allowing the justices and judges to
15 elect their chief justice and presiding judge, respectively, would create a more conducive
16 environment at the Commonwealth judiciary. Moreover, the restriction of non-
17 consecutive terms for the chief justice and presiding judge would allow different justices
18 and judges to bring a broader range of ideas and programs to the judiciary. Furthermore,
19 the practice of members of the judiciary electing their presiding officers is a common
20 practice in many United States jurisdictions including Guam, Oregon, California, New

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1 York, Washington, Georgia, Virginia, Oklahoma, South Dakota, Tennessee, Michigan,
2 Ohio, Illinois, and Missouri. Based on the foregoing reasons, the Legislature finds that it
3 is in the best interest of the Commonwealth to amend Article IV, Section 5 of the
4 Northern Mariana Islands Constitution to authorize the election of the chief justice of the
5 Commonwealth Supreme Court and the presiding judge of the Commonwealth Superior
6 Court.

7 **Section 2. Legislative Initiative.** The Fifteenth Northern Marianas
8 Commonwealth Legislature, by the affirmative vote of three-fourths of the members of
9 each house present and voting, hereby proposes the following amendment to Article IV,
10 Section 5 of the Constitution of the Northern Mariana Islands to be placed before the
11 people for ratification at the next general election:

“A PROPOSED CONSTITUTIONAL AMENDMENT

12
13 To amend Article IV, Section 5 of the Northern Mariana Islands
14 Constitution to authorize the election of the chief justice and presiding judge by a
15 majority of the justices and judges, respectively, as follows:

Section 5. Appointment and Term of Office.

16
17 a) A supreme court justice and superior court judge shall
18 initially be appointed by the governor and confirmed by the senate.
19 Justices shall serve terms of eight (8) years and judges shall serve
20 terms of six (6) years. At the general election immediately before
21 the end of the initial term, the question of whether to retain the
22 justice or judge shall be placed on the ballot, using the following
23 language:

24 “Shall Justice or Judge (insert name of justice or judge) of
25 the (insert name of court) be retained in office? Yes or No.”

26 The justice or judge shall be retained if a majority of the
27 votes cast on the question are in the affirmative. Terms following
28 an election to retain shall be eight (8) years for a justice of the
29 supreme court and six (6) years for a judge of the superior court.

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1 b) The chief justice of the Commonwealth supreme court
2 shall be elected by a majority of at least two justices of the supreme
3 court to serve a term of four (4) years. The presiding judge of the
4 Commonwealth superior court shall be elected by a majority at
5 least three judges of the superior court to serve a term of three (3)
6 years. The chief justice or presiding judge may serve more than
7 one term; provided that he or she may not serve consecutive terms.
8 The chief justice shall establish a procedure, by court rule, for the
9 election, vacancy, removal, resignation, and selection criteria of the
10 chief justice and presiding judge.

11 The chief justice holding office on the effective date of this
12 initiative shall remain chief justice until he retires or resigns from
13 office. The presiding judge holding office on the effective date of
14 this initiative shall remain presiding judge until he retires or
15 resigns from office. Thereafter, however, the chief justice and
16 presiding judge shall be elected by the supreme court justices and
17 superior court judges, respectively. ”

18 **Section 3. Adoption and Transmittal.** The Speaker of the House and the
19 President of the Senate shall certify, and the Clerks of the House and Senate shall attest to
20 the passage of this Legislative Initiative. The House Clerk shall then cause the Initiative
21 to be transmitted to the Governor and the Board of Elections. Pursuant to Article XVIII,
22 Section 5 of the Commonwealth Constitution, the Board shall place this Legislative
23 Initiative, with the Findings and Purpose section herein, before the people of the
24 Commonwealth for ratification vote in the next regular general election.

Prefiled: 2/15/07

Date: February 20, 2007

Introduced By: /s/ Rep. Ray N. Yumul

Reviewed for Legal Sufficiency by:

/s/ Antonette R. Villagomez
House Legal Counsel