



Commonwealth of the Northern Mariana Islands  
**Office of the Attorney General**

2<sup>nd</sup> Floor Hon. Juan A. Sablan Memorial Bldg.  
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Saipan, MP 96950

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Attorney General

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February 16, 2018

OAGSB: 2018-07

Rep. Ivan Blanco  
Chairperson  
Committee on Judicial & Governmental Operations  
House of Representatives  
20th Northern Marianas Commonwealth Legislature  
Saipan, MP 96950

**Re: Senate Bill 20-79, SD2: "To amend 1 CMC § 5103 to authorize the governor to appoint a qualified person subject to the advice and consent of the Senate when there is a vacancy in the office of the mayor and less than half of the term of the mayor remains; and for other purposes."**

Dear Chairman Blanco:

Thank you for requesting the comments of the Office of the Attorney General on Senate Bill 20-79, SD2: "To amend 1 CMC § 5103 to authorize the governor to appoint a qualified person subject to the advice and consent of the Senate when there is a vacancy in the office of the mayor and less than half of the term of the mayor remains; and for other purposes" (the "Bill"). I have reviewed the Bill, and have one comment.

While the Bill does not violate any provision of the Commonwealth Constitution, it should be noted that the framers of the Commonwealth Constitution considered local government to be very important. Under the current system, the Governor appoints the individual that received the second-highest number of votes in the last election. The appointee's participation in the electoral process that is limited to the relevant island gives an air of legitimacy to the appointment. The system proposed by the Bill would allow the Governor to select an appointee. The appointee would be subject to advice and consent of the entire Senate, rather than the Senators from the island or islands in question. Furthermore, the Senate could give its advice and consent even if every Senator from the relevant island or islands voted *opposed* the appointment. Given the importance that the framers of the Commonwealth Constitution and the people of the Commonwealth attach to home rule. I recommend that the Committee seriously consider the policy implications of such a Bill.

Thank you for soliciting comments on the Bill.

Sincerely,

**EDWARD MANIBUSAN**  
Attorney General

cc: Deputy Attorney General  
All Members, House of Representatives

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