



Commonwealth of the Northern Mariana Islands
COMMONWEALTH ELECTION COMMISSION

**RULES AND REGULATIONS
FOR THE NORTHERN MARIANAS DESCENT REGISTRY (NMDR)**

The Commonwealth of the Northern Mariana Islands, Commonwealth Election Commission (CEC) has adopted this permanent Rules and Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a) as empowered by Public 17-40 for the administration and enforcement of the statute governing the registration of NMD's. 1 CMC § 6105 & P.L. 17-40

The Rules and Regulations provides for the Commonwealth Election Commission to establish a Northern Marianas Descent Registry (NMDR) for the registration of Northern Marianas Descent pursuant to Article XII of the NMI Constitution.

Purpose and Scope. The purpose of the rules and regulations in this chapter is to establish and maintain an official listing and records of persons of Northern Marianas Descent.

Registration

General Registration Procedures. The primary method of registration for Northern Marianas Descent (NMD) shall be in person before a duly authorized registration clerk, a Commission staff person or a Commission member. Any qualified individual may register at the Commission office in Saipan, at their residence or such other places that the Commission allows for the registration of voters.

Registration Affidavit. An NMD registers to vote by completing the affidavit, as attached and incorporated herein as exhibit A to this chapter and providing all of the information as required by law, and executing same under the penalty of perjury.

Mail Registration

(a) A person otherwise qualified under Article XII, § 4 of the Northern Mariana Islands Constitution may submit his registration affidavit by mail so long as the registration affidavit is signed. Upon signing the registrant must mail the registration affidavit via either first class, priority mail or express mail to the following address:

Commonwealth of the Northern Mariana Islands
Commonwealth Election Commission
PO Box 500470
Saipan, MP 96950

(b) A registration affidavit by mail must be postmarked no later than the date required for registration of all Commonwealth voters in order to vote in a general or special election. In the event the eligible voter mails the affidavit from such a locale that does not properly affix a postmark, such as a ship or submarine, then the date on the affidavit shall be presumed to be the day that the affidavit was mailed by the eligible voter. If that date is on or before the date the affidavit is due, then the voter shall be presumed to be registered if the Commission satisfactorily determines that the voter is eligible.

Mail Registration Requirements. As required by law, a person who desires to register by mail must not be physically present in the Commonwealth, and the registration clerk who receives the registration affidavit by mail must check the post mark or other such evidence to insure that the individual who submitted the application did not mail it from a location inside the Commonwealth.

Northern Marianas Descent Qualification. Any person who is otherwise qualified to register by mail must meet the requirements as set forth in Article XII, § 4 of the Northern Mariana Islands Constitution, as executed on the affidavit of registration.

Public Record Information of NMD Registration. It is understood that nothing in the Commonwealth Election Code or the Open Government Act as both are presently worded protects the privacy of the information contained in the affidavit of registration for NMD's. Therefore any person may request information about an NMD that is provided on the individual's registration affidavit. Therefore it is the decision of the Commission that the affidavit information shall remain a public record. Nothing in this section can prevent the Commission from changing this requirement should there be a change in either of these laws that declare this information private.

Registration Clerks. Registration clerks shall be all duly employed staff members of the Commission, and any Commission member or any other person who is properly designated by the Commission. Upon receipt of the duly executed affidavit, a registration clerk shall promptly transmit the affidavits to the Commissions offices on Saipan via first-class mail in a sealed envelope to the same address mentioned above or immediately via personal delivery so that the NMD's names shall appear on the register. The Commission shall ensure registration clerks have enough NMD registration affidavits.

No Refusal Right. No registration clerk shall refuse to register a person seeking to register even if the clerk believes that the person is not qualified to register. Instead the registration clerk shall allow the individual to fill out the affidavit, but shall immediately inform the Executive Director or a Commission staff person that the person attempting to register might not be eligible to register as an NMD in the Commonwealth. The Commission shall then follow the hearing procedures on all such registrations as listed below.

Hearings on Challenges of Registrations

(a) As authorized by law, the Commission shall hold hearings on all challenged registrations where it appears that the proposed registrant does not meet the qualifications required by statute to register under the Commonwealth Constitution. The hearings shall occur no more than 30 days after the registrant submitted their registration affidavit. As allowed by law the hearings will be informal in nature. A quorum of the Commission shall be necessary to conduct a hearing. Due to the informal nature of the hearing, and where necessary, a Commission member may participate at the hearing through the telephone. Pursuant to the law, the quorum must consist of at least 5 members provided that there is at least one representative from each senatorial district. It is not necessary that the hearing be noticed publicly, but the challenged registrant shall be given reasonable advance notice and opportunity to be heard at the hearing.

(b) The challenged registrant shall be allowed to offer any oral or documentary evidence as to why he should be registered. The challenged registrant may be represented by counsel of his or her own choosing and at his own expense. Any person shall be allowed to offer any oral or documentary evidence as to why the person should or should not be registered. The challenged registrant may also participate at the hearing by being physically present or through the telephone.

(c) The decision denying the challenged registrant the right to be registered shall be decided by a 3/4 majority of the Commission members present at the hearing, including those participating through the telephone. In all other cases where less than 3/4 of the Commission members present vote to deny the registrant the right to be registered, then it shall be presumed that the registrant is qualified to register. No Commission member who does not participate by being present (either physically or through the telephone) in a challenge hearing shall be allowed to vote on whether or not the registrant can register. The Commission shall announce its decision in writing to the challenged registrant as well as make it available to the public no later than three days after the conclusion of the hearing.

(d) The decision of the Commission shall be final; however the judicial review petition procedures of the Commonwealth Administrative Procedure Act [1 CMC §9101, et. seq.] shall also govern the Commission's decision, as being an agency action.

Miscellaneous Provisions

Severability. If any provision of the regulations in this chapter shall be held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations in this chapter shall not be affected thereby.

Effective Date. The regulations in this chapter shall take effect upon the notice of adoption and upon final publication in the Commonwealth Register.



NORTHERN MARIANAS DESCENT AFFIDAVIT OF REGISTRATION APPLICATION

I am currently registered to vote on (if applicable):

- Island of Saipan – Election District: _____
- Island of Tinian – Election District 6
- Island of Rota –

IMPORTANT: PLEASE PRINT CLEARLY IN BLACK INK. FAILURE TO COMPLETE ALL ITEMS MAY PREVENT ACCEPTANCE OF THIS APPLICATION.

CEC OFFICE USE ONLY:	
Affidavit No:	
NMDR:	_____

I HEREBY SWEAR (OR AFFIRM) THAT THE FOLLOWING INFORMATION IS TRUE AND CORRECT:

1	Last Four (4) Digits of Social Security Number XXX-XX- _____	2	Date of Birth ____ / ____ / ____	3	Gender (Circle One) Male Female
4	Full Legal Last Name	First Name	Middle		
5	Physical Residence Address Only (Must be completed. P.O. Box or General Delivery is not acceptable)	Island	ZIP Code		
6	Mailing Address (Street Address, P.O. Box or General Delivery)	Island	ZIP Code		
7	Telephone Contact Information	8	Established CNMI Residency Since		
9	I was last registered to vote under (Give previous legal last name, first name and middle name, <i>if applicable</i>)	Island	ZIP Code		
10	<p><u>Oath</u></p> <p>I declare under penalty of perjury that I am a person who is a citizen or national of the United States and who is of at least one-quarter (25%) Northern Marianas Chamorro or Northern Marianas Carolinian blood or a combination thereof or an adopted child of a person of Northern Marianas descent if adopted while under the age of eighteen (18) years. For purposes of determining Northern Marianas descent, a person shall be considered to be a full blooded Northern Marianas Chamorro or Northern Marianas Carolinian if that person was born or domiciled in the Northern Mariana Islands by 1950 and was a citizen of the Trust Territory of the Pacific Islands before the termination of the Trusteeship with respect to the Commonwealth. (Northern Mariana Islands Constitution Article XII § 4)</p> <p>Executed this _____ day of _____, 20____ at _____, _____.</p> <p style="text-align: center;">Day Month Year City/Island State</p> <p>Signature _____ Date: _____</p>				
11	Witness Signature (required only if applicant makes a mark as signature)	Witness Address/Contact Information	Date		

Warning Any person who knowingly falsifies information may be guilty of a Class C Felony, punishable by up to 5 years of imprisonment and/or \$10,000 fine.

Notice: The office at which a person registers to vote is confidential. A person's declination to register to vote is also confidential and is used for voter registration purposes only as mandated by the National Voter Registration Act of 1993.