



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lieutenant Governor

April 21, 2011
Honorable Eliceo "Eli" D. Cabrera
Speaker, House of Representatives
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Paul A. Manglona
President, The Senate
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 17-57, HD1, entitled, "To establish a Northern Marianas Descent Registry within the Office of the Commonwealth Election Commission." The bill was passed by the Seventeenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 17-40**. Copies bearing my signature are forwarded for your reference.

Sincerely,

BENIGNO R. FITIAL

cc: Lt. Governor, Attorney General, Commonwealth Election Commission,
Department of Finance, Department of Public Lands, Mayors,
Department of Public Health and Environmental Services,
CNMI Superior Court, Commonwealth's Law Revision Commission,
Special Assistant for Programs and Legislative Review



House of Representatives

SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500586
SAIPAN, MP 96950

March 8, 2011

The Honorable Eloy S. Inos
Acting Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Acting Governor Inos:

I have the honor of transmitting herewith for your action **H. B. 17-57, HD1** entitled: "To establish a Northern Marianas Descent Registry within the Office of the Commonwealth Election Commission.", which was passed by the House of Representatives and the Senate of the Seventeenth Northern Marianas Commonwealth Legislature.

Sincerely yours,


Linda B. Muña
House Clerk

Attachment



Seventeenth Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

First Regular Session

March 31, 2010

Representative Felicidad T. Ogunoro, of Saipan, Precinct 3 (*for herself*, Representatives Ramon S. Basa, Trenton B. Conner, Rafael S. Demapan, Sylvestre I. Iguel, Stanley T. McGinnis-Torres, and Edmund S. Villagomez) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. 17-57

AN ACT

**TO ESTABLISH A NORTHERN MARIANAS DESCENT
REGISTRY WITHIN THE OFFICE OF THE COMMONWEALTH
ELECTION COMMISSION.**

The Bill was referred to the House Committee on Health and Welfare, which submitted Standing Committee Report 17-23, adopted by the House on July 22, 2010.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, JULY 22, 2010;**
with amendments in the form of H. B. 17-57, HD1 and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Resources, Economic Development and Programs, which submitted Standing Committee Report 17-26, adopted by the Senate on December 30, 2010.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, MARCH 4, 2011;
without amendments.

H. B. 17-57, HD1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON MARCH 8, 2011.

A handwritten signature in black ink, appearing to read "Linda B. Muña".

Linda B. Muña, House Clerk



Public Law No. 17-40

Seventeenth Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

FIRST DAY, SIXTH SPECIAL SESSION

JULY 22, 2010

H. B. 17-57, HD1

AN ACT

**TO ESTABLISH A NORTHERN MARIANAS DESCENT REGISTRY
WITHIN THE OFFICE OF THE COMMONWEALTH
ELECTION COMMISSION.**

Be it enacted by the Seventeenth Northern Marianas
Commonwealth Legislature:

1 **Section 1. Findings and Purposes:** The Legislature finds that Article
2 XII, §1 of the Northern Mariana Islands Constitution ("Constitution") restricted
3 the acquisition of permanent and long term interests in real property within the
4 Commonwealth to persons of Northern Marianas descent, as defined in § 4 of the
5 said Article.

6 The Legislature further finds that Covenant § 805 (a) provides that after
7 25 years from the termination of the Trusteeship Agreement, and may thereafter,
8 the people of the Northern Mariana Islands will regulate the alienation of
9 permanent and long-term interest in real property; etc. This said provision was
10 incorporated in Article XII of the Constitution, which was adopted without any

1 time limitation by the people of the Northern Mariana Islands, in accordance with
2 Article I, § 103 of the Covenant.

3 The Legislature further finds that the natural persons of Chamorro and
4 Carolinian descent were often referred to and known as: “the people of the
5 Northern Mariana Islands” by the Administering Authority, which was the United
6 States of America, and by the United Nations. That it was the Chamorro and
7 Carolinian people that negotiated and voted for the Covenant, which established
8 the Commonwealth of the Northern Mariana Islands in political union with the
9 United States of America.

10 The Legislature further finds that Article XVIII, § 5 of the Constitution
11 was amended by Senate Legislative Initiative No. 11-1 (S.L.I. NO. 11-1) to
12 provide that only persons of Northern Marianas descent can vote on constitutional
13 amendments affecting the protections against alienation of land. And, the fact
14 that Covenant § 805 in part stated that, “the Government of the Northern Mariana
15 Islands, in view of the importance of the ownership of land for the culture and
16 tradition of the people of the Northern Mariana Islands, and in order to protect
17 them against exploitation and to promote their economic advancement and self-
18 sufficiency,” by this direct mentioned of “the people of the Northern Mariana
19 Islands”, is clearly referring to persons of Northern Marianas Chamorro and
20 Carolinian descent who negotiated and voted for the Covenant. The Legislature
21 agrees; and, therefore, supports that “only” persons of Northern Marianas descent

1 can vote on Constitutional amendments affecting the protection against alienation
2 of lands.

3 The Legislature further finds that the Department of Public Lands, at one
4 time, was registering persons who are of Northern Marianas descent and later
5 discontinued doing it. And lately, in preparation for the possibility that the people
6 of the Northern Mariana Islands may decide to exercise the provision of Covenant
7 § 805 (a), and with the ratification of S.L.I. NO. 11-1, the Commonwealth
8 Election Commission (CEC) started to register persons who are of Northern
9 Marianas descent. CEC initiated such registry without any statutory authority;
10 and as such, it may be discontinued also. With the above concerns, the
11 Legislature finds it necessary to mandate the establishment and control of the
12 registry of persons of Northern Marianas descent within the Office of the
13 Commonwealth Election Commission.

14 **Section 2. Establishment of a Northern Marianas Descent Registry:**

15 There is hereby established within the Office of the Commonwealth Election
16 Commission a Northern Marianas Descent Registry (NMDR) for the purpose of
17 maintaining official listings and records of persons of Northern Marianas descent,
18 and others as may be allowed or required pursuant to this Act. Such registry shall
19 produce the Official Northern Marianas Descent Identification Card (ONMDIC)
20 that will be issued only to persons who are qualified pursuant to Article XII, § 4
21 of the Northern Mariana Islands Constitution.

1 (a) In accordance with this Act, the NMDR is the only one authorized to
2 be established in the Commonwealth. There shall be no other government
3 department, agency or its instrumentalities, including the Offices of the Mayors of
4 Rota, Tinian and Aguiguan, Saipan, and the islands North of Saipan allowed or
5 authorized to establish within their respective offices registry of persons of
6 Northern Marianas descent.

7 (b) The Commonwealth Election Commission shall designate its
8 Executive Director to manage the registry and activities of the NMDR.

9 (c) Notwithstanding any established Commonwealth of the Northern
10 Mariana Islands residents' registry within CEC, the NMDR shall be a separate
11 registry in and by itself for the stated purposes as set-forth below.

12 (1) CEC shall use only the NMDR as the official registry of
13 persons of Northern Marianas descent in any and all elections,
14 i.e. Senatorial District Election or Commonwealth General Elections or
15 Federal Election or Special Election that requires only persons of Northern
16 Marianas descent to vote in such election pursuant to the said Article
17 XVIII, § 5 of the Northern Mariana Islands Constitution, and as it may be
18 required by other local or federal laws, and for other purposes as may be
19 needed or required.

20 (2) The Marianas Public Land Authority (MPLA) or its
21 successors, now, the Department of Public Lands (DPL), upon this Act

1 becoming law, shall completely cease its registry of persons of Northern
2 Marianas descent.

3 (3) CEC shall not attempt to use, acknowledge, recognize, obtain
4 or accept any registry of persons of Northern Marianas descent from DPL
5 or from any other sources within the Commonwealth Government,
6 including the Offices of the Mayors of Rota, Tinian and Aguiguan, Saipan,
7 and the islands north of Saipan holding such registry or records.

8 (4) No person holding any form of Northern Marianas Descent
9 Identification Card issued by MPLA or its successors or from any other
10 sources shall be allowed to use such Identification Card for the stated
11 purpose provided under this Act.

12 (5) CEC shall adopt a system in registering persons of Northern
13 Marianas descent in order to properly and accurately identify that the
14 person registering is a natural person of Northern Marianas descent. In this
15 case, CEC may require the Commonwealth Health Center (CHC) to
16 provide a copy of the original birth record showing the natural parents or
17 ancestors of the person registering. Such birth record shall identify the
18 nationality and race of the parents, i.e. NMD Chamorro or Carolinian or
19 part NMD, etc. And if necessary, CEC may obtain such records from the
20 CNMI Superior Court or in archives, such as the Catholic Church or
21 others, who may be keeping such record or information.

1
2 request for a copy of original birth record of the individual person
3 registering, shall promptly produce and provide it to CEC without cost.

4 **Section 3. Official Northern Marianas Descent Identification Card**

5 **(ONMDIC):** CEC shall design the Official Northern Marianas Descent
6 Identification Card (ONMDIC), which shall be approved by the Governor, the
7 Presiding Officers of the Legislature, and the Mayors of the respective Senatorial
8 Districts in the Commonwealth. The ONMDIC shall have with it the protection
9 needed to avoid and prevent it from duplication, fabrication, forgery,
10 counterfeiting, identity theft, scams and other illegal activities.

11 (a) The ONMDIC shall be the Official Identification Card of persons
12 of Northern Marianas descent in the Commonwealth, and it shall be issued only to
13 persons who meet the requirements of Article XII, § 4 of the Northern Mariana
14 Islands Constitution, and shall be used only in accordance with the applicable
15 provisions of this Act.

16 (b) The ONMDIC may be required by the Department of Public Lands
17 to ensure that the individual person applying for village or agricultural homestead
18 in the Commonwealth is a person of Northern Marianas descent; and if the
19 applicant, upon the request by DPL, fails to show or does not have the said
20 identification card, DPL may request the Commonwealth Election Commission to
21 verify or certify that the applicant is a person of Northern Marianas descent

1 pursuant to Article XII, § 4 of the Northern Mariana Islands Constitution. CEC
2 shall furnish such certification card without hesitation when available to DPL.

3 (c) At any time as it may be deemed necessary and required by any
4 department or agency of the Commonwealth Government, including the Office of
5 the Mayors, the Federal Government and/or its agencies, or the private sectors for
6 the purpose of establishing the identity of the individual person for any legitimate
7 reason, the ONMDIC shall be shown by its rightful holder.

8 **Section 4. Registration:** Upon this Act becoming Law and in
9 accordance with this Act, the Commonwealth Election Commission shall begin
10 the registration of persons of Northern Marianas descent in all the villages on
11 Saipan, the islands north of Saipan, Tinian and Aguiguan, and Rota. The
12 Commonwealth Election Commission may conduct such registration in the said
13 villages as often as it may be required.

14 (a) The CEC shall diligently work toward the successful
15 implementation of this Act by ensuring that its intent and purpose is well
16 disseminated and announced throughout the Commonwealth, urging all person to
17 register who qualify pursuant to Article XII, § 4 of the Northern Mariana Islands
18 Constitution.

19 (b) The CEC shall not deny any individual person who meets the
20 requirements of Article XII, § 4 of the Northern Mariana Islands Constitution to
21 register. However, if the individual person is a convicted felon, the applicable

1 provisions of local or federal laws shall apply when it comes to voting in any
2 regular or special elections.

3 If a registration clerk administering an oath has any question regarding the
4 propriety of an affidavit of registration, the clerk shall forward the affidavit to the
5 Commission for final decision as to its propriety. In case of a questionable
6 affidavit regarding the qualification(s) of the individual, the Commission shall
7 conduct a formal or informal hearing to determine the correct facts. The registrant
8 has the right to present evidence to the Commission regarding his or her
9 qualifications to register as a person of Northern Marianas Descent. Any
10 individual person, who is denied to be registered by the Commonwealth Election
11 Commission, may appeal the decision to the members of the Commonwealth
12 Election Commission thirty days upon the receipt of such denial. The members of
13 CEC, upon the receipt of the appeal, shall, within forty-five days and no later than
14 sixty days, schedule a hearing to allow the individual person to present his or her
15 oral or written argument, with supporting documents, if required, contesting such
16 a denial. After the said hearing, the members of the CEC find that the decision to
17 deny the individual person to be registered stands, the appellant must be notified
18 in writing explaining the reason for such action. The individual person may seek
19 judicial review of such decision under the Administrative Procedures Act.

20 **Section 5. Rules & Regulation:** CEC may promulgate the necessary
21 rules and regulations to carry out the purpose and intent of this Act.

1 **Section 6. Severability.** If any provisions of this Act or the application
2 of any such provision to any person or circumstance should be held invalid by a
3 court of competent jurisdiction, the remainder of this Act or the application of its
4 provisions to persons or circumstances other than those to which it is held invalid
5 shall not be affected thereby.

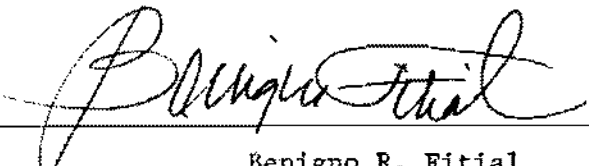
6 **Section 7. Savings Clause.** This Act and any repealer contained herein
7 shall not be construed as affecting any existing right acquired under contract or
8 acquired under statutes repealed or under any rule, regulation or order adopted
9 under the statutes. Repealers contained in this Act shall not affect any proceeding
10 instituted under or pursuant to prior law. The enactment of the Act shall not have
11 the effect of terminating, or in any way modifying, any liability, civil or criminal,
12 which shall already be in existence on the date this Act, becomes effective.

1 **Section 8. Effective Date.** This Act shall take effect upon its approval by
2 the Governor, or its becoming law without such approval.

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
ELICEO "EM" D. CABRERA, SPEAKER

APPROVED this 51st day of APRIL, 2011


Benigno R. Fitial
Governor
Commonwealth of the Northern Mariana Islands