

CHAPTER 30-20
NORTHERN MARIANAS DESCENT REGISTRY RULES AND REGULATIONS

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Chapter Authority: CNMI Const., art. XII; 1 CMC § 6105.

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

Commission Comment: The Northern Marianas Descent Registry (NMDR) was established by the enactment of Public Law 17-40 for the purpose of registering persons who are of Northern Marianas descent pursuant to Article XII, § 4 of the CNMI Constitution. The Commonwealth Election Commission (CEC) promulgated regulations for the registration of Northern Marianas Descent under Section 5 of Public Law 17-40.

Part 001 – General Provisions

§ 30-20-001 Authority

The authority for the adoption and promulgations of the Northern Marianas Descent Registry Rules and Regulations is vested under the authority and directions set forth in Section 5 of Public Law 17-40 [1 CMC § 6924].

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

§ 30-20-005 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.

TITLE 30: COMMONWEALTH ELECTION COMMISSION

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

Part 100 Registration

§ 30-20-101 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.

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

§ 30-20-105 Registration by Affidavit

An NMD registers 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 the same under the penalty of perjury.

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

§ 30-20-110 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
P.O. Box 500470
Saipan, MP 96950

(b) 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.

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

§ 30-20-115 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.

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

§ 30-20-120 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.

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

§ 30-20-125 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.

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

§ 30-20-130 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 Commission 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.

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

TITLE 30: COMMONWEALTH ELECTION COMMISSION

Commission Comment: The Commission changed “Commissions offices on Saipan” to “Commission offices on Saipan” to correct a manifest error.

§ 30-20-135 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 in the regulations in this chapter.

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

Commission Comment: The Commission replaced “registrations as listed below” with “registrations as listed in the regulations in this chapter.”

Part 200 Hearings on Challenges of Registrations

§ 30-20-201 Hearing Procedures

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.

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

Commission Comment: The Commission titled this section.

§ 30-20-205 Rights of Challenged Registrant

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 or her 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.

TITLE 30: COMMONWEALTH ELECTION COMMISSION

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

Commission Comment: The Commission titled this section. The Commission replaced “his own expense” with “his or her own expense.”

§ 30-20-210 Decisions

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.

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 decision.

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

Commission Comment: The Commission titled this section. In the second full paragraph, the Commission did the following: it added a comma after “however”; it changed 1 CMC §9101, et. seq.” to “1 CMC §§ 9101, et seq.”; and it removed the comma in the phrase “Commission’s decision, as being.”

Part 300 Miscellaneous Provisions

§ 30-20-301 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.

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).

§ 30-20-305 Effective Date

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

History: Adopted 33 Com. Reg. 32090 (Nov. 2011); Proposed 33 Com. Reg. 31918 (Sept. 2011); Proposed 33 Com. Reg. 31673 (June 2011).