

**§ 1204. Records; Certificates; Register.**

(a) It is the duty of every person authorized by any religious or non-religious entity to perform marriages to make and preserve a record of every marriage performed by that person, regardless of the citizenship of the parties, showing the names of the persons married, their places of residence, if applicable, and the date of marriage, and to deliver to the bride immediately after the ceremony a certificate of the record of the marriage, signed by the person performing the marriage, two witnesses, if there were as many as two, and the persons married. The person performing the marriage shall send a copy of the marriage certificate to the Commonwealth Recorder's Office to be recorded in the marriage register. Forms issued by the Governor for the marriage certificates shall be used when available, but lack of these forms does not excuse failure to provide the bride with the certificate and the clerk with the copy required above in substantially the same form, and containing the same information as in the forms issued by the Governor.

(b) An exception to the requirement that a marriage certificate include "places of residence" exists if the certificate was executed during the time that the Northern Mariana Islands were under governance of the Trust Territory of the Pacific Islands.

**Source:** 39 TTC § 54; amended by PL 22-25, § 2 (Nov. 3, 2022); PL 23-3, § 2 (Apr. 10, 2023).

**Commission Comment:** [Historical comment omitted.]

*Legislative Findings of 2022 Amendment.*— In addition to severability and savings clause provisions, PL 22-25 included the following Findings and Purpose section:

Section 1. Findings and Purpose.

The Legislature finds that pursuant to 8 CMC § 1204, any person authorized to perform a marriage is required to submit the respective marriage certificate to the Clerk of Court of the Commonwealth Trial Court for marriage registry purposes within ten (10) days. Due to various circumstances, many marriage certificates were not properly filed in a timely manner or may not have been properly recorded in the courts' marriage registry. Cognizant of such missing certificates, the Legislature finds that it is crucially pertinent to remove such time restrictions to allow for the respective religious/non-religious entity to properly file their marriage certificates with the respective Clerk of Court. The benefits of several individuals who have lost their spouses rely heavily on such record.

The Legislature also finds that many widowed spouses who were wedded many years ago have experienced great hardship in gaining a copy of their respective marriage certificate from the Commonwealth Trial Courts. Such certificates are necessary for widowed spouses to legally claim the benefits left by their deceased partners, such as land,

funds, and so forth. Due to the current language of 8 CMC § 1204, these respective widows have been left in problematic circumstances that have contributed great distress to their well-being. In their time of great loss, it is important to allow widowed spouses to avail of benefits yielded by the passing of their deceased spouses. Their marriage should be properly recognized regardless of the circumstances that prohibited their marriage from being filed in the courts' marriage registry.

Therefore, the purpose of this Act is to amend 8 CMC § 1204 to remove the ten-day restriction to submit a marriage certificate by any religious and/or non-religious entity and to make the amendments apply retroactively to allow existing marriage certificates to be recognized by the CNMI government and filed at the Commonwealth Superior Court.

*Retroactive Effect of 2022 Amendment.*— PL 22-25, § 3, provided as follows:

Section 3. Retroactive Application of Amendments.

Notwithstanding any law to the contrary, the amendments to 8 CMC § 1204 as set forth in Section 3 [sic] of this Act shall be applied retroactively. Any existing marriage certificate executed by a person who was authorized by a religious or non-religious entity to perform the marriage in the CNMI prior to the effective date of this Act, shall be recognized by the CNMI government and filed at the Commonwealth Superior Court.

*Legislative Findings of 2023 Amendment.*— In addition to severability and savings clause provisions, PL 23-3 included the following Findings and Purpose section:

Section 1. Findings and Purpose.

The Legislature finds that Public Law 22-25 amended 8 CMC § 1204 to remove the ten-day restriction to submit a marriage certificate by any religious and/or non-religious entity that was enacted into law on November 3, 2022. The time limit was preventing otherwise valid marriage certificates from being filed with the CNMI Recorder.

The Legislature further finds that the CNMI Recorder is authorized to file marriage certificates only if the certificates detail certain information, including “places of residence” for the bride and groom. However, before the modernization of marriage certificates for governmental purposes, church certificates did not always include information regarding residences. This is particularly true during the time when marriage was administered when the islands of the Northern Marianas were still under the Trust Territory of the Pacific Islands.

The Legislature finds that the inability of a person to file an otherwise valid marriage certificate can prevent a governmental agency from confirming the marital status of that person. For example, a person seeking to initiate survivor retirement benefits might not be able to complete the administrative process if the Recorder is unable to file the marriage certificate.

The Legislature, therefore, finds that it is necessary to create an exception to the requirement that a marriage certificate include “places of resi-

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dence” if the certificate was executed during the time that the islands of the Northern Marianas were under governance of the Trust Territory of the Pacific Islands and to make the amendment apply retroactively to allow such marriage certificates to be recognized by the CNMI government and filed at the Commonwealth Superior Court.