

CHAPTER 5-50
INITIATIVE, REFERENDUM AND RECALL PETITIONS
CERTIFICATION REGULATIONS

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Chapter Authority: N.M.I Const. art. IX and XVIII.

Chapter History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

Commission Comment: Article IX of the N.M.I. Constitution provides for the enactment of Commonwealth laws by popular initiative, the rejection of Commonwealth laws by popular referendum and the recall of public officials by the voters of the Commonwealth. The Attorney General is required to certify that the requirements for initiatives, referendums and recalls are met. See N.M.I. Const., art. IX §§ 1(b), 2(b) and 3(b). Article XVIII § 4 governs constitutional amendment by popular initiative in the Commonwealth. Section 4(b) requires the Attorney General to certify initiative petitions for amendments to the Commonwealth Constitution.

Part 001 - General Provisions

§ 5-50-001 Purposes

Articles IX and XVIII of the N.M.I. Constitution provide that the Attorney General must certify all popular initiative petitions that propose constitutional amendments and all initiative or referendum petitions that propose amendments to laws of the Commonwealth of the Northern Mariana Islands (the "Commonwealth") or local laws of a Senatorial District of the Commonwealth as well as all recall petitions before the Commonwealth Election Commission places the petition question on the ballot. The intent of the regulations in this chapter is to establish procedures and guidelines by which the Attorney General shall certify that the requirements of articles IX and XVIII of the N.M.I. Constitution have been met so that such petitions may be placed on an election ballot.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-005 Authority

The regulations in this chapter are promulgated pursuant to articles IX and XVIII of the N.M.I. Constitution, whereby the Attorney General is required to issue certifications regarding compliance with the constitution.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-010 Severability

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If any provision of the regulations in this chapter or any application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these regulations and to this end, the provisions of these regulations are declared to be severable.

Modified, 1 CMC § 3806(d).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

Part 100 - Number of Signatures Required

§ 5-50-101 Initiative or Referendum Petitions; Determination of Number of Individuals Qualified to Vote

Except as provided for in § 5-50-110, for initiative or referendum petitions, the Attorney General shall determine the total number of individuals qualified to vote by using the total number of persons registered to vote in the Commonwealth by the Commonwealth Election Commission one hundred fifty days prior to the next general election.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-105 Recall Petition; Determination of Number of Individuals Qualified to Vote

The Attorney General shall determine the total number of individuals qualified to vote for a recall petition by using the total number of persons registered to vote in the Commonwealth by the Commonwealth Election Commission. If the party submitting the recall petition seeks to have it included on the ballot in the next general election (“general election recall petition”), the Attorney General shall use the total number of voters registered by the Commonwealth Election Commission one hundred fifty days prior to the next general election. If the party submitting the recall petition seeks to have it included on the ballot in a special election (“special election recall petition”), the Attorney General shall use the total number of voters registered by the Commonwealth Election Commission on the day the petition is submitted to the Attorney General for certification.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-110 Initiative Petitions Proposing Constitutional Amendments to Be Included on the Ballot During Special Elections; Determination of Number of Individuals Qualified to Vote

If a party submits an initiative petition for a constitutional amendment that the party seeks to have included on the ballot in a special election (“special election popular

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constitutional initiative petition”), the Commonwealth Election Commission shall determine the total number of registered voters on the day the petition is submitted to the Attorney General for certification.

Modified, 1 CMC § 3806(f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-115 Who May Sign Petition

An individual may sign an initiative, referendum, or recall petition, and the Attorney General shall count such signature, if he or she:

- (a) Is eligible to vote under the N.M.I. Constitution and Commonwealth law, and
- (b) Has properly registered to vote with the Commonwealth Election Commission at the time he or she signs the petition and as of the date of the Commonwealth Election Commission’s determination of the total number of individuals qualified to vote for the petition. All individuals who meet this criteria are considered “qualified to vote,” as that phrase is used in the N.M.I. Constitution.

Modified, 1 CMC § 3806(f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

Part 200 - Attorney General Certification

§ 5-50-201 Constitutional Initiative Petition; Submission to Attorney General

Except for special election popular constitutional initiative petitions, all petitions regarding amendments to the N.M.I. Constitution shall be submitted with the required number of signatures to the Attorney General at the Office of the Attorney General, Administration Building, Capitol Hill, Saipan, no later than one hundred fifty days prior to the next regular general election. The Attorney General shall not certify any petitions that are submitted after this deadline. Special election popular constitutional initiative petitions may be submitted to the Attorney General at any time, except they may not be submitted within one hundred fifty days prior to regular general election.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-205 Commonwealth-wide or Local Initiative or Referendum Petition; Submission to Attorney General

All initiative or referendum petitions regarding Commonwealth-wide or local laws shall be submitted with the required number of signatures to the Attorney General at the Office of the Attorney General, Administration Building, Capitol Hill, Saipan, no later one

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hundred and fifty days prior to the next regular general election. The Attorney General shall not certify any petitions that are submitted after this deadline, except as provided in § 5-50-245.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-210 Recall Petitions; Submission to Attorney General

For general election recall petitions, the recall petition shall be submitted with the required number of signatures to the Attorney General at the Office of the Attorney General, Administration Building, Capitol Hill, Saipan, no later one hundred and fifty days prior to the next regular general election. The Attorney General shall not certify any general election recall petition that is submitted after this deadline, except as provided in § 5-50-260. Special recall petitions may be submitted to the Attorney General at any time, except they may not be submitted within one hundred fifty days prior to a regular general election.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-215 Contact Person

Every petition submitted to the Attorney General's Office shall be accompanied by a written statement identifying the name of a person submitting the petition, and his or her address and phone number. The Attorney General shall refuse to certify petitions that are not accompanied by this information.

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-220 Petition and Signature Pages

(a) Initiative Petitions. Each initiative petition shall contain the full text of the proposed amendment. All signature pages must be attached to a copy of the petition containing the full text of the proposed amendment. If an initiative petition proposes a new law or constitutional amendment, the "full text of the proposed amendment" means the full text of the new proposal. If the initiative petition proposes to modify an existing law or constitution section, the "full text of the proposed amendment" means the full text of relevant sections of the existing law or constitutional section with the proposed changes incorporated and highlighted in bold for new text or with strikethroughs for proposed deleted text. For petitions that propose to modify existing laws or constitutional sections, the sections of the existing law or N.M.I. Constitution that are not proposed to be changed and are not necessary for the understanding of the sections that are proposed to be modified do not need to be attached to the signature pages.

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(b) Referendum Petitions. Each referendum petition shall contain the full text of the law sought to be rejected and all signature pages shall be attached to a copy of the petition containing the full text of the law sought to be rejected.

(c) Recall Petitions. Each recall petition shall identify the public official sought to be recalled by name and office and state the grounds for recall. All signature pages for the recall petition shall be attached to a copy of the petition containing the name and office of the public official sought to be recalled and the grounds for the recall.

(d) Special Requirements for All Petitions Involving Recall and Popular Constitutional Amendment Petitions. In addition to the other requirements of this section, the party submitting petitions regarding recalls or popular constitutional amendments must indicate whether the petition is to be included on the ballot of a special or general election. This information must also be included on all signature pages. If this information is not included, the party requesting certification shall be deemed to have submitted a petition for inclusion at the next general election.

(e) Requirements of All Petitions.

(1) The signature pages for all petitions shall contain a place for the signing party to provide the following information:

- (i) Signature;
- (ii) Printed name;
- (iii) Date of birth or voter registration affidavit number;
- (iv) Mailing address;
- (v) Voting district; and
- (vi) Date of signature.

(2) All information must be included for a signature to be certified as valid.

(f) Individuals submitting petitions are encouraged to use the form attached to these regulations as exhibit A* for their signature pages.

*See the commission comment to this section.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

Commission Comment: The original paragraphs of subsection (e) and the final paragraph were not designated. The Commission designated subsections (e)(1) and (e)(2) and (f).

In subsection (b), the Commission inserted the word “the” before “full text” to correct a manifest error.

Exhibit A, referenced in subsection (f), appeared at the end of the proposed regulations. See 27 Com. Reg. at 23806-23812 (Jan. 17, 2005). However, the exhibit was not published with the adopted regulations and therefore the Commission has not included it in this chapter.

§ 5-50-225 Affidavit Accompanying Petition and Signatures

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(a) Each petition and attached signature pages shall be submitted to the Attorney General with an affidavit signed by the individual or individuals who circulated the petition and obtained the signatures stating the following:

(1) That the person signing the affidavit is the person who obtained the signatures attached to the petition;

(2) That the person signing the affidavit witnessed the execution of all signatures attached to the petition, and to the best of his or her knowledge the signatures are of the persons who they purport to be;

(3) When the signatures were obtained, the information required to be attached or included in the petition by § 5-50-220 was attached or included and each person signing was advised of its presence; and

(4) That the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.

(b) A declaration made in compliance with 7 CMC § 3305 and consistent with the requirements of this section may be submitted in lieu of an affidavit.

Modified, 1 CMC § 3806(c).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 5-50-230 Constitutional Amendment; Attorney General Certification Notice

Except for special election popular constitutional initiative petitions, the Attorney General shall notify the party who submitted a petition regarding a constitutional amendment regarding how many valid signatures, as determined by the Attorney General, were submitted in support of the petition forty days after the petition is submitted for certification. If a sufficient number of signatures were submitted, but the Attorney General was unable to certify a sufficient number of signatures to meet the constitutional requirements, the party who submitted the petition shall have an additional ten calendar days to file additional signatures in support of the petition. If an insufficient number of signatures were submitted as specified in the regulations in this chapter, the party circulating the petition shall not receive any additional time to obtain signatures.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-235 Special Election Popular Constitutional Initiative Petitions; Attorney General Certification Notice

The Attorney General shall notify the party who submitted a special election popular constitutional initiative petition regarding how many valid signatures, as determined by

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the Attorney General, were submitted in support of the petition, forty days after the petition is submitted for certification. If the Attorney General is unable to certify a sufficient number of signatures to meet the constitutional requirements, the party may re-file the petition with additional signatures at any time. If a re-filed petition is filed within ten days of the Attorney General's denial of certification, the Attorney General shall inform the party how many valid signatures, as determined by the Attorney General, were submitted in support of the petition, within twenty days of the re-filing. If a re-filed petition is filed more than ten days after the Attorney General's first denial of certification, it shall be deemed to be a new petition.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-240 Initiative or Referendum Regarding Commonwealth-wide or Local Law; Attorney General Certification Notice

The Attorney General shall notify the party who submitted a timely initiative or referendum petition regarding a Commonwealth-wide or local law regarding how many valid signatures, as determined by the Attorney General, were submitted in support of the petition thirty days after the petition is submitted for certification. If a sufficient number of signatures were submitted as specified in the N.M.I. Constitution, but the Attorney General was unable to certify a sufficient number of signatures to meet the constitutional requirements, the party who submitted the petition shall have an additional ten days to file additional signatures in support of the petition. If an insufficient number of signatures were submitted, the party circulating the petition shall not receive any additional time to obtain signatures.

Modified, 1 CMC § 3806(e).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-245 Accepted Late-filed Petitions Regarding Certification for Initiatives or Referendums Regarding Commonwealth-wide or Local Law; Submission to Attorney General

All initiative or referendum petitions regarding amendments to Commonwealth-wide or local laws submitted with the required number of signatures to the Attorney General at the Office of the Attorney General, Administration Building, Capitol Hill, Saipan, no later one-hundred and twenty days prior to the next regular general election shall be considered accepted late-filed initiative petitions. The Attorney General will accept all such accepted late-filed initiative petitions for certification. The Attorney General shall not certify any petitions that are submitted after this deadline.

Modified, 1 CMC § 3806(e), (f).

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History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-250 Accepted Late-filed Initiative Petition; Attorney General Certification Notice

The Attorney General shall notify the party who submitted an accepted late-filed initiative petition regarding how many valid signatures, as determined by the Attorney General, were submitted in support of the petition thirty days after the petition is submitted for certification. If the Attorney General is unable to certify a sufficient number of signatures to meet the constitutional requirements, the party who submitted the petition shall not have another opportunity to submit additional signatures in support of the petition.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-255 General Election Recall Petition; Attorney General Certification Notice

The Attorney General shall notify the party who submitted a timely general election recall petition regarding how many valid signatures, as determined by the Attorney General, were submitted in support of the petition thirty days after the petition is submitted for certification. If a sufficient number of signatures were submitted as specified in the N.M.I. Constitution, but the Attorney General was unable to certify a sufficient number of signatures to meet the constitutional requirements, the party who submitted the petition shall have an additional ten days to file additional signatures in support of the petition. If an insufficient number of signatures were submitted as specified in the regulations in this chapter, the party circulating the petition shall not receive any additional time to obtain signatures.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-260 Accepted Late-filed Petitions for General Election Recall Petition; Submission to Attorney General

All general election recall petitions submitted with the required number of signatures to the Attorney General at the Office of the Attorney General, Administration Building, Capitol Hill, Saipan, no later one-hundred and twenty days prior to the next regular general election shall be considered accepted late-filed general election recall petitions. The Attorney General will accept all such accepted late-filed general election recall petitions for certification. The Attorney General shall not certify any petitions that are submitted after this deadline.

Modified, 1 CMC § 3806(e), (f).

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History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-265 Accepted Late-filed General Election Recall Petition; Attorney General Certification Notice

The Attorney General shall notify the party who submitted an accepted late-filed general election recall petition regarding how many valid signatures, as determined by the Attorney General, were submitted in support of the petition thirty days after the petition is submitted for certification. If the Attorney General was unable to certify a sufficient number of signatures to meet the constitutional requirements, the party who submitted the petition shall not have another opportunity to submit additional signatures in support of the petition.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-270 Special Election Recall Petitions

Thirty days after receiving a recall petition to be submitted at a special election, the Attorney General shall notify the party who submitted the petition regarding how many valid signatures, as determined by the Attorney General, were submitted in support of the petition. If the Attorney General is unable to certify a sufficient number of signatures to meet the constitutional requirements, the party may re-file the petition with additional signatures at any time. If a re-filed petition is filed within ten days of the Attorney General's denial of certification, the Attorney General shall inform the party how many valid signatures, as determined by the Attorney General, were submitted in support of the petition, within twenty days of the re-filing. If a re-filed petition is filed more than ten days after the Attorney General's first denial of certification, it shall be considered a new petition.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

Part 300 - Certification to the Governor

§ 5-50-301 Deadline for Submitting Petition to Governor

The Attorney General shall submit all special election recall petitions and special election popular constitutional initiative petitions that he or she has certified as complying with the N.M.I. Constitution to the Governor on the day the petition is certified.

Modified, 1 CMC § 3806(f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

Part 400 - Certification to Legislature

§ 5-50-401 Deadline for Submitting Petition to Legislature

Except for special election popular constitutional initiative petitions, the Attorney General shall submit all petitions that he or she has certified as complying with article XVIII, § 4(a) of the N.M.I. Constitution, to both houses of the Legislature on the day the petition is certified or ninety days prior to the next regular general election, whichever is earlier. For special election popular constitutional initiative petitions, the Attorney General shall submit all petitions that he or she has certified as complying with article XVIII, § 4(a) of the N.M.I. Constitution, to both houses of the Legislature on the day the petition is certified.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

Part 500 - Certification to the Commonwealth Election Commission

§ 5-50-501 Attorney General's Certification to Commonwealth Election Commission Regarding Petitions Seeking to Amend the N.M.I. Constitution

The Attorney General shall provide the Commonwealth Election Commission with a written certification regarding each petition to amend the N.M.I. Constitution it receives. This certification shall advise the Commonwealth Election Commission whether or not the petition has complied with the requirements of article XVIII, § 4(a) of the N.M.I. Constitution. Except for special election popular constitutional initiative petitions, this certification shall be provided on the date it is issued or ninety days prior to the next regular general election, whichever is earlier. For special election popular constitutional initiative petitions, the Attorney General shall submit all petitions that he or she has certified as complying with article XVIII, § 4(a) of the N.M.I. Constitution, to the Commonwealth Election Commission on the day the petition is certified under § 5-50-235.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-505 Attorney General's Certification to Commonwealth Election Commission Regarding Petitions Seeking to Amend Commonwealth-wide or Local Laws

For an initiative or referendum petition regarding an amendment to a Commonwealth-wide or local law, the Attorney General shall provide the Commonwealth Election Commission with a written certification regarding each petition that is submitted to the Attorney General. This certification shall advise the Commonwealth Election Commission whether or not the petition has complied with the requirements of article IX

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of the N.M.I. Constitution. The Attorney General shall notify the Commonwealth Election Commission on the day the certification is issued or ninety days prior to the next regular general election, whichever is earlier.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-510 Attorney General's Certification to Commonwealth Election Commission Regarding Recall Petitions

The Attorney General shall provide the Commonwealth Election Commission with a written certification regarding each recall petition submitted to the Attorney General. This certification shall advise the Commonwealth Election Commission whether or not the petition has complied with the requirements of article IX of the N.M.I. Constitution. Except for special election recall petitions, the Attorney General shall notify the Commonwealth Election Commission on the day the certification is issued or ninety days prior to the next regular general election, whichever is earlier. For special election recall petitions, the Attorney General shall submit all petitions that he or she has certified as complying with article IX of the N.M.I. Constitution, to the Commonwealth Election Commission on the day the petition is certified under § 5-50-270.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-515 Amendment Proposed

A constitutional amendment petition shall be considered proposed, as that term is used in article XVIII, § 5(a) of the N.M.I. Constitution, when the Attorney General certifies it.

Modified, 1 CMC § 3806(f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

Part 600 - Deadlines

§ 5-50-601 Determination Deadlines

If any deadline specified in the regulations in this chapter falls on a Saturday, Sunday, Commonwealth holiday, or other non-work day, the date specified shall be the immediately preceding business day. For any filing under these regulations to be considered timely, it must be filed by 4:30 p.m. on the due date.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).

§ 5-50-605 Calendar Days

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Unless the term “business days” is used, all references to “days” mean calendar days. “Business day” means any day that is not a Saturday, Sunday, Commonwealth holiday, or other non-work day.

History: Adopted 27 Com. Reg. 24015 (Feb. 17, 2005); Proposed 27 Com. Reg. 23789 (Jan. 17, 2005).