On My Mind 9/17/04

In follow-up to last week's column, which discussed absentee voting in federal elections, I have been informed that in addition to losing the right to vote in local elections, the loss of `residence` - that comes with registering to vote someplace other than in the CNMI - also results in losing the right to receive a rebate of one's taxes.

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How would anyone know that you have put your residency status at risk? According to Gregorio C. Sablan, Executive Director of the Election Commission, the process of registering to vote (here or elsewhere) includes answering the question: are you registered to vote anywhere else, and if so, where? If the answer is yes, this triggers notification by the election agency in the entity in which you are registering to vote, to the election agency in the entity in which you are already registered to vote. Sablan said all states and territories do this, including the CNMI. <br/>
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He said that upon receipt of such notice, the CNMI Election Commission removes your name from its roster; however, it does not notify the IRS or CNMI's Revenue and Taxation office. (n.b.: if it is discovered that one has lied about where one is registered, and it involves a federal election, it would constitute a federal offense.)

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To muddle matters even further, I have received fourth-hand information that the CNMI Attorney General has said that CNMI's Tax and Rev would be putting something out that would say 'yes, you could vote for a federal election and still claim residency in CNMI and be eligible for the rebate.' When this supposed information would appear was - and is - not known. On the other hand, Sablan was skeptical, saying, 'residency is residency.'<br/>

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A Northern Marianas College class is offering people another way to cast their ballot - with the potential of making headlines in the mainland press. A mock presidential election will take place on Saturday, October 30, conducted exactly like a real election - only those registered to vote in the CNMI will be allowed to vote - and registered voters will be required to show some form of picture ID when they come to vote.

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The hope is that the local newspapers will cover the election, and that since both papers subscribe to the Associated Press news wires, the story will be picked up in mainland papers, with a headline saying `America`s first election return shows Bush/Kerry in the lead` (depending how the vote goes here) - or words to that effect.

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Since such a headline stands a chance of having a more far-reaching effect than scattered single votes throughout the 50 states, it might well be more worthwhile to work on getting the vote out for the October 30 poll than trying to find ways around the morass of local and federal rules and laws in order to cast a perilous absentee ballot.

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While on the subject of casting votes, though it might seem rather early to get concerned about another constitutional convention, it seems fairly certain that the question of whether or not there should be one will be on the ballot in 2005. The CNMI Constitution requires, thanks to an unfortunately approved amendment in 1985, that the question be asked every ten years, and in the absence of legislative action to put it on the ballot, the governor, in accordance with the amendment, has said he will issue an executive order doing so.

The amendment was a mistake in the first place. The Constitution is the backbone of CNMI's government, and as such, should be treated not only with respect, but with great care. To provide strength and stability to the government, its backbone should only be operated on if there are serious problems with it. This amendment offers an opportunity to mess with the backbone every ten years. Just as people who don't need anything will still accept an invitation to go to the store, people offered an opportunity to operate on the Constitution are inclined to accept that opportunity- even though it has no serious problems. As is said here, `If it ain't broke, don't fix it.`

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If there is a single issue, as would appear to be the case in regard to land tenure, it would be far better to put it on the ballot as either a legislative or a popular initiative rather than to submit the entire Constitution to unwarranted surgery.

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In fact, that issue - whether voters should be asked if there should be a constitutional convention to propose amendments to the Constitution every ten years - is a prime candidate for a legislative or popular initiative as well.

To call a constitutional convention is, in addition, rather costly. Not only the reimbursement to the delegates, and the lost office time in the case of those delegates who are government employees, but also the extra staff that must be hired, the extra equipment that is needed, the accommodations that must be rented - not to mention either the hiring of experts/consultants or the reams of paper that will be consumed - all add up to a significant amount of money. Despite the fact that our governor seems able to pull money out of a hat (others` pockets?) to do things he wants to do, in the present state of the CNMI's economy, the CNMI can ill-afford such a drain on its budget.

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Particularly in light of the expense, to call a constitutional convention without legitimate reason - without consensus, or even awareness or recognition that more than one or two changes to the Constitution are needed - is not only wasteful but also irresponsible.

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While on the subject of the present state of CNMI's economy, what in the world were the Commonwealth Development Authority - and the governor, who had to give final approval - thinking when they granted the World Resort a <b>100%</b> rebate for its business gross revenue <b>and</b> its alcoholic beverage/bar, <b>and</b> its corporate income taxes <b>and</b> for its excise taxes on all construction materials and equipment `used exclusively during the construction period`?????

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The CNMI government's income depends in large part on the taxes it collects. If the big tax payers, like the hotels, continue to be given such generous rebates of all their taxes through the Qualifying Certificate program, where will the CNMI's revenue come from? Doesn't that decimate the CNMI's revenue sources for years to come?

World Resort isn't, of course, the only hotel given generous tax rebates recently. The Dai Ichi

Hotel received its Qualifying Certificate just a few months ago, as, I believe did beleaguered poor Tinian Dynasty. Granted that the construction process and all it entails add to the economy - which is the argument made for giving hotels QC`s in exchange. But the monetary benefits to government represented by a larger work force, its housing and meals, or purchase of material and equipment and the like, do not go into the government treasury - at least not directly. Whereas taxes do. And it is those taxes on which the CNMI budget relies. <br/>

I seem to recall that someone up there on Capitol Hill - was it one of the legislators? - was talking about investigating the whole `qualifying certificate` program. I think it`s high time. <br>

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But when the Commonwealth Development Authority does try to help keep the government solvent, it gets no support from the legislature. Witness the recent bill passed by both House and Senate that would prevent the CDA from trying to collect what's due on the many bad debts it has accrued. The bill asks that the CDA forgive all sorts of interest, apply payments that are made towards principal instead of interest, and that properties not be foreclosed. <br/>

As CDA has protested, how can an agency stay solvent under such conditions? Doesn't the legislature understand how loans and mortgages work? Have its members all only been on the borrowing end of things?

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However, if the legislature's concern for the protection of people's homes, inherited properties and ancestral lands is genuine, how about proposing - and passing - a law that would require local banks and other lending institutions to do the same - apply payments made to principal instead of interest, lower interest rates, hold off on foreclosures? Why should only the people who went to CDA instead of commercial institutions be pampered? Why should the rest of us have to pay 9-10% interest, be forced to put nearly 9/10th of our monthly payments toward interest instead of principle? After all, fair is fair - or isn't it?

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Azmar's spokespersons sure are glib of tongue. Now they're saying that that employment contract that would keep all artifacts found on Pagan in Azmar's hands was a 'fake,' that the person who wrote it no longer works for Azmar, that Don Farrell's contract doesn't say that, that such agreements are typical. Really! How came it to be written in the first place? Whose idea was it to begin with? Does Farrell now consider himself an employee rather than a consultant, or officer, or whatever his title is? This is one place where the old adage that `where there`s smoke there`s fire` sure seems to apply!

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Having myself been acerbic, I would like to call attention to Peter J. Pangelinan Perez, who never is, despite all sorts of provocation. His letters to the editor, defending the interests of Northern Islanders, rebutting allegations by the Azmar group, patiently explaining again and again the shortcomings of the Azmar proposal and the reasons a more rational approach to mining pozzolan on Pagan is needed, are all wonderfully well written, soundly reasoned, and above all, calm and polite. There are no nasty aspersions, no name-calling, no accusations, no angry retorts, no pedantries. They are a model of reasoned discourse, in a class far above several other frequently-published letters to the editor whose writers, in deference to Pete's model, I will not name......