

A BILL FOR AN ACT

To repeal and reenact the Election Act of the Commonwealth of the Northern Mariana Islands (1 CMC, Division 6, Chapter 1 through 5) and for other purposes.

BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Repealer and Reenactment. 1 CMC, Division 6, is hereby repealed and reenacted to
2 read as follows:

3 "Section 6001. Short Title. This Act may be cited as the 'Northern Mariana Islands
4 Election Reform Act of 1996'.

5 Section 6002. Purpose. The purpose of this act is to repeal and reenact procedures and
6 requirements for the registration of voters and the conduct of elections within the Commonwealth
7 of the Northern Mariana Islands.

8 Section 6003. Definitions. The following terms, whenever used or referred to in this
9 Act, shall have the following meanings, except in those instances where the context clearly
10 indicates otherwise:

11 (a) 'Absentee Voter' means any voter casting a ballot in any way other than at
12 the polling place.

13 (b) 'Attorney General' means the Attorney General of the Commonwealth of the
14 Northern Mariana Islands.

15 (c) 'Ballot' means any printed paper issued by the Board containing the names of
16 the persons to be voted for, the offices to be filled, the questions or issues to be voted on,
17 and a seal of the Board. A ballot may consist of one or more pieces of paper depending
18 on the number of offices, candidates to be elected thereto, or questions or issues to be
19 voted on.

20 (d) 'Board' means the Commonwealth of the Northern Mariana Islands Board of
21 Elections.

22 (e) 'Candidate' means a person who is either seeking a nomination or is
23 proposed for a nomination by sponsors in accordance with the provisions of this Act.

1 (f) 'Commonwealth' means the Commonwealth of the Northern Mariana Islands.

2 (g) 'Constitution' means the Constitution of the Commonwealth of the Northern
3 Mariana Islands.

4 (h) 'District' means the election district.

5 (i) 'Domicile' means that place in which a person maintains a residence with the
6 intention of continuing that residence for an unlimited or indefinite period, and to which
7 that person has the intention of returning whenever absent, even for an extended period.

8 (j) 'Elector' means any person who is entitled to register under the provisions of
9 this Act.

10 (k) 'General Election' means an election held throughout the Commonwealth
11 every two years on the first Saturday in November.

12 (l) 'Local Election' means a municipal, senatorial district, or any election district
13 election held in the Commonwealth.

14 (m) 'Nominee' means a candidate who has become entitled under the provisions
15 of this Act to a place on the ballot.

16 (n) 'Precinct' means the election district.

17 (o) 'Recognized Political Party' means any political party, group, or organization
18 united for the purpose of promoting a common political end or carrying out a particular
19 line of political policy and which:

20 (1) Has duly constituted leaders or officials, including a secretary; and

21 (2) Which has filed with the Board of Elections under such uniform
22 regulations as the Board may reasonably prescribe evidence of the lawful
23 creation of the party and election of its chairman, secretary, and treasurer,
24 including their addresses; and

25 (3) Which has received, at the most recent general election, in the event
26 it had a candidate for each of the offices to be filled, not less than ten percent
27 (10%) of the total votes cast therein; or in the event it had a lesser number of
28 candidates than there were offices to be filled, each such party candidate
29 received not less than ten percent (10%) of the total votes cast for the office to
30 which he sought election.

1 (p) 'Register' means the list of registered voters prepared and bound by the
2 Board.

3 (q) 'Registration Clerk' means any authorized staff of the Board, or person
4 authorized by the Board to register electors, and other officers charged with the duty of
5 registering electors.

6 (r) 'Residence' means that place in which a person's habitation is fixed, and to
7 which, whenever the person is absent, the person has the intention to return, however a
8 person who is temporarily out of the Commonwealth for business, education,
9 government representation, military, medical referral, medical reasons, or employment by
10 the Commonwealth, even for an extended period, shall be considered a resident of the
11 Commonwealth if during that period, he maintains a domicile in the Commonwealth.

12 (s) 'Voter' means a person duly registered to vote under the provisions of this
13 Act.

14 (t) 'Serving a Sentence for a Felony' includes persons on parole, probation, or
15 under a suspended sentence.

16 Section 6004. Political Party: Rights. In addition to any other rights accorded in this
17 Act to a political party, a recognized political party shall have the right to a place on the ballot, in
18 any election, and to have the names of its candidate identified thereon with the party's name or
19 other official designations. Any recognized political party which shall fail to poll on any general
20 election, the percentage of total votes cast as required by Section 6003(o)(3) shall lose its
21 recognition as a recognized political party, and shall be denied a place upon the ballot unless it
22 complies with the provisions of Section 6005.

23 Section 6005. Formation of New Political Parties. Any number of voters may organize
24 to form a political party, which may have a place on the ballot and have the names of its
25 candidates identified thereon with the party's name by complying with Section 6003(o)(1) and (2).

26 Section 6006. Continuity of Democratic and Republication Parties. The Democratic and
27 Republican parties shall be deemed to have complied and qualified under the provisions of this
28 Act on its effective date.

1 Section 6101. Board of Elections: Establishment. There is hereby established an
2 independent Board of Elections in the Commonwealth Government hereinafter referred to as the
3 'Board.'

4 Section 6102. Board of Elections: Composition. The Board shall have nine (9)
5 members; eight (8) of which shall be appointed by the Governor from recommendations made by
6 the recognized political parties in the Commonwealth in accordance with Section 6006 of this Act
7 and one of whom shall be recommended by the eight confirmed members of the Board to the
8 Governor for his appointment. Appointment shall not be subject to the advise and consent of the
9 Senate. Each recognized political party shall recommend eight(8) different names to the
10 Governor. The Governor shall then make the appointments so that the recognized political parties
11 are equally represented. Four members shall be residents of Saipan, one shall be representing the
12 islands north of Saipan, two members shall be residents of Rota, and two members shall be
13 residents of the islands of Tinian and Aguiguan.

14 Section 6103. Board of Elections: Term of Appointment.

15 (a) Members shall serve for a term of four years. No member may serve for
16 more than two (2) consecutive four-year terms, or in the case of members appointed for
17 less than four years, for the period of term to which he is appointed plus one four-year
18 term. Upon the expiration of the term of a member of the Board, such person shall cease
19 to be a member unless reappointed in the manner prescribed by law.

20 (b) If a vacancy should occur on the Board said vacancy shall be filled for the
21 remainder of the term only by the method originally prescribed for the appointment.

22 (c) A member who changes political affiliation after he is appointed shall cease
23 to be a member. The political party affected shall certify to the Governor that the
24 member is no longer affiliated with that political party pursuant to the party rules. The
25 Governor shall appoint a replacement pursuant to Section 6102.

26 Section 6104. Board of Elections: Election of Chairperson. The Board shall annually
27 elect one of its members as Chairperson by a majority vote.

28 Section 6105. Board of Elections: Duties. The Board shall have the following powers
29 and duties:

1 (a) To administer and supervise all general, primary, local, and special elections,
2 including questions pertaining to initiatives, referenda and recalls in the Commonwealth.

3 (b) To employ voter registration workers, poll workers, vote tabulators, and other
4 persons on a full or part-time basis as necessary to conduct elections and administer its other
5 duties and responsibilities. All persons employed on a full or part-time basis by the Board to
6 assist during an election shall be a registered voter.

7 (c) To prepare and provide printed ballots or voting machines, private voting booths;
8 tally sheets, and other materials necessary to conduct an election in each polling place.

9 (d) To designate and publicize polling places with an electoral district not later than
10 fifteen (15) calendar days before an election day.

11 (e) To hire poll supervisors for each election district and provide a complete list of
12 registered voters in each election district. All poll supervisors so appointed shall be registered
13 voters.

14 (f) To promulgate rules, regulations, and instructions necessary to conduct and
15 administer elections, including questions pertaining to initiatives, referenda recalls, voter
16 registration, registration by mail, nomination of candidates, voting procedures, and a system for
17 absentee voting.

18 (g) To promulgate rules and regulations pertaining to registration by mail, nomination of
19 candidates, voting procedures, and a system for absentee voting.

20 (h) To promulgate rules and regulations pertaining to procedures to be followed
21 respecting the receipt and investigation of, and the actions taken on, complaints of election
22 irregularities.

23 (i) To promulgate a manual of administrative procedures to be used in the conduct of
24 elections. The manual shall include the regulations to be followed by all election officials as well
25 as descriptions of the necessary equipment and forms to be used in any election.

26 (j) To establish additional penalties for any violations by any Board member or its
27 employees of any provision of this Act.

28 (k) To summon and examine of witnesses and to maintain order during any of its official
29 duties.

1 (l) To promulgate all initiatives and referenda in Chamorro, Carolinian and English in at
2 least two local newspaper, twice before an election and copies shall be made available to the
3 general public at the Board of Election office.

4 Section 6106. Board of Elections: Quorum. Five (5) members of the Board shall
5 constitute a quorum to conduct official business. All decisions of the Board shall be made by a
6 majority vote of the members present.

7 Section 6107. Board of Elections: Compensation and Expenses. Members of the board
8 are to receive compensation in the amount prescribed by 1 CMC, Section 8247(a), (b) and (c).

9 Section 6108. Board of Elections: Restriction on Activities. No Board member shall be
10 a candidate for public office or hold an elected position or a position which is filled by
11 appointment by the Governor or by a Board or Commission established by Commonwealth law.
12 Board members and employees shall not campaign during their tenure. A Board member shall be
13 removed only on grounds of gross neglect or dereliction of duties, breach of fiduciary duty,
14 conviction of a felony, or mental or physical incapacity, by the Governor after he or she is
15 afforded a hearing and upon the recommendation of at least two-thirds (2/3) of the members of the
16 Board.

17 Section 6109. Board of Elections: Executive Director.

18 (a) The Board shall appoint an executive director who shall be responsible for
19 the administration of this Act and the rules and regulations promulgated thereto. He shall
20 supervise all Commonwealth elections.

21 (b) The executive director shall be responsible to maximize the registration of
22 eligible electors throughout the Commonwealth. In maximizing registration the
23 executive director may make surveys, carry on house to house canvassing, and other
24 activities necessary to ensure maximum registration.

25 (c) The executive director shall maintain data concerning registered voters,
26 elections, apportionment, and districting.

27 (d) The executive director shall serve as the ex-official secretary for the Board,
28 but shall not be a voting member thereof. He shall keep the minutes of its proceedings,
29 preserve all reports made to it, keep a record of all examinations held under its directions,
30 and perform such other duties as the Board shall prescribe.

1 (e) The executive director shall not be a member of the classified service and
2 shall receive an annual salary as prescribed pursuant to 1 CMC, Section 8246. The
3 executive director shall only be removed for cause upon the concurrence of three-fourths
4 (3/4) of the Board members.

5 Section 6110. Board of Elections: Administrative Staff. The executive director is
6 authorized to employ such staff as may be required to supervise Commonwealth elections;
7 maximize registration of eligible voters throughout the Commonwealth; maintain data concerning
8 registered voters, elections, apportionment, and districting; and to perform other duties as
9 necessary to carry out the intent of this Act pursuant to budgetary appropriation. Except for the
10 executive director, full time permanent employees of the Board shall be classified employees.

11 Section 6111. Transitional Provision. The present chairman and members of the Board
12 of Elections and the executive director shall continue to serve until a new Board of Elections and
13 executive director have been appointed pursuant to this Act.

14 CHAPTER 2

15 Registration and Voting Procedures

16 Section 6201. Voting: Eligibility.

17 (a) Pursuant to Article VII, Section 1 of the Constitution of the Northern
18 Mariana Islands, a person is eligible to vote who, on the date of the election, is 18 years
19 of age or older, is domiciled in the Commonwealth, has resided in the Commonwealth
20 for at least 45 days prior to the election day, is not serving a sentence for a felony as
21 defined in Section 6003(t) of this Act, has not been declared by a court to be of unsound
22 mind, is not confined to a mental institution, and is either a citizen or national of the
23 United States, including all those persons defined in Section 8 of the Schedule on
24 Transitional Matters of the Constitution of the Northern Mariana Islands.

25 (b) Pursuant to Article VII, Section 2 of the Commonwealth Constitution, a
26 person shall not be denied the right to vote because that person is unable to read or write.

27 (c) No person shall register or vote in any other precinct than that in which the
28 person resides.

29 Section 6202. Domicile: Determination.

30 (a) Each person has a domicile;

1 (b) Each person has only one domicile;

2 (c) A person's domicile is the place where the person resides when not called
3 elsewhere to work or for other temporary purposes.

4 (d) A person cannot lose a domicile until he or she acquires a new domicile;

5 (e) A person's domicile may be changed by joinder of acts and intent.

6 (f) Any person who immediately prior to becoming a member of the military
7 service was not domiciled in the Commonwealth and who is in the military service
8 residing in a military reservation or is provided a housing or housing allowance, is not a
9 domiciliary of the Commonwealth regardless of the time he or she has been residing in
10 the Commonwealth.

11 (g) Any person, whose presence or residency in the Commonwealth is based on
12 a work order or contract with the Commonwealth Government, its subdivisions or its
13 agencies, is not domiciled in the Commonwealth.

14 (h) Any person, whose presence or residency in the Commonwealth is based on
15 a work order or contract in the private sector is not domiciled in the Commonwealth.

16 Section 6203. Domicile: Criteria for Determination. Criteria for determining a person's
17 domicile includes but is not limited to the following:

18 (a) Whether the person maintains a permanent residence or permanent place of
19 abode in a place outside the Commonwealth; or

20 (b) Whether the person's presence in the Commonwealth results from his own
21 public or private employment or that of a person on whom he is economically dependent;
22 or

23 (c) Whether he or the person on whom he is economically dependent receives
24 housing or a pay differential for housing or a living allowance as a consequence of
25 employment in the Commonwealth; or

26 (d) Whether the person maintains contact with a place outside the
27 Commonwealth, such as supporting a spouse or family who resides in the place,
28 maintaining a driver's license issued by the place, holding a postal address at the place,
29 continuing affiliations with the professional, religious or fraternal life in the place or
30 paying taxes in the place;

1 (e) Whether the person has expressed an intention not to be domiciled in the
2 Commonwealth; or

3 (f) Whether the person registered and voted in a place outside the
4 Commonwealth during the preceding year.

5 Section 6204. Residency: Determination. For the purpose of this Act, there can be only
6 one residence for an individual, but in determining residency, a person may treat oneself separate
7 from the person's spouse. The following rules shall determine residency purposes only:

8 (a) The residence of a person is that place in which the person's habitation is
9 fixed, and to which, whenever the person is absent, the person has the intention to return.

10 (b) A person does not gain residence in any precinct into which the person
11 comes without the present intention of establishing the person's permanent dwelling
12 place within such precinct.

13 (c) If a person resides with the person's family in one place, and does business in
14 another, the former is the person's place of residence; but any person having a family,
15 who established the person's dwelling place other than with the person's family, with the
16 intention of remaining there shall be considered a resident where the person has
17 established such dwelling place.

18 (d) The mere intention to acquire a new residence without physical presence at
19 such place, does not establish residency, neither does mere physical presence without the
20 concurrent present intention to establish such place as the person's residence.

21 (e) A person does not gain or lose a residence solely by reason of the person's
22 presence or absence while employed in the service of the United States or this
23 Commonwealth, or while a student of an institution of learning.

24 (f) No member of the armed forces of the United States, the member's spouse or
25 the member's dependent is a resident of this Commonwealth solely by reason of being
26 stationed in the Commonwealth.

27 (g) A person loses his residence in this Commonwealth if the person votes in an
28 election held in another state or area under United States jurisdiction by absentee ballot
29 or in person.

1 (h) In case of question, final determination of residence shall be made by the
2 executive director, subject to appeal to the board of elections under Section 6105 of this
3 Act.

4 Section 6205. Registration Procedures.

5 (a) Any person qualified to vote in a general, primary, local or special election
6 may register to vote not less than ten (10) days before the day of the election.

7 (b) When registering to vote, the person shall sign an affidavit of registration on
8 a form prepared and furnished by the Board stating that he meets the qualifications
9 established by the Constitution and by this Act for voting in the elections in the
10 Commonwealth.

11 (1) Except as provided in Section 6214, no person may register to vote
12 or vote in an election district other than that in which he is a resident. A person
13 has a residence in, or is a resident of, the election district where that person is
14 factually living and has an abode.

15 (2) No person may vote in any election or be listed in any general
16 register who fails to register according to the requirements of this Act.

17 (3) Persons who are domiciled in the Commonwealth as provided in
18 Section 6203, but who are temporarily out of the Commonwealth for any reason
19 such as business, employment, service in the Armed Forces, or Merchant
20 Marine of the United States, education, training, or medical treatment are
21 considered residents for purposes of this Act.

22 (c) Any person desiring to register to vote in an election district may register
23 with a registration clerk or other person authorized by the Board. The registrant shall be
24 examined under oath as to his or her qualification may be attested to in the form of a
25 mark or Japanese characters. The affidavit shall contain the following information:

- 26 (1) Name;
27 (2) Social security number;
28 (3) Date of birth;
29 (4) Residence, including mailing address;

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(5) That the residence stated in the affidavit is not simply because of the person's presence in the Commonwealth but that the residence was acquired with the intent to make the Northern Mariana Islands the person's legal residence with all the accompanying obligations therein;

(6) That the person is a citizen or U.S. national as defined in the NMI Constitution;

(7) That the person meets the requirements of the NMI Constitution and this Act.

(d) If a registration clerk administering an oath has any question regarding the propriety of an affidavit of registration, the clerk shall forward the affidavit to the Board for final decision as to its propriety. In case of a questionable affidavit, residency or any question regarding the qualifications of the voter, the Board shall conduct a formal or informal hearing to determine the correct facts. The registrant has the right to present evidence to the Board regarding his or her qualifications to vote and the registrant's proper election district.

(e) Any voter may change election districts by reregistering in the general, primary, or special election register pursuant to Section 6205(b). The Board shall cancel the existing registration and reregister the voter in the new election district. No registration may be allowed due to a change of residency within ten (10) days before an election.

(f) Notwithstanding any other registration requirements provided for in this Act, a registered voter who has voted in the most recent election need not register again, unless it is necessary due to a change of identification or residency or unless disqualification's enumerated by this Act have intervened. If voting records have been destroyed or lost, the Board shall require reregistration of voters.

Section 6206. Removal of names from register: when: reregistration.

(a) The Board shall remove the name of a registered voter from the register in the following cases:

- (1) At the written request of the person registered.
- (2) When the insanity of the person registered is legally established.

1 (3) Upon the receipt of certification from the Court that the person
2 registered is serving a sentence for a felony. Within forty-five (45) days of each
3 general election the court shall transmit to the Board a list of all persons
4 convicted of felony during the preceding two (2) year period. The Board may
5 request of the court, at any time, the identity of any person who has been
6 convicted of a felony.

7 (4) Upon submission of a death certificate of the person registered.
8 Not later than the fifteenth (15th) day of each month the Director of Public
9 Health and Environmental Services shall furnish the Board an abstract of the
10 register of deaths showing, for all decedents eighteen (18) years of age or over,
11 as follows: the name; sex; age; place of residence; month, day and year of
12 death; and certificate of death number;

13 (5) If the person registered has not voted in the last two general
14 elections.

15 (6) If a person registered in an Election or Senatorial District where
16 that person is not a resident.

17 (7) If a person is confined to a mental institution.

18 (b) Six months prior to an election, the Board shall also register electors at such
19 times and places within the Commonwealth as the Board shall deem advisable and
20 convenient from the time registration is open until thirty (30) days prior to an election
21 and the Board shall deputize volunteers as registration clerks for such purposes. No
22 person holding an elective office or who is a candidate for elective office shall be a
23 deputized volunteer.

24 Section 6207. Transfers, Name Changes; Initiated by Executive Director.

25 (a) The executive director shall use all reliable and pertinent information to keep
26 the general register up to date. The executive director may request information from, but
27 are not limited to, the following sources:

28 (1) The Office of the Governor for marriages;

1 (2) The Superior Court of the Northern Mariana Islands for any
2 changes of name, divorces, separations, deaths, or other changes affecting voter
3 status;

4 (3) The Department of Public Health and Environmental Services for
5 death or other changes affecting voter status;

6 (4) The Commonwealth Utilities Corporation concerning
7 commencement or changes of services;

8 (5) Residential home , apartment and condominium owners as to
9 changes of occupancy.

10 In requesting the information the executive director shall give reasonable notice and time
11 for furnishing the information.

12 (b) If the executive director has evidence indicating that a voter should be
13 transferred, the executive director shall notify the person by first-class mail of the intent
14 to transfer registration. The notification shall include:

15 (1) Any evidence that the executive director may have indicating why a
16 transfer or change should be made;

17 (2) The residence and district of the voter according to current
18 registration lists;

19 (3) Any alleged new address and district;

20 (4) A reply form which shall contain a space for the voter's agreement
21 or objection the transfer, the reasons for the objection and space for voter's
22 signature;

23 (5) Notice that unless the completed form is returned not later than 4:30
24 p.m. on the fifteenth day after mailing, the transfer shall be processed.

25 (c) A voter may contest the transfer on or before election day by presenting
26 evidence that the voter actually resides at the old address which, if found valid by the
27 executive director or the Board, shall entitle the voter to be returned to the old voting list.

28 Section 6208. Voting Procedures.

29 (a) The Board shall distribute to each polling place a list of the eligible voters
30 for that polling place. Not less than 15 days before the day of election, a copy of the list

1 shall be posted near each polling place for examination by the public. Only those voters
2 whose names appear on the list may vote at that polling place. Any name which does not
3 appear on the list due to an error may be inserted by the Board any time prior to the
4 closing of the polls.

5 (b) All elections held in accordance with this Act shall be held by official ballot.
6 The Board shall print copies of each official ballot for each polling place. The Board
7 shall also print a specimen ballot to be posted conspicuously near the entrance to each
8 polling place where they may be easily seen by the voters prior to voting and in the office
9 of the Board at least seven (7) days before the election for viewing by the general public.
10 Further samples may be made available to the public.

11 (c) A ballot shall contain the names of candidates in an order identifying party
12 affiliation or nonpartisanship for Board of Education and municipal council, as
13 established by the Board, and the office to be sought. An appropriate amount of space
14 shall be provided on each ballot for the voter to write in a name of his or her choice for
15 the elective offices listed on the ballot.

16 (d) The ballot may include questions concerning proposed Commonwealth
17 constitutional amendments or proposed initiative or referendum issues. When the
18 legislature passes a bill to submit a proposed question that is to be printed on the ballot.
19 The question shall be phrased as simply and as clearly as possible to address the issue
20 and require a 'yes' or 'no' response by the voter, 'yes' to be in favor of the question and
21 'no' to be against.

22 (e) The Board shall establish a method of marking and identifying each person
23 who has completed voting; such as dipping of a finger in an indelible ink.

24 Section 6209. Absentee Voting. Subject to the procedures set forth in Sections 6211 -
25 6214, inclusive, any registered voter at any election may request and cast an absentee ballot with
26 the Board.

27 Section 6210. Absentee Voting: Sick or Disabled Voters. If a registered voter at any
28 election is confined to a home or hospital due to illness or physical disability and is unable to go
29 to the polls, that voter may vote in accordance with this Act and the rules and regulations
30 promulgated by the Board. The person or member of his or her immediate family or guardian

1 may make a written request, on a form furnished by the Board, for an absentee ballot by 12:00
2 O'clock noon on election day.

3 Section 6211. Absentee Voting: Absence From the Commonwealth.

4 (a) Any registered voter of the Commonwealth may, as provided in this Act and
5 subject to the conditions of this Section, may vote at any election by absentee ballot if he
6 will be prevented from personally going to the polls and voting on election day because
7 of:

8 (1) The conduct of his business.

9 (2) The necessity of travel.

10 (3) Attendance at an institution of learning.

11 (4) Serving in the United States Armed Forces or the Merchant Marine.

12 (5) Employment.

13 (6) Training.

14 (7) Receiving treatment at a medical institution;

15 (8) Government representation; or

16 (9) Accompanying a member of the household who is engaged in an
17 activity listed above.

18 (b) Any registered voter, under the circumstances specified in subsection (a)(1-
19 7), inclusive, may, not more than sixty (60) days nor less than ten (10) days, or if the
20 application is made in person, not later than during regular office hours of the day prior
21 to any election, make an application to the Board for an official ballot to be voted at such
22 election. Any such application shall be made in writing on a form furnished by the
23 Board. Absentee ballots shall be sent to qualified voters no later than twenty five 25
24 days before election.

25 Section 6212. Marking Absentee Ballot. The Board shall provide to any registered voter
26 entitled to vote by absentee ballot, or who applies for one, an official ballot, a ballot envelope, an
27 affidavit prescribed by the Board, and a reply envelope. The absentee voter shall mark the ballot
28 in the usual manner provided by law and in a manner such that no other person can know how the
29 ballot is marked. The absentee voter shall then deposit the ballot in the ballot envelope and
30 securely seal it. The absentee voter shall then complete and execute the affidavit. The ballot

1 envelope and the affidavit shall then be enclosed and sealed in the covering reply envelope and
2 mailed to the Board. Such ballots and affidavits will not be counted by the Board unless mailed.
3 The Board will provide a ballot box at all United States Post Offices in the Commonwealth and
4 such ballots will be picked up by the Executive Director or his designee by 7:00 o'clock p.m. on
5 the fifth day following the election.

6 Section 6213. Absentee Voting: Counting Ballots.

7 (a) To be counted, an absentee ballot shall be mailed not later than the day of
8 election and be received by the Board not later than seven days after the day of election.
9 If the Board is using a post office box for the receipt of absentee ballots, it shall remove
10 all absentee ballots contained in the box no later than seven days after the election day
11 and such ballots shall be deemed to have been received within the deadline.

12 (b) The date and time of receipt shall be noted on each return envelope.

13 (c) The Board shall compare the signature of the voter on the application for
14 absentee ballot with that on the affidavit and the registration. If the signatures appear to
15 be by the same person, if the affidavit is properly completed, and if the envelope is sealed
16 and it does not appear to have been tampered with, the notation 'OK' shall be placed on
17 the return envelope and shall be initialed by no less than five (5) members of the Board.

18 (d) An absentee ballot may be rejected if:

19 (1) After comparing the signature of the voter on the application for
20 absentee ballot with that on the application for absentee ballot with that on the
21 affidavit and registration, it appears the signatures were not made by the same
22 person; or

23 (2) The affidavit is not properly completed; or

24 (3) The return envelope is not sealed; or

25 (4) The seal appears to have been tampered with; or

26 (5) The Board has already received an absentee ballot from the person;

27 or

28 (6) The absentee voter has died or has otherwise become ineligible to
29 vote on the election day; or

30 (7) The ballot has been received after the deadline.

1 (e) If any of the conditions in subsection (d) apply, then the word 'rejected' shall
2 be printed on the returned envelope along with a short statement of the reason for
3 rejection. Five (5) signatures of the Board members constitute a verification of the
4 discrepancy noted as the cause for rejection. The rejected ballot may not be delivered to
5 the accounting and tabulation committee, but shall be maintained in a secure place by the
6 Board for at least six (6) months after the election.

7 (f) The application for absentee ballot shall be attached to the corresponding
8 ballot envelope and the envelope may not be opened.

9 (g) A duplicate list shall be prepared in each election district of the names and
10 addresses of the absentee voters as shown on return envelope. The Board shall maintain
11 one (1) copy of the list for at least one (1) year from the election date.

12 (h) The returned envelopes marked 'OK', together with the application attached,
13 shall be delivered by the Board to the accounting and tabulation committee after the polls
14 are closed, to be tabulated by the accounting and tabulation committee.

15 Section 6214. Voting In Another Polling Place. A voter from one mayoral island or
16 islands may vote at a polling place in another mayoral island or islands other than the one in
17 which the voter is legally registered if the following conditions are met;

18 (a) The voter is present with the Commonwealth on the day of election;

19 (b) The voter is lawfully registered to vote in his senatorial district or mayoral
20 island or islands;

21 (c) The voter submit a written request to the Board at least thirty (30) days
22 before the election requesting authority to vote in another senatorial district;

23 (d) Within fifteen (15) days from the receipt of the voter's request for a change
24 in polling place, the Board shall assign and notify the voter in writing as to the place the
25 voter may vote; and

26 (e) When notified by the Board of the place to vote, the voter may vote only at
27 that polling place; provided, however, that if the voter returns to his or her original
28 polling place on election day he or she may cast his or her ballot there if it can be verified
29 that he or she has not cast his or her ballot in another polling place. The Board shall

1 provide the proper ballot for each voter who complies with the provisions of this section
2 and the Board shall insure the ballot is tabulated correctly.

3 CHAPTER 3

4 Nomination Procedures

5 Article 1. Party Nominations: Governor and Lieutenant Governor

6 Section 6301. Nominations: Governor and Lieutenant Governor. Any political party
7 may nominate candidates for governor and lieutenant governor by submitting a nominating
8 petition designating the persons seeking nomination and the office sought, containing the
9 signatures, printed names, residences, and mailing addresses of a number of registered voters of
10 that senatorial district equal to at least two hundred (200) of the registered voters within each
11 senatorial district in the last general election. The party chairman and secretary shall certify the
12 nominations to the Board not more than ninety (90) days and not less than sixty (60) days prior to
13 the election. No person may sign more than one petition for governor and lieutenant governor.

14 Section 6302. Party Nominations: Failure to comply with Act. The Board may refuse to
15 accept for filing any petition that, on its face, fails to comply with the requirements of this Act.

16 Section 6303. Party Nominations: Duty of Board. Upon receipt of the certificate of
17 nomination and petition by any political party, the Board shall:

18 (a) Determine whether all the requirements of this Act have been complied with
19 and that the signatures on the petition are the genuine signatures of the registered voters;
20 and, if so,

21 (b) Certify the names of the party's nominees as candidates and cause to have
22 the names of the candidates appear on the general election ballot.

23 Section 6304. Party Nominations: Failure of Board to Act. If the Board does not
24 affirmatively take action to deny certification to a political party's candidates within forty-five
25 (45) days, prior to the election day, the party's nominees shall be deemed certified for the general
26 election ballot.

27 Section 6305. Party Nominations: Filing Fee. Each petition for any political party
28 candidate shall be accompanied by payment of a \$500.00 filing fee for each governor and each
29 lieutenant governor candidate, which shall be remitted to the Board.

30 Article 2. Independent Nominations: Governor and Lieutenant governor

1 Section 6311. Independent Nominations: Governor and Lieutenant Governor.

2 (a) The nomination of independent candidates is made by petition designating
3 the person seeking the nomination to be an independent candidate, and containing the
4 signatures, printed names, residences, and mailing address of two hundred (200)
5 registered voters within each senatorial district in the last general election.

6 (b) All independent nomination petitions and the candidate's acceptance shall be
7 filed with the Board not more than ninety (90) days and not less than sixty (60) days
8 prior to the general election.

9 Section 6312. Independent Nominations: Failure to Comply With Act. The Board may
10 refuse to accept for filing any petition that, on its face, fails to comply with the requirements of the
11 preceding sections.

12 Section 6313. Independent Nominations: Failure of Board to Act. If the Board does not
13 affirmatively take action to deny certification to an independent candidate within forty-five (45)
14 days prior to the election day, the candidate shall be deemed certified for the general election
15 ballot.

16 Section 6314. Independent Nominations: Filing Fee. Each nominating petition for an
17 independent candidate shall be accompanied by payment of a \$500.00 filing fee for each governor
18 and each lieutenant governor candidate, which shall be remitted to the Board.

19 Section 6315. Nominations: Resident Representative to the United States. The
20 nomination of candidates for resident representative to the United States is made by petition of
21 any political party or any independent candidate. The procedures for political party nominations
22 and for independent nominations for governor and lieutenant governor set forth in Articles 1 and 2
23 of this Division shall apply with respect to the nomination of candidates for resident
24 representative to the United States.

25 Section 6316. Nomination: Senators and Representatives. Political Parties shall
26 nominate their candidates for senator or representative in the manner prescribed in their party
27 rules and regulations and according to the provisions of this Division. The political party
28 chairman and secretary shall certify to the Board the names of the Party's nominees not more than
29 ninety (90) days and not less than sixty (60) days before the general election. All certifications of
30 candidates by political parties and independent candidates shall be accompanied by petitions

1 containing the signatures, printed names, residences, and mailing addresses of not less than five
2 percent (5%) or one hundred (100), whichever is less, in the case of a senator, and fifty (50) in the
3 case of a representative, of the registered voters of the respective senatorial or electoral district, as
4 the case may be. Each name certified as a nominee shall be accompanied by the signature of the
5 person nominated, which signature constitutes the nominees assent to be a candidate of that
6 political party. The political party may not nominate more candidates than the number of
7 vacancies in the Senate and the House of Representatives.

8 Section 6317. Nominations: Senator and Representatives: Procedures. Consistent with
9 Section 6311 of this division, procedures for political party nominations and for independent
10 nominations for governor and lieutenant governor set forth in Articles 1 and 2 of this Division
11 shall apply with respect to the nomination of candidates for senators and representatives, except
12 that the filing fee shall be \$200.00 for each senator and \$100.00 for each representatives paid by
13 the political party or independent candidate.

14 Section 6318. Nominations: Mayor.

15 (a) Candidates for mayor shall be nominated by petition designating the person
16 seeking nomination and the office sought, containing the signatures, printed names,
17 residences, and mailing addresses of a number of registered voters of that municipality
18 equal to at least 5 percent or one hundred (100), whichever is less, of the registered
19 voters within that municipality.

20 (b) The procedures and requirements for political party nomination and for
21 independent nomination for governor or lieutenant governor set forth in Article 1 and 2
22 of this Division shall apply with respect to the nominations of candidates for mayorship,
23 consistent with this section, except that the filing fee shall be \$200.00 paid by the
24 political party or independent candidate.

25 Section 6319. Municipal Councils and Board of Education.

26 (a) Candidates for Municipal Council and Board of Education shall be
27 nominated by petition designating the person seeking nomination and the office sought,
28 containing the signatures, printed names, residences and mailing addresses of not less
29 than five percent (5%) or 100, whichever is less, of the registered voters for each
30 respective senatorial, election district or mayoral islands as the case may be for each

1 nonpartisan candidate. Each petition shall be accompanied by the signature of the person
2 nominated, which shall constitute the nominee's assent to be a candidate.

3 (b) The procedures and requirement for independent nomination for governor
4 and lieutenant governor set forth in Chapter 4 shall apply with respect to the nomination
5 of nonpartisan candidates, as consistent with this section, except that the filing fee shall
6 be \$50.00 for each municipal council and Board of Elections candidate.

7 CHAPTER 4

8 Article 1. Election Campaigns and Campaign Offenses

9 Section 6401. Receipt of Value: To Vote or Not Vote. A person shall not, directly, by
10 himself or through any other person, receive, agree or contract for, before or during an election,
11 any money, gift, loan or other valuable consideration, office, place or employment for himself or
12 any other person, for either:

- 13 (a) Voting or agreeing not to vote.
- 14 (b) Coming or agreeing to come to the polls.
- 15 (c) Refraining or agreeing to refrain from voting.
- 16 (d) Voting or agreeing to vote for any particular person.
- 17 (e) Refraining or agreeing to refrain from voting for any particular person.
- 18 (f) Inducing any other person to:
 - 19 (1) Vote or refrain from voting.
 - 20 (2) Vote or refrain from voting for any particular person.
 - 21 (3) Come to or remain away from the polls.

22 Section 6402. To Vote or Aid in Securing Nomination for Another. A Person shall not,
23 directly, by himself or through any other person, give or receive any money or other valuable
24 thing, before, during or after election because he or any other person:

- 25 (a) Voted to secure the election or endorsement of any other person as the
26 nominee or candidate of any convention, organized assemblage of electors or voters, or
27 other body representing or claiming to represent a political party or principal or any
28 clubs, society or association.
- 29 (b) Aided in securing the selection or endorsement of any other person as a
30 nominee or candidate as provided in Subsection (a).

1 Section 6403. Payment of Value: To Vote, Not Vote or Reward for Same. A person
2 shall not, directly or indirectly, by himself or through any other person pay, lend or contribute or
3 offer or promise to pay, lend or contribute, any money or other valuable consideration to or for
4 any voter, or to or for any other person, to:

- 5 (a) Induce a voter to:
- 6 (1) Vote or refrain from voting at any election.
 - 7 (2) Vote or refrain from voting at any election for any particular
8 person.
 - 9 (3) Come to the polls at an election.
 - 10 (4) Remain away from the polls at an election.

- 11 (b) Reward a voter for having :
- 12 (1) Voted.
 - 13 (2) Refrained from voting.
 - 14 (3) Voted for any particular person.
 - 15 (4) Refrained from voting for any particular person.
 - 16 (5) Come to the polls at an election.
 - 17 (6) Remained away from the polls at an election.

18 Section 6404. Receipt of Value: To Procure Election or Vote. A person shall not,
19 directly or indirectly, by himself or through any other person procure, engage, promise or
20 endeavor to procure, in consequence of any gift, loan, offer, promise, procurement or agreement,
21 the election of any person, or the vote of any voter at an election.

22 Section 6405. Payment of Value to Induce Candidate to Withdraw. A person shall not,
23 directly or indirectly, by himself or through any other person advance or pay, or cause to be paid,
24 any money or other thing of value to or for the use of any other person, in consideration of a
25 person withdrawing as a candidate for a public office.

26 Section 6406. Penalty. Any person who commits any of the offenses set forth in
27 Sections 6401 - 6405, inclusive, is guilty of felony.

28 Section 6407. Promising Appointment to Office. Every person is guilty of a
29 misdemeanor who being a nominee or candidate at any election, offers or agrees to appoint or

1 procure the appointment of any particular person to office, as an inducement or consideration for
2 any person to vote for or to procure, or aid in procuring, the election of any nominee or candidate.

3 Section 6408. Communication of Promise. Every person is guilty of a misdemeanor
4 who communicates any offer made in violation of the preceding Section 6407 to any person with
5 intent to induce him to vote for, or to procure or aid in procuring the election of, the nominee or
6 candidate making the offer.

7 Section 6409. Publications Reflecting on Character of Candidate. Every person is guilty
8 of misdemeanor who intentionally writes, prints, posts or distributes, or causes to be written,
9 printed, posted or distributed any circular, pamphlet, letter or poster which is designed or intended
10 to inure or defeat any candidate for nomination or election to any public office by reflecting upon
11 his personal character or political actions, unless there appears upon the circular, pamphlet, letter
12 or poster, in a conspicuous place, either:

13 (a) The name of the chairman and secretary or the names of two (2) officers of
14 the political party or other organization issuing it, or

15 (b) The name and residence of the person responsible therefor.

16 Section 6410. Lawful Expenditures: Penalty. Every person is guilty of a misdemeanor
17 who violates any of the provisions of Sections 6407 - 6409, inclusive, of this Chapter.

18 Section 6411. Disqualification. Any candidate convicted under the provisions of
19 Sections 6401 - 6405, inclusive, of this Chapter is disqualified from holding the office for which
20 he was a candidate or nominee at the time of violating the provisions aforesaid.

21 Section 6412. Application. The provisions of this Chapter shall apply to all elections.

22 Section 6413. Complaints. Any person who believes a violation of any provision of this
23 Chapter has occurred may file a complaint with the Board. The Board shall expeditiously
24 investigate the matter in accordance with Section 6105. Whenever in the judgment of the
25 majority of the Board any person has engaged in any acts or practices which constitute a violation
26 of this Chapter, the Board shall refer the record of the said investigation to the Attorney General
27 who shall institute a criminal prosecution under Section 6406 or 6410 of this Chapter against the
28 person, and, in the event the person is convicted of the violation prior to the election in question,
29 the Board shall strike his name from the ballot. In the event the person is convicted of the
30 violation subsequent to the election in question and was elected to the office for which he was a

1 candidate, the Attorney General shall take whatever civil action is necessary to effect his
2 disqualification from office.

3 Article 2. Campaign Financial Disclosure

4 Section 6421. Campaign Financial Disclosure. Each candidate shall submit on forms
5 provided by the Board a detailed financial statement signed by the candidate and the treasurer of
6 the election or reelection committee of the candidate, to the office of the Public Auditor and a
7 copy to the Board within fifty (50) days after the election showing the names and contributions of
8 supporters contributing any amount in cash or in-kind and a detailed statement of campaign
9 spending.

10 Section 6422. Penalties. Any candidate violating this section shall upon conviction be
11 fined not more than \$5,000.00 or imprisoned for not more than sixty (60) days, or both.

12 Section 6423. Extension of Deadline. For good cause, the Board may extend the
13 deadline imposed in Section 6421 by not more than fifteen (15) days, upon written request by a
14 candidate. A candidate shall be fined a non-waivable one hundred dollar (\$100.00) penalty for
15 each day the financial report is late without a Board approved extension period.

16 Section 6424. Non-Compliance. The Public Auditor shall refer any candidate who fails
17 to comply with this Section to the office of the Attorney General for prosecution.

18 CHAPTER 5

19 Elections

20 Article 1. General Election and Special Election

21 Section 6501. General Election. Pursuant to Article VIII, Section 1 of the Constitution
22 of the Northern Mariana Islands, general elections shall be held biennially in each odd-numbered
23 year on the first Saturday in November in accordance with the provisions of this Division.
24 Provided, that in the event of a natural disaster or other Act of God, the effect of which precludes
25 holding the election on the foregoing day, the Governor may proclaim a general election not more
26 than sixty (60) days later in the Commonwealth, or in the affected senatorial or election district or
27 districts.

28 Section 6502. Special Election.

1 (a) In the event a vacancy occurs under the Constitution which requires an
2 election to fill the vacancy or a recall petition is certified by the Attorney General, the
3 Governor shall call a special election to fill each vacancy.

4 (b) If the Governor fails to call a special election, any registered voter may
5 petition the Board of Elections to determine and certify that a vacancy requiring a special
6 election exists or that a recall petition has been certified by the Attorney General. Within
7 ten (10) calendar days of receipt of a petition, the Board shall submit its determination to
8 the Governor. The Governor shall issue a proclamation for a special election within five
9 (5) calendar days of receipt of a Board certification of vacancy or recall requiring a
10 special election.

11 (c) If there is a vacancy in the office of mayor and less than one-half of the term
12 remains from the date of the vacancy, or when the mayor is unable to discharge the
13 duties of the office by reason or physical or mental disability the presiding officer of the
14 municipal council shall be acting mayor.

15 (d) If there are simultaneous vacancies in the offices of Governor and
16 Lieutenant Governor and less than one year remains from the date of the latest vacancy,
17 the Senate President who shall be Acting Governor may, with the advice and consent of
18 both houses, appoint an Acting Lieutenant Governor to fill that vacant office and both
19 may serve the remainder of the term of office.

20 (e) In case of a vacancy in the office of the Board of Education and less than
21 one-half of the term remains upon the date of the vacancy, the Governor shall appoint a
22 replacement pursuant to 1 CMC 2263.

23 (f) All special elections required hereunder shall be held in accordance with the
24 provisions of this Act.

25 Section 6503. Time of Special Election. Special Elections shall be held at a time set by
26 the Governor which shall be no less than thirty (30) days nor more than sixty (60) days from the
27 date of the proclamation provided for in Section 6502. The Governor shall also set the time limit
28 within which polling places may be designated and declarations of candidates and nominating
29 petitions may be filed.

1 Section 6504. Calling of Special Elections. All special elections shall be called by
2 proclamation of the Governor of the Commonwealth. The Board shall cause a copy of the
3 proclamation to be published in a newspaper of general circulation in the Commonwealth and to
4 be posted in each senatorial election district or mayoral island where such election will take place.

5 Section 6505. Election Expenses. All expenses incurred in the preparation for and
6 conduct of elections as provided in this Act shall be borne by the Commonwealth. In the absence
7 of an approved budgetary appropriation, and pursuant to Article III, Section 9(a) of the
8 Commonwealth Constitution, the Board is authorized to expend an amount not to exceed the
9 appropriation it received during the previous fiscal year until an appropriation is approved for the
10 purpose of defraying election expenses.

11 Section 6506. Postponement of Election. If for serious cause resulting from any natural
12 phenomena, act of God, or a public enemy, it becomes reasonably impossible to hold any election
13 duly scheduled in the Commonwealth as a whole or in any senatorial or election district, or
14 mayoral island or islands, the Governor may postpone any such election wherein for such time as
15 it may deem necessary, but in no event shall postponement exceed sixty (60) days from the date
16 when such election should have been held.

17 Section 6507. Election Day: Holiday. If an election is held on a day other than a
18 Saturday or Sunday, the election day shall be a legal holiday within the Commonwealth or in the
19 senatorial or election district.

20 Section 6508. Right to Cast Secret Ballot.

21 (a) Each qualified voter has the right to cast a secret ballot in private. The
22 Board shall set up voting booths and places to guarantee that each voter may vote in
23 private. No person shall be allowed with a voter in a voting booth, except as provided by
24 the Board.

25 (b) Except where voting machines are used, each election ballot shall remain
26 sealed until issued to a registered voter. Issues for initiative, referendum and recall shall
27 be listed separately and apart from the names of candidates.

28 Section 6509. Polling Places: Hours of Operation. Polling places shall open at 7:00
29 a.m. on the day of the election and shall be kept open until 7:00 p.m. on the same day, except that

1 any person who is already at the polling place at 7:00 p.m. shall be allowed to vote. The board
2 may close any polling place earlier if all the voters of the election district have voted.

3 Section 6510. Collection of Ballot Boxes.

4 (a) After all voting is completed, all ballot boxes and voting machines shall be
5 collected by election officials and delivered to the Board or its duly authorized
6 representative by the safest and most expeditious means available and be certified to the
7 Board that the ballots so delivered were cast in accordance with the provisions of this
8 Act.

9 (b) Ballot boxes shall only be opened by the Board or its designated election
10 officials and only upon the order of the Board.

11 Section 6511. Tabulation of Votes.

12 (a) The Board shall establish an accounting and tabulation committee composed
13 of not less than five (5) members. The accounting and tabulation committee shall count
14 and tally all votes cast and determine the acceptability thereof. The accounting of ballots
15 shall begin after all the polls in each election district are closed and shall continue in any
16 tabulating location specified by the Board until all votes are counted. No person may be
17 present in the vicinity of the counting and tabulation area, except that each political party
18 may have not more than two observers in the area. When the ballots are in the counting
19 and tabulation area, the area shall not be left unattended. There shall be a minimum of
20 two (2) election officials at all times, in addition to the two observers from each political
21 party. Upon the completion of the counting and tabulation of all votes cast for a
22 Commonwealth or local elective office, an official public announcement of the results for
23 those offices in which a voter challenge or other proceeding affecting ballots has been
24 initiated may be made by the Board until the legality of such challenged votes or the
25 issues raised in such other proceeding affecting ballots have been determined by the
26 Board. As soon as is practicable after the tabulation of ballots is completed for those
27 Commonwealth or local elective offices in which no voter challenge or other proceeding
28 affecting ballots has been initiated, the Board shall issue certificates of election to the
29 winning candidates. The Board may make periodic announcements of results during
30 tabulating and counting.

1 (b) If at any election two or more persons receive an equal number of votes for
2 any office, there shall be a run-off to determine the winning candidate.

3 (c) Any candidate for governor, lieutenant governor, resident representatives to
4 the United States or mayor, who receives the majority of the votes cast for such office in
5 any election shall be declared the winning candidate. In the event no such candidate
6 receives the majority of the votes cast, there shall be a run-off between the two
7 candidates having the most votes.

8 (d) Any candidate for senator or representative who receives the highest number
9 of votes cast for that office in any election shall be declared the winning candidate.

10 (e) In the event that a candidate's name appears on the printed ballot in the write
11 in section, but misspelled, such ballot shall be considered good and should not be voided,
12 but shall be counted as one.

13 Section 6512. Ballot Irregularities.

14 (a) If a ballot being counted appears improper, the final decision as to the
15 validity of the ballot shall be made by the Board. The accounting and tabulation
16 committee shall separate any ballot it believes to be improper and forward the ballot or
17 ballots to the Board for ultimate determination. All ballots declared invalid for any
18 irregularity shall be sorted or separated and a notation placed upon them indicating that
19 they are rejected ballots. Upon completion of the counting of the ballots, the rejected
20 ballots shall be placed in the ballot box and returned by the accounting and tabulation
21 committee to the Board with the cast ballots.

22 (b) Any voter who spoils a ballot may not be rejected for any error which does
23 not render it impossible to determine the voter's choice even though the ballot has been
24 severely soiled or defaced.

25 Section 6513. Marking the Ballot.

26 (a) In voting, the voter shall place the appropriate mark in the voting square
27 adjacent to the name of any nominee for whom he intends to vote or shall vote for a
28 candidate or person whose name is not printed on the ballot by writing or pasting a name
29 for that office in the blank space therefore, and by placing a mark in the adjacent voting
30 square.

1 (b) Should the Board of Elections adopt a ballot form using any mechanical,
2 electromechanical, or electronic device to record the vote or aid in recording the vote, the
3 information required by this Section shall appear on the device in the place provided
4 therefore, or otherwise prominently within the voting booth so as to be easily read by the
5 voter.

6 Section 6514. Loss or Destruction of Ballots. In case of the prevention of an election in
7 any election district by the loss or the destruction of the ballots intended for that election district,
8 the election official or other member of the Board, shall make an affidavit setting forth the fact,
9 and transmit it to the Governor. Upon receipt of the affidavit, the Governor may, and upon the
10 application of any nominee for any office to be voted for by the electors of that election district,
11 shall, order a new election in that election district.

12 Article 2. Party Switch

13 Section 6521. Party Switch. If an elected official switches parties while more than half
14 of his term remains, the affected seat shall automatically be declared vacant and a special election
15 shall be held to fill that vacancy if the seat was held by an official elected as a candidate of a
16 political party. If less than half of term remains, the Governor shall appoint a replacement to be
17 recommended by the affected party. This section shall not apply to independent candidates.

18 CHAPTER 6

19 Election Contests

20 Section 6601. Election Contests. Any Commonwealth voter may contest an election for
21 any of the following reasons:

22 (a) The person declared elected to an office will not be eligible for that office at
23 the beginning of his term.

24 (b) The candidate has given to an election official a bribe or reward, or has
25 offered a bribe or reward for the purpose of certifying his election, or has committed any
26 offense against this Act.

27 (c) Illegal votes were cast sufficient to change the result of the election of any
28 person who has been declared elected.

1 (d) The Board in the conduct of election or arithmetical tabulation of votes made
2 errors sufficient to change the final result of the election of any person who has been
3 declared elected.

4 Section 6602. Election Contests: Actual Prejudice Required.

5 (a) No irregularity or improper conduct in the proceedings of the election may
6 void an election result, unless the irregularity or misconduct resulted in a defendant being
7 declared either elected or tied for election.

8 (b) An election may not be set aside on account of illegal votes cast, unless the
9 number of votes given to the person enabled him to win or to tie the election and, if the
10 illegal votes were taken from him, would reduce his legal votes so that he would have
11 less votes than necessary to win or tie the election.

12 Section 6603. Election Contest: Written Complaint.

13 (a) When a voter contests any election he shall file with the Board a written
14 complaint setting forth specifically:

15 (1) The name of the contestant;

16 (2) That he is a voter of the election district in which the contested
17 election was held;

18 (3) The name of the defendant;

19 (4) The office the defendant sought; and

20 (5) The particular grounds for the contest.

21 (b) The contestant shall sign the statement of contest under penalty of perjury
22 and shall file it within seven days after the discovery of the fact supporting the contest,
23 except that no complaint may be filed over thirty (30) days after the declaration of the
24 official results.

25 (c) When the counting of illegal votes is alleged as a cause of contest, it is
26 sufficient to state generally that in one or more specific election districts illegal votes
27 were given to the defendant which, if taken from him, would reduce the number of his
28 legal votes below the number of legal votes received by another candidate for the same
29 office.

1 (d) Within five (5) days from the receipt of the verified complaint, the Board
2 shall cause to be delivered to the defendant a copy of the complaint filed by the
3 contestant.

4 (e) The contestant shall be required to file a cash bond or its equivalent in an
5 amount not less than five thousand Dollars (\$5,000.00).

6 Section 6604. Election Contest: Answer, Summons, Subpoena.

7 (a) Within the five days after personal receipt of the complaint by the defendant,
8 an answer or any responsive pleading or motion shall be filed with the Board. The Board
9 shall thereupon set a date for the election contest hearing not less than fifteen (15) days
10 nor more than twenty (20) days from the date of the filing of the complaint.

11 (b) At the time the Board decides the date for the election contest hearing, the
12 Board shall also issue summons to the parties to appear at the time and place specified in
13 the order. The summons shall be personally served by any authorized person upon the
14 parties at least 5 days before the hearing.

15 (c) The Board shall issue subpoenas for witnesses at the request of any party.
16 The Board may compel the attendance of witnesses who have been subpoenaed.

17 (d) In the event that subsection (b) and (c) of Section 6604 is not sufficient in
18 enforcing such contest, 1 CMC, Section 9109 (a) and (b) may be made applicable.

19 Section 6605. Election Contest: Board Hearing.

20 (a) At the hearing the ballots shall be recounted in the presence of all parties,
21 where it appears from the statement filed that a recount is necessary for the proper
22 determination of the contest. If two or more statements of contest are filed requiring a
23 recount, the Board may join the action of the contestants for the purpose of recounting
24 the votes.

25 (b) During the hearing, the Board shall be governed by the rules of procedure
26 and evidence governing the determination of questions of law and fact in a court of law
27 so far as the Board may determine the rules to be applicable. If the statements of the
28 cause of the contest are insufficient, the Board may dismiss the proceedings for lack of
29 evidence or for want of prosecution.

1 (c) The Board shall hear and determine all issues arising in contested elections.
2 After hearing the evidence and within three (3) days of the submission thereof, the Board
3 shall issue its finding of facts and conclusions of law, and immediately thereafter
4 announce judgment in the case, either confirming or reversing the result of the election.

5 Section 6606. Election Contest: Judgment of Board. If it is adjudged that a person other
6 than the defendant has the largest number of legal votes cast in any election contest, the Board
7 shall declare that person elected. If the Board finds a winning candidate has not yet assumed his
8 office, then the manner of determining his placement shall be governed as follows:

9 (a) If a successful candidate for governor is convicted for the violation of any
10 felony under this Act, he shall relinquish his office, the successful lieutenant governor
11 candidate shall become governor, and the new governor shall appoint a lieutenant
12 governor.

13 (b) If a lieutenant governor is convicted for violation of any felony under this
14 Act, he shall relinquish his office and the governor shall appoint a lieutenant governor.

15 (c) If a successful candidate for representative to the United States is convicted
16 for violation of any felony under this Act, he shall relinquish his office and a reelection
17 shall be conducted.

18 (d) If a successful candidate for mayor is convicted for violation of any felony
19 under this Act, he shall relinquish his office and a new election shall be conducted.

20 (e) If a successful candidate for the Senate or the House of Representative is
21 convicted for violation for any felony under this Act, he shall relinquish his office and
22 the person having the next highest number of votes shall be declared to have been
23 elected.

24 Section 6607. Election Contest: Certificate of Election.

25 (a) The person declared elected by the Board is entitled to a certificate of
26 election. If a certificate has not already been issued to him by the Board, the Board shall
27 immediately make out and deliver to that person a certificate of election.

28 (b) If the Board has issued any certificate for the same office to another person
29 than the one declared elected by the Board, such certificate shall become void by the
30 judgment of the Board.

1 ballot as to cause the likelihood of confusion with the official ballot shall upon conviction be fined
2 \$2,000.00 or imprisoned a minimum of thirty (30) days. There shall be no suspended sentences.

3 Section 6702. Unlawful Threats to Candidate or Family. Any person who directly or
4 indirectly threatens or intimidates any candidate or his immediate family by physical means,
5 bribery, extortion, or any other means so as to attempt or cause the candidate to withdraw from the
6 election shall upon conviction be fined \$5,000.00 or imprisoned for five years.

7 Section 6703. Unlawful Threats to Election Personnel. Any person who directly or
8 indirectly threatens or intimidates the Board, its designees, its representatives or its election
9 workers so as to attempt or cause those persons not to perform their duties and responsibilities
10 lawfully and in a proper manner, shall upon conviction be fined not more than \$2,000.00 or
11 imprisoned for not less than ninety (90) days. There shall be no suspended sentences.

12 Section 6704. Unlawful Registration. A person who signs an affidavit of registration
13 knowing that he does not qualify to vote or who knowingly registers with the intent to vote more
14 than once or who registers in an election district in which he does not reside shall upon conviction
15 be fined not more than \$2,000.00 or imprisoned for not more than 2 years. There shall be no
16 suspended sentences. A person who willfully causes, procures, or allows any person to be
17 registered as a voter, knowing that person is not to be entitled to registration, shall upon
18 conviction be fined not more than \$2,000.00 or imprisoned for not more than 2 years.

19 Section 6705. Unlawful Campaign activities. No person shall campaign on election day
20 within 5,000 feet of a polling place, including campaigning by aircraft. No candidate shall loiter
21 or socialize within 5,000 feet of a polling place on election day. No person may post or transport
22 names, pictures, or other campaign materials or set up any booth within 5,000 feet of the polling
23 place. All campaign posters shall be removed from public places no later than thirty (30) days
24 after the election date by the candidate. No campaign materials, or hard board, used as a poster,
25 may be attached to any telephone pole, fire hydrant or public property. Any person who
26 knowingly and willfully violates this section shall, upon conviction, be fined \$500.00 or
27 imprisoned for seven (7) days. There shall be no suspended sentence for a violation of this
28 section.

29 Section 6706. Unlawful Sale or Purchase of Alcohol on Election Day. No person may
30 sell or purchase any alcoholic beverages or liquor while the polls are open on the day of an

1 election. Any person who knowingly and willfully violates this section shall upon conviction be
2 fined not more than \$500.00 or imprisoned for not more than 7 days, or both.

3 Section 6707. Bribery. Any person who offers any bribe or makes a promise of gain, or
4 with knowledge of the same, permits any person to offer any bribe or make any promise of gain
5 for his benefit, to any voter to induce him to sign an election paper, and any person who accepts
6 any bribe or promise of gain of any kind as consideration for signing the same, whether the bribe
7 or promises of gain be offered or accepted before or after signing, shall upon conviction be fined
8 \$2,000.00 or imprisoned for one year.

9 Section 6708. Food for Election Personnel. The board shall provide all food and
10 beverages for election workers on election day. Any unauthorized person providing food or
11 beverages to any election worker on election day shall be fined \$200.00.

12 CHAPTER 8

13 Primary Elections

14 Article 1. General Provisions

15 Section 6801. Definitions. The words and phrases in this Chapter shall, unless the same
16 be inconsistent with the context, be construed as follows:

17 (a) 'Board' means the Commonwealth of the Northern Mariana Islands Board of
18 Election.

19 (b) 'Election' means a general election as distinguished from a primary election
20 or a special election.

21 (c) 'Election Official' means one of the Supervisors or Workers serving on the
22 several precinct boards as set out in Section 6105 of this Act.

23 (d) 'Office' means an elective public office.

24 (e) 'Party' means an association of voters united for the purpose of promoting a
25 common political policy which maintains a general organization throughout the
26 Commonwealth, including a regularly constituted central executive committee and
27 precinct committee, and as further defined in Section 6003(o) of this Act.

28 (f) 'Primary' means a preliminary election in which voters nominate candidates
29 for office as provided for in this chapter.

1 (g) 'Primary ballot' means a party ballot or a non-partisan ballot used at a
2 primary election.

3 Section 6802. Liberal Construction. This Chapter shall be liberally construed in favor of
4 the primary voter.

5 Section 6803. Application of General Election Laws. The laws relating to elections shall
6 apply to a primary insofar as they are consistent with this Chapter, the intent of this being to place
7 the primary under the regulation and protection of the election laws, as far as possible,
8 consistently with this Chapter.

9 Section 6804. Party Represented by Whom. Not less than thirty (30) days before the
10 holding of a primary, each party seeking ballot placement shall submit to the Board a current list
11 of officers of its Party.

12 Section 6805. Expenses of Printing Paid by Whom. The expenses of ballots, blanks and
13 other supplies to be used at any primary, and other expense properly incurred in the preparation
14 for or conducting of the primary, shall be borne by the government of the Commonwealth of the
15 Northern Mariana Islands.

16 Section 6806. Expense of Polling Place, Ballot Boxes and Election Officials. The
17 Board, at the expense of the Government, shall provide the necessary polling places and ballot
18 boxes for conducting an election for nomination of candidates for office. The Board, at the
19 expense of the Government, shall pay election officials for their services in conducting a primary
20 at the same rate of compensation as provided by law for an election.

21 Article 2. Nomination: Determination of Candidates

22 Section 6821. Primary Date. The primary shall be held at the regular polling place or
23 places in each precinct or senatorial district on the first Saturday of August in every odd-
24 numbered year.

25 Section 6822. Notice of Primary; Publication, Posting. At least thirty (30) days before
26 the time for holding the primary, the Board shall prepare and transmit to each of the island mayors
27 a notice in writing designating the office for which candidates are to be nominated at the primary,
28 and state the time when, and the place where, the primary shall be held.

29 The Board shall, within ten (10) days after transmitting the notice to the mayors, cause
30 notice of the primary to be posted in three (3) conspicuous public places in each of the senatorial

1 districts and to be published at least three (3) times in a newspaper of general circulation in the
2 Commonwealth of the Northern Mariana Islands. The notice shall state the time when, and place
3 where, the primary shall be held, together with the offices for which candidates are to be
4 nominated and elected.

5 Section 6823. Form of Nomination Papers. The name of no candidate shall be printed
6 upon any official ballot to be used at any primary election unless a nomination paper shall have
7 been filed in his behalf and in his legal name, as provided by the Board of Elections.

8 Section 6824. Nomination Papers: Qualifications of Signers. No person shall sign the
9 nomination papers of more than one (1) candidate for the same office, nor for more than the actual
10 number of offices of one (1) class. Nomination papers shall be construed in this regard according
11 to priority of filing, and the name of any person appearing thereon shall be counted only so long
12 as this provision is not violated, and not thereafter.

13 No name on nomination papers shall be counted, unless the signer is an elector, qualified
14 and registered to vote for the candidate at the next primary or general election.

15 Section 6825. Nomination Papers: Number of Signers. Nomination papers shall be
16 signed by the following numbers of qualified electors of the Commonwealth of the Northern
17 Mariana Islands:

	<u>OFFICE</u>	<u>NUMBER OF SIGNERS</u>
18		
19	1. Council	100
20	2. Board of Education	100
21	3. Mayor	200
22	4. Governor and Lieutenant Governor	500
23	5. Resident Representative to the United States	500
24	6. Member of the House of Representatives	200
25	7. Member of the Senate	250

26 Section 6826. Time for Filing Nomination Papers; Fees. Nomination papers shall be
27 filed with the Board at least sixty (60) days prior to the day for holding the primary. There shall
28 be deposited with each nomination a fee of One Hundred Dollars (\$100.00) which shall be paid
29 into the treasury of the Commonwealth of the Northern Mariana Islands. Upon receipt at the

1 office of the Board of a nomination of a candidate, the day, hour and minute when it was received
2 shall be endorsed thereon.

3 Section 6827. Independent Candidates. Nomination papers may be filed on behalf of
4 independent candidates. The papers shall be similar in form and signed in the manner as in the
5 case of party candidates, and no nominator shall sign any petition who has previously signed a
6 petition for the same primary for a partisan candidate.

7 Section 6828. Vacancies. In case of the death, withdrawal or disqualification of a
8 nominee for Governor after a primary, the candidate for Lieutenant Governor on the same slate
9 shall thereupon become candidate for Governor. In the case of the death, withdrawal or
10 disqualification of any nominee for Lieutenant Governor after a primary, the nominee for
11 Governor on the same slate shall select the nominee for Lieutenant Governor. In case of the
12 death, withdrawal or disqualification of any nominee for any other office after a primary, the
13 vacancy so caused shall be filled by the nominee to such office receiving the next highest number
14 of votes in the primary. In case of the death, withdrawal or disqualification of any candidate for
15 office after an unopposed primary, the vacancy so caused shall be filled by the central executive
16 committee of the party.

17 Article 3. Ballots

18 Section 6831. Form of Primary Election Ballot. Ballots used in the primary election
19 shall be in the form prescribed by the Board of Elections and shall conform to the following
20 requirements:

21 (a) All candidates for offices to be contested in the forthcoming general election
22 shall appear on a separate primary ballot for each party the office to be voted upon by
23 voters in each voting senatorial district and precinct within the Commonwealth of the
24 Northern Mariana Islands as described in the election law.

25 (b) Across the top of each ballot shall be printed the words 'OFFICIAL
26 PRIMARY ELECTION BALLOT' and the date of the primary election and shall be
27 sealed by the official seal of the Board of Election.

28 (c) Thereafter shall appear an explanation to the voter instructing him how to
29 vote for a specific candidate.

1 (d) The Board of Election shall make an accommodation for the voter to write in
2 the name of a person or persons not otherwise appearing on the ballot under each office
3 being contested under each party ballot.

4 (e) Should the Board of Elections adopt a ballot form using any mechanical,
5 electromechanical, or electronic device to record the vote or aid in recording the vote, the
6 information required by this Section shall appear on the device in the place provided
7 therefore, or otherwise prominently within the voting booth so as to be easily read by the
8 voter.

9 Article 4. Voting and Ascertaining the Voting Results.

10 Section 6841. Persons Entitled to Vote; List of Electors. No person shall be entitled to
11 vote at any primary unless he shall have registered as a duly qualified elector of the
12 Commonwealth of the Northern Mariana Islands.

13 Section 6842. Manner of Voting. Any person desiring to vote at a primary shall state his
14 name and residence to the election officials and the party ballot he desires to cast his vote. If the
15 person desiring to vote is not challenged, one of the officials shall give to him one and only one
16 official primary ballot of the party he desires to cast his vote. The voter shall proceed to one of
17 the compartments provided and therein mark the ballot. The marked ballot shall immediately be
18 placed in the ballot box provided. In addition, the provisions of Sections 6209 through 6215 of
19 the this Act shall also apply to a primary election so as to permit voting by absentee ballot therein.

20 Section 6843. Challenging. Any person rightfully in the polling place may challenge the
21 right of any person presenting himself to the election officials to vote. The challenge shall be on
22 the grounds that the elector is not the person he alleges himself to be, that the elector is not
23 entitled to vote on the grounds specified in this Act. No other or further challenge shall be
24 allowed. The challenge shall be considered and decided immediately by the election (Board)
25 officials, a ruling of the majority thereof being final.

26 Section 6844. Result of Election, Governor and Lieutenant Governor; Other Offices;
27 Primary Constituting Election to Office.

28 (a) The Governor and Lieutenant Governor team receiving a plurality of votes
29 cast for a partisan nomination shall be the party nominees. No Governor and Lieutenant
30 Governor team running in the independent column shall be eligible for general election

1 ballot placement unless such team receives at least twenty percent (20%) of the total
2 combined votes cast for the winning teams seeking partisan nomination.

3 (b) The winner in all other primaries shall be the candidate receiving the greatest
4 number of votes except that no candidate running in the independent column shall be
5 eligible for general election ballot placement unless he receives votes equal to at least ten
6 percent (10%) of the total number of the valid ballots cast for the office for which he is a
7 candidate.

8 (c) If in any primary, a candidate is the only candidate for an office, or if he is
9 only opposed by a candidate with his own column, whether it be partisan or independent,
10 and he is nominated at the primary, the Board shall thereafter declare such candidate to
11 be duly and legally elected to the office for which he is a candidate, regardless of the
12 number of votes received by him.

13 Section 6845. Validity of Ballot. All questions as to validity of a ballot cast at any
14 primary election held under this Chapter shall be decided immediately, and the opinion of the
15 majority of the Board shall be final and binding, subject to review by the Superior Court of the
16 Commonwealth of the Northern Mariana Islands.

17 Article 5. Election Contests

18 Section 6851. Petition to Contest. Any candidate directly interested, or any registered
19 and qualified elector of any precinct or district, may file a petition in the Superior Court of the
20 Commonwealth of the Northern Mariana Islands, setting forth any cause or causes why the
21 decision of the Board should be revised, corrected or changed.

22 Section 6852. Filing of Petition. The petition shall be filed in the Superior Court of the
23 Commonwealth of the Northern Mariana Islands within seven (7) days following the primary
24 election proposed to be contested.

25 Section 6853. Summons. The clerk of the Superior Court shall issue a summons to the
26 respondents named in the petition to appear before the Superior Court within five (5) days after
27 receipt thereof.

28 Section 6854. Hearing and Judgment. The Court shall hear the contest in a summary
29 manner, and at the hearing, the Court shall cause the evidence to be reduced to writing, and shall
30 within eight (8) days following the return, give judgment, fully stating all findings of fact and of

1 law. The judgment shall decide what candidate was nominated or elected, as the case may be, in
2 the matter presented by the petition, and certified copy of the judgment shall forthwith be served
3 on the Board, which shall place the name of the candidate declared to be nominated on the ballot
4 for the forthcoming general election, and the judgment shall be conclusive of the right of the
5 candidate so declared to be nominated.

6 Article 6. Penalties

7 Section 6861. Part of Election Laws. This Chapter shall be deemed to be a part of the
8 election law of the Commonwealth of the Northern Mariana Islands within the meaning of all
9 provisions therein respecting offenses against such law.

10 Section 6862. Bribery. This Chapter shall be deemed to be a part of the election law of
11 the Commonwealth of the Northern Mariana Islands within the meaning of all provisions therein
12 respecting offenses against such law.

13 Section 6863. Food for Election Officials. The Board shall provide all food and
14 beverages for election officials on election day. Any unauthorized person providing food or
15 beverages to any election official on election day shall be fined \$200.00."

16 Section 2. Repealer. Public Law 7-50 is hereby repealed.

17 Section 3. Severability. If any Section of this Act should be declared invalid by a court of
18 competent jurisdiction, the remainder of this Act shall not be affected thereby.

19 Section 4. Effective Date. This Act shall take effect upon its approval by the Governor or upon
20 its becoming law without such approval.

Date: _____

Introduced By: _____

Rep. Heinz S. Hofschneider

Rep. Oscar M. Babauta

Rep. Jesus T. Attao

Rep. Diego T. Benavente

Rep. Stanley T. Torres

Rep. David M. Apatang

Rep. P. Michael P. Tenorio

Reviewed for Legal Sufficiency: _____