



*The House of Representatives*  
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
P.O. Box 586  
Saipan, MP 96950

TRANSMITTAL SLIP

To: The Senate

ACKNOWLEDGED RECEIPT OF:

HR (1-115, HR)

BY: [Signature]

DATE: 8/2/99  
House Clerk's Office

TIME: 8:50 am



*The House of Representatives*  
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
P.O. Box 586  
Saipan, MP 96950

August 2, 1999

The Honorable Paul A. Manglona  
President of the Senate  
Eleventh Northern Marianas Commonwealth  
Legislature  
Capitol Hill  
Saipan, MP 96950

Dear President Manglona:

I have the honor to transmit herewith for Senate action House Bill No. 11-115, H.D.1, entitled, "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," which was passed by the House of Representatives on First and Final Reading on July 27, 1999, by the unanimous vote of the members present, a quorum being present, First Day, Sixth Special Session, 1999.

Sincerely,



Evelyn C. Fleming  
House Clerk

Attachment

ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 1998

H. B. NO. 11-115, HD1

*Sec. passed 7/27/98*

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 ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:**

1           Section 1. Repealer and Reenactment. 1 CMC, Division 6, Chapters 1 through 5  
2 are hereby repealed and reenacted to read as follows. Current Chapter 6, the "Executive  
3 Transitions Act", is unaffected hereby.

4                   "Section 6001. Short Title. This Act may be cited as the "Northern  
5 Mariana Islands Election Reform Act of 1998".

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

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

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

14                           (b) "Attorney General" means the Attorney General of the  
15 Commonwealth of the Northern Mariana Islands.

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

22                           (d) "Commission" means the Commonwealth of the Northern  
23 Mariana Islands Election Commission.

1 (e) "Candidate" means a person who is either seeking a  
2 nomination or is proposed for a nomination by sponsors in accordance  
3 with the provisions of this Act.

4 (f) "Commonwealth" means the Commonwealth of the Northern  
5 Mariana Islands.

6 (g) "Constitution" means the Constitution of the Commonwealth  
7 of the Northern Mariana Islands.

8 (h) "District" means an election district.

9 (i) "Domicile" means that place in which a person maintains a  
10 residence with the intention of continuing that residence for an unlimited  
11 or indefinite period, and to which that person has the intention of returning  
12 whenever absent, even for an extended period.

13 (j) "Elector" means any person who is entitled to register under the  
14 provisions of this Act.

15 (k) "General Election" means an election held throughout the  
16 Commonwealth every two years on the first Saturday in November.

17 (l) "Local Election" means a municipal, senatorial district, or any  
18 election district election held in the Commonwealth.

19 (m) "Nominee" means a candidate who has become entitled under  
20 the provisions of this Act to a place on the ballot.

21 (n) "Precinct" means the election district.

22 (o) "Recognized Political Party" means any political party, group,  
23 or organization united for the purpose of promoting a common political  
24 end or carrying out a particular line of political policy and which:

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

27 (2) Has filed with the Election Commission under such  
28 uniform regulations as the Commission may reasonably prescribe  
29 evidence of the lawful creation of the party and election of its  
30 chairman, secretary, and treasurer, including their addresses; and

31 (3) Has received, at the most recent general election, in the  
32 event it had a candidate for each of the offices to be filled, not less  
33 than ten percent (10%) of the total votes cast therein; or in the  
34 event it had a lesser number of candidates than there were offices

1 to be filled, each such party candidate received not less than ten  
2 percent (10%) of the total votes cast for the office to which the  
3 candidate sought election.

4 (p) "Register" means the list of registered voters prepared and  
5 bound by the Commission.

6 (q) "Registration Clerk" means any authorized staff of the  
7 Commission, or person authorized by the Commission to register electors,  
8 and other officers charged with the duty of registering electors.

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

17 (s) "Voter" means a person duly registered to vote under the  
18 provisions of this Act.

19 (t) "Serving a Sentence for a Felony" includes persons imprisoned,  
20 on parole, probation, or under a suspended sentence.

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

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



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

6 Section 6104. Election Commission: Election of Chairperson. The  
7 Commission shall annually elect one of its members as Chairperson by a majority  
8 vote.

9 Section 6105. Election Commission: Duties. The Commission shall have  
10 the following powers and duties:

11 (a) To appoint an Executive Director.

12 (b) To administer and supervise all general, primary, local, and  
13 special elections, including questions pertaining to initiatives, referenda  
14 and recalls in the Commonwealth.

15 (c) To employ voter registration workers, poll workers, vote  
16 tabulators, and other persons on a full or part-time basis as necessary to  
17 conduct elections and administer its other duties and responsibilities.

18 (d) To prepare and provide printed ballots or voting machines,  
19 private voting booths, tally sheets, and other materials necessary to  
20 conduct an election in each polling place.

21 (e) To designate and publicize polling places within electoral  
22 district not later than fifteen (15) calendar days before an election day.  
23 Such polling places may include public facilities, such as schools and  
24 other public building.

25 (f) To appoint poll supervisors for each election district and  
26 provide a complete list of registered voters in each election district. All  
27 poll supervisors so appointed shall be registered voters.

28 (g) To promulgate rules, regulations, and instructions necessary to  
29 conduct and administer elections, including questions pertaining to  
30 initiatives, referenda recalls, voter registration, and voter challenges.

31 (h) To promulgate rules and regulations pertaining to registration  
32 by mail, nomination of candidates, voting procedures, and a system for  
33 absentee voting.

1 (i) To promulgate rules and regulations pertaining to procedures to  
2 be followed respecting the receipt and investigation of, and the actions  
3 taken on, complaints of election irregularities.

4 (j) To promulgate a manual of administrative procedures to be  
5 used in the conduct of elections. The manual shall include the regulations  
6 to be followed by all election officials as well as descriptions of the  
7 necessary equipment and forms to be used in any election.

8 (k) To establish additional penalties for any violations by any  
9 Board member or its employees of any provision of this Act.

10 (l) To summon and examine witnesses and to maintain order  
11 during any of its official duties.

12 (m) To promulgate all initiatives and referenda in Chamorro,  
13 Carolinian and English in at least two local newspapers, twice before an  
14 election, and make copies available to the general public at the  
15 Commission office.

16 Section 6106. Election Commission: Quorum. Seven (7) members of the  
17 Commission shall constitute a quorum to conduct official business. All decisions  
18 of the Commission shall be made by a majority vote of the members present.

19 Section 6107. Election Commission: Compensation and Expenses.  
20 Members of the Commission are to receive compensation in the amount  
21 prescribed by 1 CMC, Section 8247(a), (b) and (c).

22 Section 6108. Election Commission: Restriction on Activities. No  
23 Commission member shall be a candidate for public office or hold an elected  
24 position or a position which is filled by appointment by the Governor.  
25 Commission members and employees shall not campaign during their tenure. A  
26 Commission member shall be removed only on grounds of gross neglect or  
27 dereliction of duty, breach of fiduciary duty, conviction of a felony, or mental or  
28 physical incapacity, by the Governor after the member is afforded a hearing and  
29 upon the recommendation of at least two-thirds (2/3) of the members of the  
30 Commission.

1           Section 6109. Election Commission: Executive Director: Power and  
2           Duties.

3                   (a) The executive director shall be responsible for the  
4                   administration of this Act and the rules and regulations promulgated  
5                   thereunder. He shall supervise all Commonwealth elections.

6                   (b) The executive director shall be responsible to maximize the  
7                   registration of eligible electors throughout the Commonwealth. In  
8                   maximizing registration the executive director may conduct surveys, carry  
9                   on house to house canvassing, and other activities necessary to ensure  
10                  maximum registration.

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

13                  (d) The executive director shall serve as the ex-officio secretary  
14                  for the Commission, but shall not be a voting member thereof. He shall  
15                  keep the minutes of its proceedings, preserve all reports made to it, keep a  
16                  record of all examinations held under its directions, and perform such  
17                  other duties as the Commission shall prescribe.

18                  (e) The executive director shall not be a member of the classified  
19                  service and shall receive an annual salary as determined by the  
20                  Commission pursuant to 1 CMC, Section 8246. The executive director  
21                  shall only be removed for cause upon the concurrence of three-fourths  
22                  (3/4) of the Commission members.

23           Section 6110. Election Commission: Administrative Staff. The executive  
24           director is authorized to employ such staff as may be required to supervise  
25           Commonwealth elections; maximize registration of eligible voters throughout the  
26           Commonwealth; maintain data concerning registered voters, elections,  
27           apportionment, and districting; and to perform other duties as necessary to carry  
28           out the intent of this Act pursuant to budgetary appropriation.

29           Section 6111. Exception from Civil Service.

30                   (a) Beginning 90 days after the effective date of this Act, the  
31                   CNMI Election Commission shall no longer be part of the Civil Service  
32                   System and the employment of Commission staff shall no longer be  
33                   subject to Civil Service Rules.

1 (b) The employees of the Commission shall be exempt from  
2 application of the Commonwealth Civil Service Act (1 CMC Section 8101  
3 et seq.), except that the protections and prohibitions of Sections 8141,  
4 8142, 8145, and 8151 through 8153 shall apply to the employees of the  
5 Commission to the same extent and in the same manner as if the  
6 employees of the Commission were members of the Civil Service.

7 (c) Within 90 days after the effective date of this Act, the  
8 Commission shall develop, adopt and administer a merit based personnel  
9 system that rewards productivity and service, provides management  
10 flexibility, and includes procedures for addressing employee grievances.

11 Section 6112. Transitional Provision. The present chairman and members  
12 of the Election Commission and the executive director shall continue to serve  
13 until a new Election Commission and executive director have been appointed  
14 pursuant to this Act.

15 CHAPTER 2

16 Registration and Voting Procedures

17 Section 6201. Voting: Eligibility.

18 (a) Pursuant to Article VII, Section 1 of the Constitution of the  
19 Northern Mariana Islands, a person is eligible to vote who, on the date of  
20 the election, is 18 years of age or older, is domiciled in the  
21 Commonwealth, has resided in the Commonwealth for at least 120 days  
22 prior to the election day, is not serving a sentence for a felony as defined  
23 in Section 6003(t) of this Act, has not been declared by a court to be of  
24 unsound mind, is not confined to a mental institution, and is either a  
25 citizen or national of the United States as defined in the Commonwealth  
26 Constitution.

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

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

32 Section 6202. Domicile: Determination.

33 (a) Each person has a domicile;

34 (b) Each person has only one domicile;

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

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

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

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

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

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

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

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

22 (e) Whether the person has expressed an intention not to be  
23 domiciled in the Commonwealth;

24 (f) Whether the person registered and voted in a place outside the  
25 Commonwealth during the preceding year;

26 (g) Whether the person who immediately prior to becoming a  
27 member of the military service was not domiciled in the Commonwealth  
28 and who is in the military service residing in a military reservation or is  
29 provided a housing or housing allowance;

30 (h) Whether the person's presence or residency in the  
31 Commonwealth is based on a work order or contract with the  
32 Commonwealth Government, its subdivisions or its agencies; or

33 (i) Whether the person's presence or residency in the  
34 Commonwealth is based on a work order or contract in the private sector.

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

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

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

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

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

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

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

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

31           Section 6205. Voter Challenge.

32           (a) Any person may challenge a voter's residency or other  
33 qualification to vote.

1 (b) A voter whose qualification has been challenged and not  
2 adjudicated prior to election day shall be permitted to cast his vote, but  
3 the ballot must be kept sealed and segregated by the Election Commission  
4 until the final adjudication of the challenge.

5 (c) A challenge to a voter's qualification shall be initially  
6 determined by the Election Commission pursuant to a hearing conducted  
7 in accordance with the Administrative Procedures Act. A review of the  
8 Commission's decision may be had by the Superior Court on an expedited  
9 schedule to be established by rules of the Superior Court. The decision of  
10 the Superior Court shall be final and there shall be no further judicial  
11 review.

12 Section 6206. Registration Procedures.

13 (a) Any person qualified to vote in a general, primary, local or  
14 special election may register to vote not less than thirty (30) days before  
15 the day of the election.

16 (b) When registering to vote, the person shall sign an affidavit of  
17 registration on a form prepared and furnished by the Commission stating  
18 that he meets the qualifications established by the Constitution and by this  
19 Act for voting in the elections in the Commonwealth.

20 (1) Except as provided in Section 6215, no person may  
21 register to vote or vote in an election district other than that in  
22 which he is a resident. A person has a residence in, or is a resident  
23 of, the election district where that person is factually living and has  
24 an abode.

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

28 (3) Persons who are domiciled in the Commonwealth as  
29 provided in Sections 6202-6204, but who are temporarily out of the  
30 Commonwealth for any reason such as business, employment,  
31 service in the Armed Forces, or Merchant Marines of the United  
32 States, education, training, or medical treatment are considered  
33 residents for purposes of this Act.

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

6 (1) Name;

7 (2) Social security number;

8 (3) Date of birth;

9 (4) Residence, including mailing address;

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

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

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

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

27 (e) Any voter may change election districts by re-registering in the  
28 general, primary, or special election register pursuant to Section 6205(b).  
29 The Commission shall cancel the existing registration and re register the  
30 voter in the new election district. No registration may be allowed due to a  
31 change of residency within thirty (30) days before an election.

32 (f) Notwithstanding any other registration requirements provided  
33 for in this Act, a registered voter who has voted in the most recent general  
34 election need not register again, unless it is necessary due to a change of

1 identification or residency or unless disqualification's enumerated by this  
2 Act have intervened. If voting records have been destroyed or lost, the  
3 Commission shall require re-registration of voters.

4 **Section 6207. Removal of Names From Register; When; Re-Registration.**

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

7 (1) At the written request of the person registered.

8 (2) When the insanity of the person registered is legally  
9 established.

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

17 (4) Upon submission of a death certificate of the person  
18 registered. Not later than the fifteenth (15th) day of each month  
19 the Secretary of Public Health shall furnish the Commission an  
20 abstract of the register of deaths showing, for all decedents  
21 eighteen (18) years of age or over, as follows: the name; sex; age;  
22 place of residence; month, day and year of death; and certificate of  
23 death number;

24 (5) If the person registered has not voted in the most recent  
25 general election.

26 (6) If a person registered in an Election or Senatorial  
27 District or Municipality where that person is not a resident.

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

29 (b) Six months prior to an election, the Commission shall also  
30 register electors at such times and places within the Commonwealth as the  
31 Commission shall deem advisable and convenient from the time  
32 registration is open until thirty (30) days prior to an election and the  
33 Commission may deputize volunteers as registration clerks for such

1 purposes. No person holding an elective office or who is a candidate for  
2 elective office shall be a deputized volunteer.

3 Section 6208. Transfers, Name Changes; Initiated by Executive Director.

4 (a) The executive director shall use all reliable and pertinent  
5 information to keep the general register up to date. The executive director  
6 may request information from, but is not limited to, the following sources:

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

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

11 (3) The Department of Public Health for death or other  
12 changes affecting voter status;

13 (4) The Commonwealth Utilities Corporation concerning  
14 commencement or changes of services;

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

17 In requesting the information the executive director shall give reasonable  
18 notice and time for furnishing the information.

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

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

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

27 (3) Any alleged new address and district;

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

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

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

5 Section 6209. Voting Procedures.

6 (a) The Commission shall distribute to each polling place a list of  
7 the eligible voters for that polling place. Not less than 15 days before the  
8 day of election, a copy of the list shall be posted at the office of the  
9 Commission and Mayors for examination by the public. Only those voters  
10 whose names appear on the list may vote at that polling place. Any name  
11 which does not appear on the list due to an error may be inserted by the  
12 Commission any time prior to the closing of the polls.

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

20 (c) A ballot shall contain the names of candidates in an order  
21 identifying party affiliation or nonpartisanship for Board of Education and  
22 municipal council, as established by the Commission, and the office to be  
23 sought. An appropriate amount of space shall be provided on each ballot  
24 for the voter to write in a name of his or her choice for the elective offices  
25 listed on the ballot. The Commission shall not count the vote for any  
26 write-in candidate from any ballot on which the voter has indicated, by use  
27 of a write-in, the choice of more candidates than there are offices to be  
28 filled.

29 (d) The ballot may include questions concerning proposed  
30 Commonwealth constitutional amendments or proposed initiative or  
31 referendum issues. When the legislature passes a bill to submit a proposed  
32 question that is to be printed on the ballot. The question shall be phrased  
33 as simply and as clearly as possible to address the issue and require a "yes"

1 or "no" response by the voter, "yes" to be in favor of the question and "no"  
2 to be against.

3 (e) The Board shall establish a method of marking and identifying  
4 each person who has completed voting.

5 Section 6210. Absentee Voting. Subject to the procedures set forth in this  
6 Chapter, any registered voter at any election may request and cast an absentee  
7 ballot with the Commission.

8 Section 6211. Absentee Voting: Sick or Disabled Voters. If a registered  
9 voter at any election is confined to a home or hospital due to illness or physical  
10 disability and is unable to go to the polls, that voter may vote in accordance with  
11 this Act and the rules and regulations promulgated by the Commission. The  
12 person or member of his or her immediate family or guardian may make a written  
13 request, on a form furnished by the Commission, for an absentee ballot by 12:00  
14 o'clock noon on election day.

15 Section 6212. Absentee Voting: Absence From the Commonwealth.

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

- 20 (1) The conduct of his business;
- 21 (2) The necessity of travel;
- 22 (3) Attendance at an institution of learning;
- 23 (4) Serving in the United States Armed Forces or the  
24 Merchant Marine;
- 25 (5) Employment;
- 26 (6) Training;
- 27 (7) Receiving treatment at a medical institution;
- 28 (8) Government representation; or
- 29 (9) Accompanying a member of the household who is

30 engaged in an activity listed above.

31 (b) Any registered voter, under the circumstances specified in  
32 subsection (a)(1-9), inclusive, may make an application to the Commission  
33 for an official ballot to be voted at such election. Such application if made  
34 by mail shall be made not more than sixty (60) days nor less than ten (10)

1 days before the election, or if the application is made in person, not later  
2 than during regular office hours of the day prior to the election. Any such  
3 application shall be made in writing on a form furnished by the  
4 Commission.

5 Section 6213. Marking Absentee Ballot. The Commission shall provide  
6 to any registered voter entitled to vote by absentee ballot and who applies for one,  
7 an official ballot, a ballot envelope, an affidavit prescribed by the Commission,  
8 and a reply envelope. The absentee voter shall mark the ballot in the usual  
9 manner provided by law and in a manner such that no other person can know how  
10 the ballot is marked. The absentee voter shall then deposit the ballot in the ballot  
11 envelope and securely seal it. The absentee voter shall then complete and execute  
12 the affidavit. The ballot envelope and the affidavit shall then be enclosed and  
13 sealed in the covering reply envelope and mailed or sent by commercial courier  
14 service to the Commission. Such ballots and affidavits will not be counted by the  
15 Commission unless mailed. For the purpose of this Act, the word "mailed"  
16 includes ballots and affidavits sent through the postal or courier services.

17 Section 6214. Absentee Voting: Counting Ballots.

18 (a) To be counted, an absentee ballot shall be postmarked not later  
19 than the date of election and be received by the Commission not later than  
20 seven days after the date of election. If the Commission is using a post  
21 office box for the receipt of absentee ballots, it shall remove all absentee  
22 ballots contained in the box no later than seven days after the election date  
23 and such ballots shall be deemed to have been received within the  
24 deadline.

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

27 (c) The Commission shall compare the signature of the voter on  
28 the application for absentee ballot with that on the affidavit and the  
29 registration. If the signatures appear to be by the same person, if the  
30 affidavit is properly completed, and if the envelope is sealed and it does  
31 not appear to have been tampered with, the notation "OK" shall be placed  
32 on the return envelope and shall be initialed by no less than five (5)  
33 members of the Commission.

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

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

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

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

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

8 (5) The Commission has already received an absentee  
9 ballot from the person; or

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

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

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

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

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

26 (h) The returned envelopes marked "OK", together with the  
27 application attached, shall be delivered by the Commission to the  
28 accounting and tabulation committee after the polls are closed, to be  
29 tabulated by the accounting and tabulation committee.

30 Section 6215. Voting In Another Polling Place. A voter from one  
31 mayoral island or islands may vote at a polling place in another mayoral island or  
32 islands other than the one in which the voter is legally registered if the following  
33 conditions are met;

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

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

5 (c) The voter submits a written request to the Commission at least  
6 thirty (30) days before the election requesting authority to vote in another  
7 senatorial district or municipality;

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

11 (e) When notified by the Commission of the place to vote, the  
12 voter may vote only at that polling place; provided, however, that if the  
13 voter returns to his or her original polling place on election day he or she  
14 may cast his or her ballot there if it can be verified that he or she has not  
15 cast his or her ballot in another polling place. The Commission shall  
16 provide the proper ballot for each voter who complies with the provisions  
17 of this section and the Commission shall insure the ballot is tabulated  
18 correctly.

19 CHAPTER 3

20 Election to Public Office

21 Article 1. Eligibility for Public Office.

22 Section 6301. Governor and Lieutenant Governor. A candidate for  
23 governor or lieutenant governor shall be qualified to vote in the Commonwealth,  
24 at least thirty-five (35) years of age, and a resident and a domiciliary of the  
25 Commonwealth for at least ten (10) years immediately preceding the date on  
26 which a governor would take office. No person convicted of a felony in the  
27 Commonwealth or in any area under the jurisdiction of the United States may be  
28 eligible for these offices unless a full pardon has been granted.

29 Section 6302. Senators. A candidate for senator shall be qualified to vote  
30 in the Commonwealth, at least twenty-five (25) years of age, and a resident and a  
31 domiciliary of the Commonwealth for at least five (5) years immediately  
32 preceding the date on which a senator would take office. No person convicted of  
33 a felony in the Commonwealth or in any area under the jurisdiction of the United  
34 States may be eligible for this office unless a full pardon has been granted.

1           Section 6303. Representatives. A candidate for the House of  
2 Representatives shall be qualified to vote in the Commonwealth, at least twenty-  
3 one (21) years of age, a resident and a domiciliary of the Commonwealth for at  
4 least five (5) years immediately preceding the date on which a representative  
5 would take office. In addition, a candidate for the House of Representatives shall  
6 also be a registered voter and a resident of the election precinct where he or she is  
7 a candidate for at least two (2) years immediately preceding the date of election.  
8 No person convicted of a felony in the Commonwealth or in any area under the  
9 jurisdiction of the United States may be eligible for this office unless a full pardon  
10 has been granted.

11           Section 6304. Resident Representative to the United States. A candidate  
12 for resident representative to the United States shall be qualified to vote in the  
13 Commonwealth, a citizen of the United States, at least twenty-five (25) years of  
14 age, and a resident and a domiciliary of the Commonwealth for at least seven (7)  
15 years immediately preceding the date on which the resident representative takes  
16 office. No person convicted of a felony in the Commonwealth or in any area  
17 under the jurisdiction of the United States may be eligible for this office unless a  
18 full pardon has been granted.

19           Section 6305. Mayor. A candidate for mayor shall be qualified to vote in  
20 the Commonwealth and on the island or islands served by the mayor, at least  
21 twenty-five (25) years of age, a resident and a domiciliary of the island or islands  
22 served by the mayor for at least three years immediately preceding the date on  
23 which the mayor takes office, and must reside in the island or islands served by  
24 the mayor after each election. No person convicted of a felony in the  
25 Commonwealth or in any area under the jurisdiction of the United States may be  
26 eligible for these offices unless a full pardon has been granted.

27           Section 6306. Municipal Council. A candidate for Municipal Council  
28 shall be qualified to vote in the Commonwealth and on the island or islands  
29 served by the Municipal Council, at least twenty-one (21) years of age, and a  
30 resident and a domiciliary of the island or islands served by the Council for at  
31 least three years immediately preceding the date on which the Municipal Council  
32 takes office and must reside in the island or islands served by the Council after  
33 each election. No person convicted of a felony in the Commonwealth or in any

1 area under the jurisdiction of the United States may be eligible for this office  
2 unless a full pardon has been granted.

3 Section 6307. Board of Education. A candidate for the Board of  
4 Education shall be qualified to vote in the Commonwealth, at least twenty-five  
5 years of age, and a resident and a domiciliary of the Commonwealth for at least  
6 five years immediately preceding the date on which the member takes office. No  
7 person convicted of a felony in the Commonwealth or in any area under the  
8 jurisdiction of the United States may be eligible for this office unless a full pardon  
9 has been granted.

10 Article 2. Party Nominations: Governor and Lieutenant Governor.

11 Section 6321. Nominations: Governor and Lieutenant Governor. Any  
12 political party may nominate candidates for governor and lieutenant governor by  
13 having its chairman and secretary certify to the Commission the names of the  
14 party's team of candidates not more than ninety (90) days and not less than sixty  
15 (60) days prior to the election. At the same time, the political party shall file a  
16 petition containing the signatures, printed names, residences and mailing  
17 addresses of not less than two-hundred (200) registered voters in support of the  
18 party's team of candidates. No person may sign more than one petition for  
19 governor and lieutenant governor.

20 Section 6322. Party Nominations: Failure to Comply with Act. The  
21 Commission may refuse to accept for filing any petition that, on its face, fails to  
22 comply with the requirements of this Act.

23 Section 6323. Party Nominations: Duty of Commission. Upon receipt of  
24 the certificate of nomination and petition by any political party, the Commission  
25 shall:

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

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

32 Section 6324. Party Nominations: Failure of Commission to Act. If the  
33 Commission does not affirmatively take action to deny certification to a political

1 party's candidates within forty-five (45) days, prior to the election day, the party's  
2 nominees shall be deemed certified for the general election ballot.

3 Section 6325. Party Nominations: Filing Fee. Each petition for a  
4 political party candidate for governor or lieutenant governor shall be accompanied  
5 by payment to the Commission of a five hundred dollar (\$500.00) filing fee.

6 Article 3. Independent Nominations: Governor and Lieutenant Governor.

7 Section 6331. Independent Nominations: Governor and Lieutenant  
8 Governor.

9 (a) The nomination of independent candidates is made by petition  
10 designating the person seeking the nomination to be an independent  
11 candidate, and containing the signatures, printed names, residences, and  
12 mailing address of two hundred (200) registered voters in the  
13 Commonwealth.

14 (b) All independent nomination petitions and the candidate's  
15 acceptance shall be filed with the Commission not more than ninety (90)  
16 days and not less than sixty (60) days prior to the general election.

17 Section 6332. Independent Nominations: Failure to Comply With Act.  
18 The Commission may refuse to accept for filing any petition that, on its face, fails  
19 to comply with the requirements of the preceding sections.

20 Section 6333. Independent Nominations: Failure of Commission to Act.  
21 If the Commission does not affirmatively take action to deny certification to an  
22 independent candidate within forty-five (45) days prior to the election day, the  
23 candidate shall be deemed certified for the general election ballot.

24 Section 6334. Independent Nominations: Filing Fee. Each petition for an  
25 independent candidate for governor and lieutenant governor shall be accompanied  
26 by payment to the Commission of a five hundred dollar (\$500.00) filing fee.

27 Article 4. Nomination of Candidates to Other Offices.

28 Section 6341. Nominations: Resident Representative to the United States.  
29 The nomination of candidates for resident representative to the United States is  
30 made by petition of any political party or any independent candidate. The  
31 procedures for political party nominations and for independent nominations for  
32 governor and lieutenant governor set forth in Articles 2 and 3 of this Chapter shall  
33 apply with respect to the nomination of candidates for resident representative to

1 the United States, except that the filing fee shall be five hundred (\$500.00) dollars  
2 for each resident representative.

3 Section 6342. Nomination: Senators and Representatives. Political  
4 Parties shall nominate their candidates for senator or representative in the manner  
5 prescribed in their party rules and regulations and according to the provisions of  
6 this Division. The political party chairman and secretary shall certify to the  
7 Commission the names of the Party's nominees not more than ninety (90) days  
8 and not less than sixty (60) days before the general election. All certifications of  
9 candidates by political parties and independent candidates shall be accompanied  
10 by petitions containing the signatures, printed names, residences, and mailing  
11 addresses of not less than five percent (5%) or one hundred (100), whichever is  
12 less, in the case of a senator, and fifty (50) in the case of a representative, of the  
13 registered voters of the respective senatorial or electoral district, as the case may  
14 be. Each name certified as a nominee shall be accompanied by the signature of  
15 the person nominated, which signature constitutes the nominees assent to be a  
16 candidate of that political party. The political party may not nominate more  
17 candidates than the number of vacancies in the Senate and the House of  
18 Representatives.

19 Section 6343. Nominations: Senators and Representatives: Procedures.  
20 Procedures for political party nominations and for independent nominations for  
21 governor and lieutenant governor set forth in Articles 2 and 3 of this Chapter shall  
22 apply with respect to the nomination of candidates for senators and  
23 representatives, except that the filing fee shall be two hundred dollars (\$200.00)  
24 for each senator and one hundred dollars (\$100.00) for each representative paid by  
25 the political party or independent candidate.

26 Section 6344. Nominations: Mayor.

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

33 (b) The procedures and requirements for political party  
34 nomination and for independent nomination for governor or lieutenant

1 governor set forth in Articles 2 and 3 of this Chapter shall apply with  
2 respect to the nominations of candidates for mayorship, consistent with  
3 this section, except that the filing fee shall be two hundred dollars  
4 (\$200.00) paid by the political party or independent candidate.

5 Section 6345. Nominations: Municipal Councils and Board of Education.

6 (a) Candidates for Municipal Council and Board of Education  
7 shall be nominated by petition designating the person seeking nomination  
8 and the office sought, containing the signatures, printed names, residences  
9 and mailing addresses of not less than five percent (5%) or 100, whichever  
10 is less, of the registered voters for each respective senatorial, election  
11 district or mayoral islands, as the case may, be for each nonpartisan  
12 candidate. Each petition shall be accompanied by the signature of the  
13 person nominated, which shall constitute the nominee's assent to be a  
14 candidate.

15 (b) The procedures and requirements for independent nomination  
16 for governor and lieutenant governor set forth in this chapter shall apply  
17 with respect to the nomination of nonpartisan candidates, as consistent  
18 with this section, except that the filing fee shall be fifty dollars (\$50.00)  
19 for each municipal council and Board of Education candidate.

20 CHAPTER 4

21 Article 1. Election Campaigns and Campaign Offenses.

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

- 27 (a) Voting or agreeing not to vote.
- 28 (b) Coming or agreeing to come to the polls.
- 29 (c) Refraining or agreeing to refrain from voting.
- 30 (d) Voting or agreeing to vote for any particular person.
- 31 (e) Refraining or agreeing to refrain from voting for any particular  
32 person.
- 33 (f) Inducing any other person to:
  - 34 (1) Vote or refrain from voting.

1 (2) Vote or refrain from voting for any particular person.

2 (3) Come to or remain away from the polls.

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

7 (a) Voted to secure the election or endorsement of any other  
8 person as the nominee or candidate of any convention, organized  
9 assemblage of electors or voters, or other body representing or claiming to  
10 represent a political party or principal or any clubs, society or association.

11 (b) Aided in securing the selection or endorsement of any other  
12 person as a nominee or candidate as provided in Subsection (a).

13 Section 6403. Payment of Value: To Vote, Not Vote or Reward for  
14 Same. A person shall not lend or contribute any money or other valuable  
15 consideration to or for any voter, or to or for any other person, to:

16 (a) Induce a voter to:

17 (1) Vote or refrain from voting at any election.

18 (2) Vote or refrain from voting at any election for any  
19 particular person.

20 (3) Come to the polls at an election.

21 (4) Remain away from the polls at an election.

22 (b) Reward a voter for having :

23 (1) Voted.

24 (2) Refrained from voting.

25 (3) Voted for any particular person.

26 (4) Refrained from voting for any particular person.

27 (5) Come to the polls at an election.

28 (6) Remained away from the polls at an election.

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

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

6           Section 6406. Penalty. Any person who commits any of the offenses set  
7 forth in Sections 6401 - 6405, inclusive, is guilty of felony punishable by a fine  
8 not greater than \$50,000 or not more than five (5) years imprisonment, or both.

9           Section 6407. Promising Appointment to Office. Every person is guilty  
10 of a misdemeanor who being a nominee or candidate at any election, offers or  
11 agrees to appoint or procure the appointment of any particular person to office, as  
12 an inducement or consideration for any person to vote for or to procure, or aid in  
13 procuring, the election of any nominee or candidate.

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

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

- 25                   (a) The name of the chairman and secretary or the names of two  
26                   (2) officers of the political party or other organization issuing it, or  
27                   (b) The name and residence of the person responsible therefor.

28           Section 6410. Penalty. Any person who commits any of the offenses set  
29 forth in Sections 6407 - 6409, inclusive, is guilty of a misdemeanor punishable by  
30 a fine not greater than \$2,000 or not more than 60 days in prison, or both.

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

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

3           Section 6413. Complaints. Any person who believes a violation of any  
4 provision of this Chapter has occurred may file a complaint with the Commission.  
5 The Commission shall expeditiously investigate the matter in accordance with  
6 Section 6105. Whenever in the judgment of the majority of the Commission any  
7 person has engaged in any acts or practices which constitute a violation of this  
8 Chapter, the Commission shall refer the record of the said investigation to the  
9 Attorney General who shall institute a criminal prosecution under Section 6406 or  
10 6410 of this Chapter against the person, and, in the event the person is convicted  
11 of the violation prior to the election in question, the Commission shall strike his  
12 name from the ballot. In the event the person is convicted of the violation  
13 subsequent to the election in question and was elected to the office for which he  
14 was a candidate, the Attorney General shall take whatever civil action is necessary  
15 to effect his disqualification from office.

16           Section 6414. Winning Candidate Convicted of a Felony.

17 If the Commission finds that a winning candidate, who has not yet assumed his  
18 office, has been convicted of a felony under this chapter or under any other  
19 Commonwealth law, then the manner of determining his replacement shall be  
20 governed as follows:

21           (a) If a successful candidate for governor is convicted for the  
22 violation of any felony under this Act, or under any other law of the  
23 Commonwealth or the United States of America, he shall relinquish his  
24 office, the successful lieutenant governor candidate shall become  
25 governor, and the new governor shall appoint a lieutenant governor.

26           (b) If a lieutenant governor is convicted for violation of any felony  
27 under this Act, or under any other law of the Commonwealth or the  
28 United States of America, he shall relinquish his office and the governor  
29 shall appoint a lieutenant governor.

30           (c) If a successful candidate for representative to the United States  
31 is convicted for violation of any felony under this Act, or under any other  
32 law of the Commonwealth or the United States of America, he shall  
33 relinquish his office and a reelection shall be conducted.

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

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

8 (f) If a successful candidate for the Municipal Council or Board of  
9 Education is convicted for violation for any felony under this Act, he shall  
10 relinquish his office and the person having the next highest number of  
11 votes shall be declared to have been elected.

12 Article 2. Campaign Financial Disclosure.

13 Section 6421. Definition. Unless the context otherwise clearly requires,  
14 the definitions set forth herein shall govern the construction of this Article.

15 (a) "Campaign Statement of Account" means an itemized  
16 statement prepared by a candidate showing the specific nature, source and  
17 amount of contributions and expenses, including the names of persons  
18 receiving such expense, except where the aggregate fair market value of an  
19 expense or contribution is less than one hundred dollars (\$100).

20 (b) "Candidate" means an individual who filed nomination papers  
21 under the provision of Chapter 3 of this Act.

22 (c) "Committee" means a group of individuals organized for the  
23 purpose of aiding the campaign of any candidate.

24 (d) "Contribution" means a payment, gift, subscription,  
25 assessment, contract, payment for services, dues, advance, pledge or  
26 promise of any money or anything of value, whether or not legally  
27 enforceable, to a candidate, committee or holder of an elective office made  
28 for the purpose of influencing the nomination or election of any candidate,  
29 or for the qualification, passage, or defeat of any measure. The term  
30 "contribution" includes the purchase of tickets for events; such as dinners,  
31 luncheons, rallies, and similar fundraising events; the candidate's own  
32 money or property used on behalf of its candidacy, the granting of  
33 discounts or rebates not available to the general public; or the granting of  
34 discounts or rebates by television and radio stations and newspapers not

1 extended on an equal basis to all candidates for the same office; and any  
2 payments for the services of any person serving as an agent of a candidate  
3 or committee by a person other than the candidates or committee, or a  
4 person whose expenditures the candidates or committee must report under  
5 this chapter. The term "contribution" further includes any transfer of  
6 anything of value received by a committee from another committee. The  
7 term "contribution" shall not include loans, except forgiveness of loans or  
8 payment of loans, volunteer personal services provided without  
9 compensation, in payments made by an individual for his travel expenses  
10 if such payments are made voluntarily without any understanding or  
11 agreement that they shall be, directly or indirectly, repaid to him, or the  
12 use of private property when utilized directly by the owner or lessee  
13 thereof in the course of rendering such services. The term "contribution"  
14 does not include amounts received pursuant to a pledge or promise to the  
15 extent those amounts have been previously reported as a contribution.

16 (e) "Expenses" means funds promised or expended by a person in  
17 aid of the campaign of a candidate or individual prior to his becoming a  
18 candidate and services or property promised or furnished by a person in  
19 aid of the campaign of candidate or individual prior to his becoming a  
20 candidate. "Expenses" shall not mean expenditures for the operation of a  
21 permanent political party headquarters or for general voter registration  
22 drives. Furthermore, "expenses" shall not mean editorial comments made  
23 in connection with the normal publication of a newspaper or other  
24 periodical or the normal programming of a broadcasting station.

25 (f) "Election" means any primary, local, special, or general  
26 election.

27 (g) "Person" means any individual, including a candidate,  
28 committee, association, political party, partnership, or other group. Person  
29 shall not mean domestic, foreign or alien corporation.

30 Section 6422. Duties of Candidates. Upon becoming a candidate, an  
31 individual may designate one committee to serve as his campaign committee. The  
32 candidate shall appoint a treasurer who shall also be the treasurer of the campaign  
33 committee and in that capacity he shall keep a record of all contributions and  
34 expenses received and made thereby.

1           Section 6423. Cessation of Campaigning. All campaigning for the  
2 purposes of election shall cease before the time that the polls open and shall  
3 remain inactive during the period that the polls are open. For purpose of this  
4 section, the term "campaigning" shall include but not limited to any newspaper of  
5 broadcast advertisements appearing on election day, the distribution of campaign  
6 literature, and to the display of any campaign activities, material, signs, posters, or  
7 the like within 500 feet of any election polling place.

8           Section 6424. Campaign Statement of Account; Filing; Verification. A  
9 candidate shall file a detailed financial statement of account prepared with the  
10 advice and co-signature of his treasurer or the election or re-election committee  
11 with the Office of the Public Auditor and a copy to the Commission within fifty  
12 (50) days after the election. Subject to the limitation of Section 6421 (a), the  
13 statement shall include the names and contributions of supporters contributing in  
14 cash or in-kind and a detailed statement of campaign spending. All statements of  
15 account shall be verified under oath by the candidate and his treasurer. Such  
16 verification shall state that the candidate has used all reasonable diligence in its  
17 preparation, and that it is true, full and explicit.

18           Section 6425. Publication. The Election Commission shall make public  
19 all campaign statements of account within ten (10) days after their filing, by  
20 publishing them in a newspaper of general circulation in the Commonwealth or by  
21 posting the same in certain public places designated by the Commission.

22           Section 6426. Multi-Candidate: Apportionment. Multi-candidate  
23 expenses are those spent by a person in aid or more than one candidate. Such  
24 expenses shall be treated as an expense by each candidate supported thereby and  
25 shall be apportioned equally among them; except that candidates may agree in  
26 advance of the contracting of any multi-candidate expenses as to the amount  
27 attributable to each if such agreement is filed in advance of said contracting with  
28 the Commission. Each candidate participating in such agreement shall retain for a  
29 period of one (1) year after the election to which the expense relates, documents  
30 supporting the apportionment under such agreement.

31           Section 6427. Requirement of Authorization. No person other than a  
32 candidate or his campaign committee shall incur or contract for any expense in aid  
33 or such candidate's campaign unless he applies in writing to the candidate's  
34 treasurer at least five (5) days prior thereto for authorization. The request for

1 authorization shall state in detailed the amount and nature of any specific expense  
2 listed thereon. No person shall incur or contract for any expense if such expense  
3 has been disapproved by the treasurer of such candidate in writing within three (3)  
4 days of receipt of the request or authorization.

5 Section 6428. Penalties. Any person violating this Article shall upon  
6 conviction be fined not more than fifty thousand dollars (\$50,000) or imprisoned  
7 for not more than one year or both.

8 Section 6429. Extension of Deadline. For good cause, the Commission  
9 may extend the deadline imposed on Section 6424 by not more than fifteen (15)  
10 days, upon written request by a candidate. A candidate shall be fined a non-  
11 waivable one hundred (\$100.00) dollars penalty for each day the financial report  
12 is late without a Commission approved extension period.

13 Section 6430. Non-Compliance. The Public Auditor shall refer any  
14 candidate who fails to comply with this Article to the office of the Attorney  
15 General for prosecution.

16 CHAPTER 5

17 Elections

18 Article 1. General Election and Special Election.

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

27 Section 6502. Special Elections Subject to the Call of the Governor.

28 (a) If a vacancy occurs in the legislature, in the office of the  
29 governor or lieutenant governor, or in office of a mayor, which under the  
30 Constitution requires an election to fill the vacancy or a recall petition is  
31 certified by the Attorney General, the Governor shall call a special election  
32 to fill such vacancy.

33 (b) If the Governor fails to call a special election within thirty (30)  
34 days of a constitutional vacancy or the certification of a recall petition, any

1 registered voter may petition the Election Commission to determine and  
2 certify that a vacancy requiring a special election exists or that a recall  
3 petition has been certified by the Attorney General. Within ten (10)  
4 calendar days of receipt of a petition, the Commission shall submit its  
5 determination to the Governor. The Governor shall issue a proclamation  
6 for a special election within five (5) calendar days of receipt of a  
7 Commission certification of vacancy or recall requiring a special election.

8 (c) If there are simultaneous vacancies in the offices of Governor  
9 and Lieutenant Governor and less than one year remains from the date of  
10 the first vacancy, the Senate President shall be Acting Governor and the  
11 Speaker of the House shall be Acting Lieutenant Governor and both shall  
12 serve out the remainder of the terms of their respective offices.

13 (d) If there is a vacancy in the legislature and less than one-half of  
14 the term remains, the governor shall fill the vacancy in accordance with  
15 Article II, section 9 of the Commonwealth Constitution within thirty (30)  
16 days of the date of the vacancy.

17 (e) If there is a vacancy in the office of mayor and less than one-  
18 half of the term remains from the date of the vacancy, or when the mayor  
19 is unable to discharge the duties of the office by reason or physical or  
20 mental disability, the presiding officer of the municipal council shall be  
21 acting mayor.

22 (f) In case of a vacancy on the Board of Education, the Governor  
23 shall appoint a replacement pursuant to 1 CMC section 2263 regardless of  
24 the time remaining in the term of office.

25 (g) All special elections required hereunder shall be held in  
26 accordance with the provisions of this Act.

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

33 Section 6504. Calling of Special Elections. All special elections subject  
34 to the call of the governor shall be called by proclamation of the Governor of the

1 Commonwealth. The Commission shall cause a copy of the proclamation to be  
2 published in a newspaper of general circulation in the Commonwealth and to be  
3 posted in each senatorial election district or mayoral island were such election will  
4 take place.

5 Section 6505. Special Elections Subject to the Call of the Legislature.  
6 Amendments to the Northern Marianas Constitution, as proposed by popular or  
7 legislative initiative or by constitutional convention, and such other matters as  
8 may be provided by law, shall be placed before the Commonwealth voters for  
9 ratification or other action at special elections. Such special elections shall be  
10 held no more than sixty (60) days after notification by the legislature by joint  
11 resolution to the Election Commission or at such time and in such manner as  
12 provided by law or in the legislative initiative proposing the amendment. In  
13 accordance with its responsibilities and duties under this Division, the Election  
14 Commission shall administer and supervise special elections. Voter eligibility  
15 and voting procedures shall be in compliance with 1 CMC § 6201 et seq.

16 Section 6506. Funding for General and Special Elections. In the absence  
17 of an appropriation for a general or special election conducted pursuant to this  
18 Division, or for voter education with respect to a proposed amendment to the  
19 Constitution, the Governor shall, notwithstanding any other provision of law,  
20 reprogram sufficient funds for the conduct of a general or a special election, or for  
21 voter education, as the case may be, from executive branch accounts to the  
22 Election Commission.

23 Section 6507. Postponement of Election. If for serious cause resulting  
24 from any natural phenomena, act of God, or a public enemy, it becomes  
25 reasonably impossible to hold any election duly scheduled in the Commonwealth  
26 as a whole or in any senatorial or election district, or mayoral island or islands, the  
27 Governor may postpone any such election wherein for such time as it may deem  
28 necessary, but in no event shall postponement exceed sixty (60) days from the  
29 date when such election should have been held.

30 Section 6508. Election Day: Holiday. If an election is held on a day  
31 other than a Saturday or Sunday, the election day shall be a legal holiday within  
32 the Commonwealth or in the senatorial or election district.

Article 2. Conduct of Elections.

Section 6521. Right to Cast Secret Ballot.

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

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

Section 6522. Polling Places: Hours of Operation. Polling places shall open at 7:00 a.m. on the day of the election and shall be kept open until 7:00 p.m. on the same day, except that any person who is already at the polling place at 7:00 p.m. shall be allowed to vote. The Commission may close any polling place earlier if all the voters of the election district have voted. Whenever possible, public schools and public buildings shall be utilized as polling places during elections. No rent shall be charged or paid for the use thereof.

Section 6523. Collection of Ballot Boxes.

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

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

Section 6524. Tabulation of Votes.

(a) The Commission shall establish an accounting and tabulation committee composed of not less than five (5) members. The accounting and tabulation committee shall count and tally all votes cast and determine the acceptability thereof. The accounting of ballots shall begin after all the polls in each election district are closed and shall continue in any tabulating location specified by the Commission until all votes are counted. No person may be present in the vicinity of the counting and

1 tabulation area, except that each political party may have not more than  
2 two observers in the area. When the ballots are in the counting and  
3 tabulation area, the area shall not be left unattended. There shall be a  
4 minimum of two (2) election officials at all times, in addition to the two  
5 observers from each political party. Upon the completion of the counting  
6 and tabulation of all votes cast for a Commonwealth or local elective  
7 office, an official public announcement shall be made by the Commission,  
8 except that no official announcement of the results may be made for those  
9 offices in which a voter challenge or other proceeding affecting ballots has  
10 been initiated until the legality of such challenged votes or the issues  
11 raised in such other proceeding affecting ballots have been determined.  
12 As soon as is practicable after the tabulation of ballots is completed for  
13 those Commonwealth or local elective offices in which no voter challenge  
14 or other proceeding affecting ballots has been initiated, the Commission  
15 shall issue certificates of election to the winning candidates. The  
16 Commission may make periodic announcements of results during  
17 tabulating and counting.

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

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

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

30 Section 6525. Ballot Irregularities.

31 (a) If a ballot being counted appears improper, the final decision  
32 as to the validity of the ballot shall be made by the Commission. The  
33 accounting and tabulation committee shall separate any ballot it believes  
34 to be improper and forward the ballot or ballots to the Commission for

1 ultimate determination. All ballots declared invalid for any irregularity  
2 shall be sorted or separated and a notation placed upon them indicating  
3 that they are rejected ballots. Upon completion of the counting of the  
4 ballots, the rejected ballots shall be placed in the ballot box and returned  
5 by the accounting and tabulation committee to the Commission with the  
6 cast ballots.

7 (b) At any election, any ballot which is not marked as provided by  
8 law shall be void, but the ballot shall be preserved and returned with the  
9 other ballots.

10 (c) Any voter who spoils a ballot shall return it to a poll worker  
11 and receive another ballot.

12 (d) At any election, a ballot may not be rejected if it is possible to  
13 determine the voter's choice even though the ballot has been severely  
14 soiled or defaced.

15 (e) If a voter indicates the choice of more candidates than there are  
16 offices to be filled or if for any reason it is impossible to determine the  
17 voter's choice for any office, the ballot may not be counted for that office.  
18 The rest of the ballot, if properly marked, shall be counted.

19 Section 6526. Marking the Ballot.

20 (a) In voting, the voter shall place the appropriate mark in the  
21 voting square adjacent to the name of any nominee for whom he intends to  
22 vote.

23 (b) Should the Commission adopt a ballot form using any  
24 mechanical, electromechanical, or electronic device to record the vote or  
25 aid in recording the vote, the information required by this Section shall  
26 appear on the device in the place provided therefore, or otherwise  
27 prominently within the voting booth so as to be easily read by the voter.

28 Section 6527. Loss or Destruction of Ballots. In case of the prevention of  
29 an election in any election district by the loss or the destruction of the ballots  
30 intended for that election district, the election official or other member of the  
31 Commission, shall make an affidavit setting forth the fact, and transmit it to the  
32 Governor. Upon receipt of the affidavit, the Governor may, and upon the  
33 application of any nominee for any office to be voted for by the electors of that  
34 election district, shall, order a new election in that election district.

1 Article 3. Party Switch.

2 Section 6531. Party Switch. If an elected official switches parties while  
3 more than half of his term remains, the affected seat shall automatically be  
4 declared vacant and a special election shall be held to fill that vacancy if the seat  
5 was held by an official elected as a candidate of a political party. If less than half  
6 of term remains, the Governor shall appoint a replacement to be recommended by  
7 the affected party. This section shall not apply to independent candidates.

8 CHAPTER 6

9 Election Contests

10 Section 6601. Election Contests : Recount.

11 (a) Any Commonwealth voter may contest an election for any of  
12 the following reasons:

13 (1) The person declared elected to an office will not be  
14 eligible for that office at the beginning of his term.

15 (2) The candidate has given to an election official  
16 anything of value to procure his election.

17 (3) Illegal votes were cast sufficient to change the result  
18 of the election of any person who has been declared elected.  
19 "Illegal votes" means any vote cast by a person who is not  
20 qualified to vote because of failure to meet age, domiciliary or  
21 residency requirements or has cast more than one ballot in the  
22 same election.

23 (4) The Commission in the conduct of election or  
24 arithmetical tabulation of votes made errors sufficient to change  
25 the final result of the election of any person who has been  
26 declared elected.

27 (5) Actual fraud by any person in the voting process, in  
28 the conduct of the election or in the tabulation of the votes  
29 sufficient to have changed the outcome of the election.

30 (b) Recount. If less than five votes separate the person declared  
31 elected and the next highest vote getter, the next highest vote getter is  
32 entitled to a recount. Such recount shall be made in the presence of the  
33 parties and under the supervision of the Commonwealth Superior Court.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

Section 6602. Election Contests: Actual Prejudice Required.

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

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

Section 6603. Election Contest: Written Complaint.

(a) When a voter contests any election he shall file with the Commonwealth Superior Court a written complaint setting forth specifically:

- (1) The name of the contestant;
- (2) That he is a voter of the election district in which the contested election was held;
- (3) The name of the defendant;
- (4) The office the defendant sought; and
- (5) The particular grounds for the contest.
- (6) Any other information which the Court may require

pursuant to Court Rules.

(b) The contestant shall verify the complaint and shall file and serve it upon the defendant within seven days after the discovery of the facts supporting the contest, except that no complaint may be filed over fifteen (15) days after the declaration of the official results.

(c) Service of process shall be in accordance with the Rules of Civil Procedure governing personal service.

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

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

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

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

12          (c) The Court shall issue subpoenas for witnesses at the request of  
13          any party. The Court may compel the attendance of witnesses who have  
14          been subpoenaed.

15          Section 6605. Election Contest: Court Hearing: Recount.

16          (a) At the hearing the ballots shall be recounted in the presence of  
17          all parties, where it appears from the complaint filed that a recount is  
18          necessary for the proper determination of the contest. If two or more  
19          statements of contest are filed requiring a recount, the Commission may  
20          join the action of the contestants for the purpose of recounting the votes.

21          (b) If the statements of the cause of the contest are insufficient, the  
22          Court may dismiss the proceedings for lack of evidence or for want of  
23          prosecution.

24          (c) The Court shall hear and determine all issues arising in  
25          contested elections. After hearing the evidence and within five (5) days of  
26          the submission thereof, the Court shall issue its finding of facts and  
27          conclusions of law, and immediately thereafter announce judgment in the  
28          case, either confirming or reversing the result of the election.

29          Section 6606. Election Contest: Judgment of the Court. If it is adjudged  
30          that a person other than the defendant has the largest number of legal votes cast in  
31          any election contest, the Court shall declare that person elected.

32          Section 6607. Election Contest: Certificate of Election.

33          (a) Upon the expiration of the time for appeal, the person declared  
34          elected by the Court is entitled to a certificate of election. If a certificate

1 has not already been issued to him by the Commission, the Commission  
2 shall immediately make out and deliver to that person a certificate of  
3 election.

4 (b) If the Commission has issued any certificate for the same  
5 office to another person than the one declared elected by the Court, such  
6 certificate shall become void by the judgment of the Court.

7 Section 6608. Election Contests: Costs.

8 (a) If the proceedings under this section are dismissed for  
9 insufficient evidence or for want of prosecution, or the election is  
10 confirmed by the Court, judgment shall be rendered against the contestant,  
11 for costs and reasonable attorneys' fees, in favor of the defendant. If the  
12 election results are reversed, judgment for costs and reasonable attorneys'  
13 fees shall be rendered against the defendant, in favor of the contestant.

14 (b) Where two or more contests are joined for the purpose of  
15 recounting votes as provided in this Article, the costs may be apportioned  
16 among the parties in the discretion of the Court.

17 Section 6609. Election Contest: Appeal. Any party aggrieved by the  
18 judgment of the Commonwealth Superior Court may appeal to the Supreme Court  
19 of the Northern Mariana Islands as in other cases, except that from the day of  
20 Judgment, the notice of appeal shall be filed within three (3) days, the applicant's  
21 brief within ten (10) days, the appellee's brief within fifteen (15) days, oral  
22 arguments shall be heard within twenty (20) days, and the appellate Judgment  
23 shall be issued within thirty (30) days. During the pendency of proceedings on  
24 appeal, and until final determination thereof, the person declared elected by the  
25 Commonwealth Superior Court shall be entitled to the office in like manner as if  
26 no appeal had been taken. Any lawful action taken by the person in office is  
27 valid, even if that person is subsequently removed.

28 Section 6610. Election Contest: Failure to Appeal from Court Judgment.  
29 Whenever an election is reversed by the Judgment of the Commonwealth Superior  
30 Court, and no appeal is taken within three (3) days thereafter, the certification, if  
31 any has been issued, is void and the office is filled by the person declared to be  
32 elected.

## CHAPTER 7

## Criminal Penalties

1  
2  
3 Section 6701. Counterfeit Ballots. Any person who knowingly, willfully  
4 and unlawfully prints, copies, imitates, or distributes or causes to be printed,  
5 copied, imitated, or distributed any unofficial ballot or any document that is so  
6 substantially similar in style or content to the official ballot as to cause the  
7 likelihood of confusion with the official ballot shall upon conviction be fined  
8 \$5,000, imprisoned for a minimum of sixty (60) days, or both. There shall be no  
9 suspended sentences.

10 Section 6702. Unlawful Threats to Candidate or Family. Any person who  
11 directly or indirectly threatens or intimidates any candidate or his immediate  
12 family by physical means, bribery, extortion, or any other means so as to attempt  
13 or cause the candidate to withdraw from the election shall upon conviction be  
14 fined \$5,000 or imprisoned for not less than sixty (60) days nor more than five  
15 years.

16 Section 6703. Unlawful Threats to Election Personnel. Any person who  
17 directly or indirectly threatens or intimidates the Commission, its designees, its  
18 representatives or its election workers so as to attempt or cause those persons not  
19 to perform their duties and responsibilities lawfully and in a proper manner, shall  
20 upon conviction be fined not more than \$2,000 or imprisoned for not less than  
21 ninety (90) days and not more than five (5) years. There shall be no suspended  
22 sentences.

23 Section 6704. Unlawful Registration. A person who signs an affidavit of  
24 registration knowing that he does not qualify to vote or who knowingly registers  
25 with the intent to vote more than once or who registers in an election district in  
26 which he does not reside shall, upon conviction, be fined not more than \$2,000 or  
27 imprisoned for not more than 2 years. A person who willfully causes, procures, or  
28 allows any person to be registered as a voter, knowing that person is not to be  
29 entitled to registration, shall upon conviction be fined not more than \$2,000 or  
30 imprisoned for not more than 2 years.

31 Section 6705. Unlawful Campaign activities.

32 (a) No person shall campaign on election day within five hundred  
33 (500) feet of a polling place, including campaigning by aircraft. No

1 candidate shall loiter or socialize within five hundred (500) feet of a  
 2 polling place on election day.

3 (b) No person may post or transport names, pictures, or other  
 4 campaign materials or set up any booth within five hundred (500) feet of  
 5 the polling place.

6 (c) No person may use the name of a government department or  
 7 agency to campaign for or express support for a candidate running for  
 8 public office; nor shall the buying or selling of fundraising materials in  
 9 support of candidates for public office take place in any government  
 10 building or facility.

11 (d) All campaign posters shall be removed from public places no  
 12 later than fifteen (15) days after the election date by the candidate.

13 (e) No campaign materials, or hard board, used as a poster, may be  
 14 attached to any telephone pole, fire hydrant or tree on public property.

15 Any person who knowingly and willfully violates any provision of this  
 16 section shall, upon conviction, be fined \$500.

17 Section 6706. Unlawful Sale or Purchase of Alcohol on Election Day. No  
 18 person may sell, purchase, or dispense any alcoholic beverages or liquor while the  
 19 polls are open on the day of an election. Any person who knowingly and willfully  
 20 violates this section shall upon conviction be fined not more than \$1,000 or  
 21 imprisoned for not more than one hundred (100) days, or both.

22 Section 2. Severability. If any provision of this Act or the application of any  
 23 such provision to any person or circumstance should be held invalid by a court of  
 24 competent jurisdiction, the remainder of this Act or the application of its provisions to  
 25 persons or circumstances other than those to which it is held invalid shall not be affected  
 26 thereby.

27 Section 3. Savings Clause. This Act and any repealer contained herein shall not  
 28 be construed as affecting any existing right acquired under contract or acquired under  
 29 statutes repealed or under any rule, regulation or order adopted under the statutes.  
 30 Repealers contained in this Act shall not affect any proceeding instituted under or  
 31 pursuant to prior law. The enactment of this Act shall not have the effect of terminating,  
 32 or in any way modifying, any liability, civil or criminal, which shall already be in  
 33 existence at the date this Act becomes effective.

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

DATE: 02/20/98

Introduced by: /s/ (Rep.) Heinz S. Hofschneider

/s/ (Rep.) David M. Apatang

/s/ (Rep.) Oscar M. Babauta

/s/ (Rep.) Melvin L.O. Faisao  
(By Request)

Reviewed for legal sufficiency:

/s/ Steve Terravecchia



REPRESENTATIVE FRANK G. CEPEDA  
 Chairman, Committee on Judiciary & Governmental Operations  
 House of Representatives  
 ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. Box 129  
 Saipan, MP 96950

Tel.: (670) 664-5377  
 Fax: (670) 664-5380

*adopted 7/27/99*  
 Standing Committee Report No. 11-80  
 1999  
 Re: H.B.11-115,HD1

*Vice-Chairman:*  
*Rep. David M. Apatang*  
  
*Members:*  
*Rep. Jesus T. Attao*  
*Rep. Oscar M. Babauta*  
*Rep. Jose A. Hocog*  
*Rep. Max (Timmo) Olopai*  
*Rep. Herman T. Palacios*  
*Rep. Bernadita T. Seman*  
*Rep. Ana S. Teregeyo*

The Honorable Diego T. Benavente  
 Speaker of the House of Representative  
 Eleventh Northern Marianas Commonwealth Legislature  
 Capitol Hill  
 Saipan, MP 96950

Dear Mr. Speaker:

Your committee on Judicial and Governmental Operations to which H.B. 11-115 was referred, entitled:

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

Begs leave to report as follows:

**I. RECOMMENDATION**

Your committee recommends that the house pass H.B. 11-115 in the form of HD1.

**II. FINDINGS AND AMENDMENTS:**

Your committee finds that H.B. 11-115 was initially introduced in substantially similar form in the House in the Ninth Legislature and then again in the Tenth Legislature. The House in the Ninth and Tenth Legislature passed the bill, but failed to garner enough support in the Senate.

Your committee has thoroughly reviewed the bill and has received valuable input from officials of the Board of Elections. The Board of Elections enthusiastically supports the bill because it would address several issues that could not be addressed satisfactorily under existing law. Among such important issues include voter and candidate qualifications, absentee voting, candidate registration and the Board's powers and duties.

*read 7-27-99  
 A. I. Con*

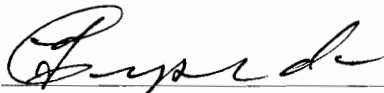
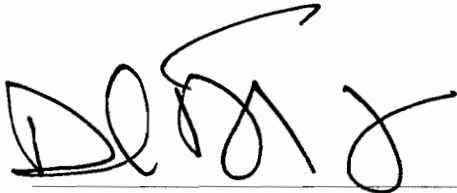


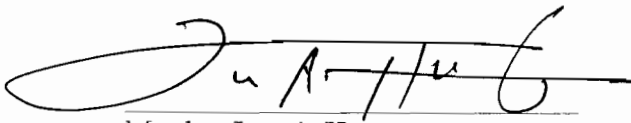
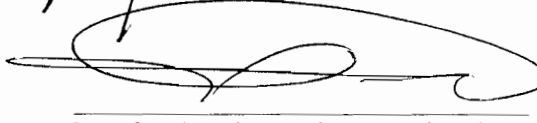
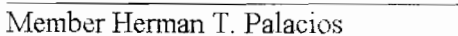
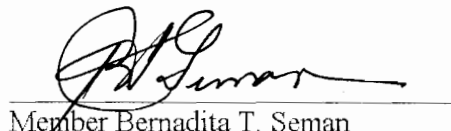
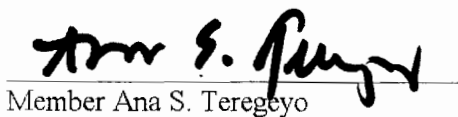
House Bill No. 11-115, HD1 contains an amendment to the language in section 6303 by imposing a longer residency requirement in the Commonwealth and in the respective election precinct for House candidates. Such amendment is necessary to ensure that House candidates are well attuned to the issues concerning their precincts.

Your Committee believes that this bill, if it becomes law, will improve the manner in which elections are held in the Commonwealth and, thereby, boosts voter confidence in and integrity of the electoral process.

### III. CONCLUSION:

Your Committee is in accord with the intent and provisions of H.B. No. 11-115, HD1 and, for the reasons stated above, concludes that its passage by the Legislature will be in the best interest of the CNMI.

Respectfully submitted,

  
Chairman Frank G. Cepeda  
Vice-Chairman David M. Apatang  
Member Jesus T. Attao  
Member Oscar M. Babauta  
Member Jose A. Hocog  
Member Maximo "Timmo" Olopai  
Member Herman T. Palacios  
Member Bernadita T. Seman  
Member Ana S. Teregyo



REPRESENTATIVE FRANK G. CEPEDA  
 Chairman, Committee on Judiciary & Governmental Operations  
 House of Representatives  
 ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. Box 129  
 Saipan, MP 96950

Tel.: (670) 664-5377  
 Fax: (670) 664-5380

*adopted House 11-80*  
 Standing Committee Report No. \_\_\_\_\_  
 1999  
 Re: H.B.11-115,HD1

Vice-Chairman:  
 Rep. David M. Apatang

Members:  
 Rep. Jesus T. Attao  
 Rep. Oscar M. Babaua  
 Rep. Jose A. Hocog  
 Rep. Max (Timmo) Olopai  
 Rep. Herman T. Palacios  
 Rep. Bernadita T. Seman  
 Rep. Ana S. Teregyo

The Honorable Diego T. Benavente  
 Speaker of the House of Representative  
 Eleventh Northern Marianas Commonwealth Legislature  
 Capitol Hill  
 Saipan, MP 96950

Dear Mr. Speaker:

Your committee on Judicial and Governmental Operations to which H.B. 11-115 was referred, entitled:

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

Begs leave to report as follows:

**I. RECOMMENDATION**

Your committee recommends that the house pass H.B. 11-115 in the form of HD1.

**II. FINDINGS AND AMENDMENTS:**

Your committee finds that H.B. 11-115 was initially introduced in substantially similar form in the House in the Ninth Legislature and then again in the Tenth Legislature. The House in the Ninth and Tenth Legislature passed the bill, but failed to garner enough support in the Senate.

Your committee has thoroughly reviewed the bill and has received valuable input from officials of the Board of Elections. The Board of Elections enthusiastically supports the bill because it would address several issues that could not be addressed satisfactorily under existing law. Among such important issues include voter and candidate qualifications, absentee voting, candidate registration and the Board's powers and duties.

*filed 7-29-99  
 a:10am*

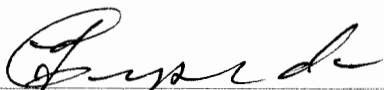
House Bill No. 11-115, HD1 contains an amendment to the language in section 6303 by imposing a longer residency requirement in the Commonwealth and in the respective election precinct for House candidates. Such amendment is necessary to ensure that House candidates are well attuned to the issues concerning their precincts.


Your Committee believes that this bill, if it becomes law, will improve the manner in which elections are held in the Commonwealth and, thereby, boosts voter confidence in and integrity of the electoral process.


**III. CONCLUSION:**


Your Committee is in accord with the intent and provisions of H.B. No. 11-115, HD1 and, for the reasons stated above, concludes that its passage by the Legislature will be in the best interest of the CNMI.

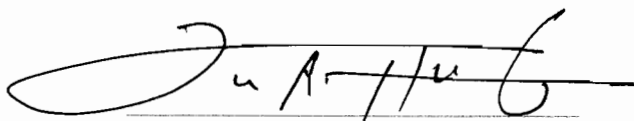
Respectfully submitted,

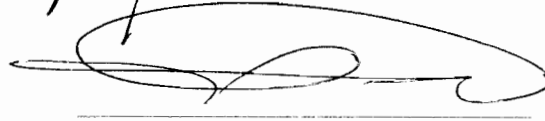
  
Chairman Frank G. Cepeda

  
Vice-Chairman David M. Apatang


  
Member Jesus T. Attao

  
Member Oscar M. Babauta

  
Member Jose A. Hocog

  
Member Maximo "Timmo" Olopai

  
Member Herman T. Palacios

  
Member Bernadita T. Seman

  
Member Ana S. Teregeyo

\_\_\_\_\_, 1998

*Has passed 7/27/98*

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 ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:**

1           Section 1. Repealer and Reenactment. 1 CMC, Division 6, Chapters 1 through 5 are  
2 hereby repealed and reenacted to read as follows. Current Chapter 6, the "Executive Transitions  
3 Act", is unaffected hereby.

4                       "Section 6001. Short Title. This Act may be cited as the "Northern Mariana  
5 Islands Election Reform Act of 1998".

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

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

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

14                               (b) "Attorney General" means the Attorney General of the  
15 Commonwealth of the Northern Mariana Islands.

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

21                               (d) "Commission" means the Commonwealth of the Northern Mariana  
22 Islands Election Commission.

1 (e) "Candidate" means a person who is either seeking a nomination or is  
2 proposed for a nomination by sponsors in accordance with the provisions of this  
3 Act.

4 (f) "Commonwealth" means the Commonwealth of the Northern  
5 Mariana Islands.

6 (g) "Constitution" means the Constitution of the Commonwealth of the  
7 Northern Mariana Islands.

8 (h) "District" means an election district.

9 (i) "Domicile" means that place in which a person maintains a residence  
10 with the intention of continuing that residence for an unlimited or indefinite  
11 period, and to which that person has the intention of returning whenever absent,  
12 even for an extended period.

13 (j) "Elector" means any person who is entitled to register under the  
14 provisions of this Act.

15 (k) "General Election" means an election held throughout the  
16 Commonwealth every two years on the first Saturday in November.

17 (l) "Local Election" means a municipal, senatorial district, or any  
18 election district election held in the Commonwealth.

19 (m) "Nominee" means a candidate who has become entitled under the  
20 provisions of this Act to a place on the ballot.

21 (n) "Precinct" means the election district.

22 (o) "Recognized Political Party" means any political party, group, or  
23 organization united for the purpose of promoting a common political end or  
24 carrying out a particular line of political policy and which:

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

27 (2) Has filed with the Election Commission under such uniform  
28 regulations as the Commission may reasonably prescribe evidence of the  
29 lawful creation of the party and election of its chairman, secretary, and  
30 treasurer, including their addresses; and

31 (3) Has received, at the most recent general election, in the event  
32 it had a candidate for each of the offices to be filled, not less than ten  
33 percent (10%) of the total votes cast therein; or in the event it had a lesser  
34 number of candidates than there were offices to be filled, each such party

1 candidate received not less than ten percent (10%) of the total votes cast  
2 for the office to which the candidate sought election.

3 (p) "Register" means the list of registered voters prepared and bound by  
4 the Commission.

5 (q) "Registration Clerk" means any authorized staff of the Commission,  
6 or person authorized by the Commission to register electors, and other officers  
7 charged with the duty of registering electors.

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

15 (s) "Voter" means a person duly registered to vote under the provisions  
16 of this Act.

17 (t) "Serving a Sentence for a Felony" includes persons imprisoned, on  
18 parole, probation, or under a suspended sentence.

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

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

30 Section 6006. Continuity of Democratic and Republican Parties. The  
31 Democratic and Republican parties shall be deemed to have complied and qualified under  
32 the provisions of this Act on its effective date.

33 CHAPTER 1

34 Election Commission

1           Section 6101. Election Commission: Establishment. There is hereby established  
2 an Independent Election Commission in the Commonwealth government hereinafter  
3 referred to as the "Commission."

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

15           Section 6103. Election Commission: Term of Appointment.

16           (a) Members shall serve for a term of four years, of the members first  
17 appointed, two (2) shall serve for a term of one (1) year, two (2) shall serve for  
18 two (2) years, two (2) shall serve for three (3) years, and three (3) shall serve for  
19 four (4) years. No member may serve for more than two (2) consecutive four-  
20 year terms, or in the case of members appointed for less than four years, for the  
21 period of term to which he is appointed plus one (1) four (4) year term. Upon the  
22 expiration of the term of a member of the Commission, such person shall cease to  
23 be a member unless reappointed in the manner prescribed by law.

24           (b) If a vacancy should occur on the Commission said vacancy shall be  
25 filled for the remainder of the term only by the method originally prescribed for  
26 the appointment.

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

31           Section 6104. Election Commission: Election of Chairperson. The Commission  
32 shall annually elect one of its members as Chairperson by a majority vote.

33           Section 6105. Election Commission: Duties. The Commission shall have the  
34 following powers and duties:

- 1 (a) To appoint an Executive Director.
- 2 (b) To administer and supervise all general, primary, local, and special  
3 elections, including questions pertaining to initiatives, referenda and recalls in the  
4 Commonwealth.
- 5 (c) To employ voter registration workers, poll workers, vote tabulators,  
6 and other persons on a full or part-time basis as necessary to conduct elections  
7 and administer its other duties and responsibilities.
- 8 (d) To prepare and provide printed ballots or voting machines, private  
9 voting booths, tally sheets, and other materials necessary to conduct an election in  
10 each polling place.
- 11 (e) To designate and publicize polling places within electoral district not  
12 later than fifteen (15) calendar days before an election day. Such polling places  
13 may include public facilities, such as schools and other public building.
- 14 (f) To appoint poll supervisors for each election district and provide a  
15 complete list of registered voters in each election district. All poll supervisors so  
16 appointed shall be registered voters.
- 17 (g) To promulgate rules, regulations, and instructions necessary to  
18 conduct and administer elections, including questions pertaining to initiatives,  
19 referenda recalls, voter registration, and voter challenges.
- 20 (h) To promulgate rules and regulations pertaining to registration by  
21 mail, nomination of candidates, voting procedures, and a system for absentee  
22 voting.
- 23 (i) To promulgate rules and regulations pertaining to procedures to be  
24 followed respecting the receipt and investigation of, and the actions taken on,  
25 complaints of election irregularities.
- 26 (j) To promulgate a manual of administrative procedures to be used in  
27 the conduct of elections. The manual shall include the regulations to be followed  
28 by all election officials as well as descriptions of the necessary equipment and  
29 forms to be used in any election.
- 30 (k) To establish additional penalties for any violations by any Board  
31 member or its employees of any provision of this Act.
- 32 (l) To summon and examine witnesses and to maintain order during any  
33 of its official duties.

1 (m) To promulgate all initiatives and referenda in Chamorro, Carolinian  
2 and English in at least two local newspapers, twice before an election, and make  
3 copies available to the general public at the Commission office.

4 Section 6106. Election Commission: Quorum. Seven (7) members of the  
5 Commission shall constitute a quorum to conduct official business. All decisions of the  
6 Commission shall be made by a majority vote of the members present.

7 Section 6107. Election Commission: Compensation and Expenses. Members of  
8 the Commission are to receive compensation in the amount prescribed by 1 CMC, Section  
9 8247(a), (b) and (c).

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

18 Section 6109. Election Commission: Executive Director; Power and Duties.

19 (a) The executive director shall be responsible for the administration of  
20 this Act and the rules and regulations promulgated thereunder. He shall supervise  
21 all Commonwealth elections.

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

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

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

33 (e) The executive director shall not be a member of the classified service  
34 and shall receive an annual salary as determined by the Commission pursuant to 1

1 CMC, Section 8246. The executive director shall only be removed for cause  
2 upon the concurrence of three-fourths (3/4) of the Commission members.

3 Section 6110. Election Commission: Administrative Staff. The executive  
4 director is authorized to employ such staff as may be required to supervise  
5 Commonwealth elections; maximize registration of eligible voters throughout the  
6 Commonwealth; maintain data concerning registered voters, elections, apportionment, and  
7 districting; and to perform other duties as necessary to carry out the intent of this Act  
8 pursuant to budgetary appropriation.

9 Section 6111. Exception from Civil Service.

10 (a) Beginning 90 days after the effective date of this Act, the CNMI  
11 Election Commission shall no longer be part of the Civil Service System and the  
12 employment of Commission staff shall no longer be subject to Civil Service  
13 Rules.

14 (b) The employees of the Commission shall be exempt from application  
15 of the Commonwealth Civil Service Act (1 CMC Section 8101 et seq.), except  
16 that the protections and prohibitions of Sections 8141, 8142, 8145, and 8151  
17 through 8153 shall apply to the employees of the Commission to the same extent  
18 and in the same manner as if the employees of the Commission were members of  
19 the Civil Service.

20 (c) Within 90 days after the effective date of this Act, the Commission  
21 shall develop, adopt and administer a merit based personnel system that rewards  
22 productivity and service, provides management flexibility, and includes  
23 procedures for addressing employee grievances.

24 Section 6112. Transitional Provision. The present chairman and members of the  
25 Election Commission and the executive director shall continue to serve until a new  
26 Election Commission and executive director have been appointed pursuant to this Act.

27 CHAPTER 2

28 Registration and Voting Procedures

29 Section 6201. Voting: Eligibility.

30 (a) Pursuant to Article VII, Section 1 of the Constitution of the Northern  
31 Mariana Islands, a person is eligible to vote who, on the date of the election, is 18  
32 years of age or older, is domiciled in the Commonwealth, has resided in the  
33 Commonwealth for at least 120 days prior to the election day, is not serving a  
34 sentence for a felony as defined in Section 6003(t) of this Act, has not been

1 declared by a court to be of unsound mind, is not confined to a mental institution,  
2 and is either a citizen or national of the United States as defined in the  
3 Commonwealth Constitution.

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

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

9 Section 6202. Domicile: Determination.

10 (a) Each person has a domicile;

11 (b) Each person has only one domicile;

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

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

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

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

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

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

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

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

32 (e) Whether the person has expressed an intention not to be domiciled in  
33 the Commonwealth;

1 (f) Whether the person registered and voted in a place outside the  
2 Commonwealth during the preceding year;

3 (g) Whether the person who immediately prior to becoming a member of  
4 the military service was not domiciled in the Commonwealth and who is in the  
5 military service residing in a military reservation or is provided a housing or  
6 housing allowance;

7 (h) Whether the person's presence or residency in the Commonwealth is  
8 based on a work order or contract with the Commonwealth Government, its  
9 subdivisions or its agencies; or

10 (i) Whether the person's presence or residency in the Commonwealth is  
11 based on a work order or contract in the private sector.

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

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

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

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

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

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

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

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

7 Section 6205. Voter Challenge.

8 (a) Any person may challenge a voter's residency or other qualification to  
9 vote.

10 (b) A voter whose qualification has been challenged and not adjudicated  
11 prior to election day shall be permitted to cast his vote, but the ballot must be  
12 kept sealed and segregated by the Election Commission until the final  
13 adjudication of the challenge.

14 (c) A challenge to a voter's qualification shall be initially determined by  
15 the Election Commission pursuant to a hearing conducted in accordance with the  
16 Administrative Procedures Act. A review of the Commission's decision may be  
17 had by the Superior Court on an expedited schedule to be established by rules of  
18 the Superior Court. The decision of the Superior Court shall be final and there  
19 shall be no further judicial review.

20 Section 6206. Registration Procedures.

21 (a) Any person qualified to vote in a general, primary, local or special  
22 election may register to vote not less than thirty (30) days before the day of the  
23 election.

24 (b) When registering to vote, the person shall sign an affidavit of  
25 registration on a form prepared and furnished by the Commission stating that he  
26 meets the qualifications established by the Constitution and by this Act for voting  
27 in the elections in the Commonwealth.

28 (1) Except as provided in Section 6215, no person may register  
29 to vote or vote in an election district other than that in which he is a  
30 resident. A person has a residence in, or is a resident of, the election  
31 district where that person is factually living and has an abode.

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

1 (3) Persons who are domiciled in the Commonwealth as  
2 provided in Sections 6202-6204, but who are temporarily out of the  
3 Commonwealth for any reason such as business, employment, service in  
4 the Armed Forces, or Merchant Marines of the United States, education,  
5 training, or medical treatment are considered residents for purposes of  
6 this Act.

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

12 (1) Name;

13 (2) Social security number;

14 (3) Date of birth;

15 (4) Residence, including mailing address;

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

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

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

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

33 (e) Any voter may change election districts by re-registering in the  
34 general, primary, or special election register pursuant to Section 6205(b). The

1 Commission shall cancel the existing registration and re register the voter in the  
2 new election district. No registration may be allowed due to a change of  
3 residency within thirty (30) days before an election.

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

10 Section 6207. Removal of Names From Register; When; Re-Registration.

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

13 (1) At the written request of the person registered.

14 (2) When the insanity of the person registered is legally  
15 established.

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

22 (4) Upon submission of a death certificate of the person  
23 registered. Not later than the fifteenth (15th) day of each month the  
24 Secretary of Public Health shall furnish the Commission an abstract of  
25 the register of deaths showing, for all decedents eighteen (18) years of  
26 age or over, as follows: the name; sex; age; place of residence; month,  
27 day and year of death; and certificate of death number;

28 (5) If the person registered has not voted in the most recent  
29 general election.

30 (6) If a person registered in an Election or Senatorial District or  
31 Municipality where that person is not a resident.

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

33 (b) Six months prior to an election, the Commission shall also register  
34 electors at such times and places within the Commonwealth as the Commission

1 shall deem advisable and convenient from the time registration is open until thirty  
2 (30) days prior to an election and the Commission may deputize volunteers as  
3 registration clerks for such purposes. No person holding an elective office or who  
4 is a candidate for elective office shall be a deputized volunteer.

5 Section 6208. Transfers, Name Changes; Initiated by Executive Director.

6 (a) The executive director shall use all reliable and pertinent information  
7 to keep the general register up to date. The executive director may request  
8 information from, but is not limited to, the following sources:

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

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

13 (3) The Department of Public Health for death or other changes  
14 affecting voter status;

15 (4) The Commonwealth Utilities Corporation concerning  
16 commencement or changes of services;

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

19 In requesting the information the executive director shall give reasonable notice  
20 and time for furnishing the information.

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

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

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

28 (3) Any alleged new address and district;

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

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

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

5 Section 6209. Voting Procedures.

6 (a) The Commission shall distribute to each polling place a list of the  
7 eligible voters for that polling place. Not less than 15 days before the day of  
8 election, a copy of the list shall be posted at the office of the Commission and  
9 Mayors for examination by the public. Only those voters whose names appear on  
10 the list may vote at that polling place. Any name which does not appear on the  
11 list due to an error may be inserted by the Commission any time prior to the  
12 closing of the polls.

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

20 (c) A ballot shall contain the names of candidates in an order identifying  
21 party affiliation or nonpartisanship for Board of Education and municipal council,  
22 as established by the Commission, and the office to be sought. An appropriate  
23 amount of space shall be provided on each ballot for the voter to write in a name  
24 of his or her choice for the elective offices listed on the ballot. The Commission  
25 shall not count the vote for any write-in candidate from any ballot on which the  
26 voter has indicated, by use of a write-in, the choice of more candidates than there  
27 are offices to be filled.

28 (d) The ballot may include questions concerning proposed  
29 Commonwealth constitutional amendments or proposed initiative or referendum  
30 issues. When the legislature passes a bill to submit a proposed question that is to  
31 be printed on the ballot. The question shall be phrased as simply and as clearly as  
32 possible to address the issue and require a "yes" or "no" response by the voter,  
33 "yes" to be in favor of the question and "no" to be against.

1 (e) The Board shall establish a method of marking and identifying each  
2 person who has completed voting.

3 Section 6210. Absentee Voting. Subject to the procedures set forth in this  
4 Chapter, any registered voter at any election may request and cast an absentee ballot with  
5 the Commission.

6 Section 6211. Absentee Voting: Sick or Disabled Voters. If a registered voter at  
7 any election is confined to a home or hospital due to illness or physical disability and is  
8 unable to go to the polls, that voter may vote in accordance with this Act and the rules and  
9 regulations promulgated by the Commission. The person or member of his or her  
10 immediate family or guardian may make a written request, on a form furnished by the  
11 Commission, for an absentee ballot by 12:00 o'clock noon on election day.

12 Section 6212. Absentee Voting: Absence From the Commonwealth.

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

- 17 (1) The conduct of his business;
- 18 (2) The necessity of travel;
- 19 (3) Attendance at an institution of learning;
- 20 (4) Serving in the United States Armed Forces or the Merchant  
21 Marine;
- 22 (5) Employment;
- 23 (6) Training;
- 24 (7) Receiving treatment at a medical institution;
- 25 (8) Government representation; or
- 26 (9) Accompanying a member of the household who is engaged  
27 in an activity listed above.

28 (b) Any registered voter, under the circumstances specified in subsection  
29 (a)(1-9), inclusive, may make an application to the Commission for an official  
30 ballot to be voted at such election. Such application if made by mail shall be  
31 made not more than sixty (60) days nor less than ten (10) days before the  
32 election, or if the application is made in person, not later than during regular  
33 office hours of the day prior to the election. Any such application shall be made  
34 in writing on a form furnished by the Commission.

1           Section 6213. Marking Absentee Ballot. The Commission shall provide to any  
2 registered voter entitled to vote by absentee ballot and who applies for one, an official  
3 ballot, a ballot envelope, an affidavit prescribed by the Commission, and a reply  
4 envelope. The absentee voter shall mark the ballot in the usual manner provided by law  
5 and in a manner such that no other person can know how the ballot is marked. The  
6 absentee voter shall then deposit the ballot in the ballot envelope and securely seal it. The  
7 absentee voter shall then complete and execute the affidavit. The ballot envelope and the  
8 affidavit shall then be enclosed and sealed in the covering reply envelope and mailed or  
9 sent by commercial courier service to the Commission. Such ballots and affidavits will  
10 not be counted by the Commission unless mailed. For the purpose of this Act, the word  
11 "mailed" includes ballots and affidavits sent through the postal or courier services.

12           Section 6214. Absentee Voting: Counting Ballots.

13           (a) To be counted, an absentee ballot shall be postmarked not later than  
14 the date of election and be received by the Commission not later than seven days  
15 after the date of election. If the Commission is using a post office box for the  
16 receipt of absentee ballots, it shall remove all absentee ballots contained in the  
17 box no later than seven days after the election date and such ballots shall be  
18 deemed to have been received within the deadline.

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

20           (c) The Commission shall compare the signature of the voter on the  
21 application for absentee ballot with that on the affidavit and the registration. If  
22 the signatures appear to be by the same person, if the affidavit is properly  
23 completed, and if the envelope is sealed and it does not appear to have been  
24 tampered with, the notation "OK" shall be placed on the return envelope and shall  
25 be initialed by no less than five (5) members of the Commission.

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

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

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

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

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

33           (5) The Commission has already received an absentee ballot  
34 from the person; or

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

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

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

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

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

17 (h) The returned envelopes marked "OK", together with the application  
18 attached, shall be delivered by the Commission to the accounting and tabulation  
19 committee after the polls are closed, to be tabulated by the accounting and  
20 tabulation committee.

21 Section 6215. Voting In Another Polling Place. A voter from one mayoral island  
22 or islands may vote at a polling place in another mayoral island or islands other than the  
23 one in which the voter is legally registered if the following conditions are met;

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

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

27 (c) The voter submits a written request to the Commission at least thirty  
28 (30) days before the election requesting authority to vote in another senatorial  
29 district or municipality;

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

33 (e) When notified by the Commission of the place to vote, the voter may  
34 vote only at that polling place; provided, however, that if the voter returns to his

1 or her original polling place on election day he or she may cast his or her ballot  
2 there if it can be verified that he or she has not cast his or her ballot in another  
3 polling place. The Commission shall provide the proper ballot for each voter  
4 who complies with the provisions of this section and the Commission shall insure  
5 the ballot is tabulated correctly.

6 CHAPTER 3

7 Election to Public Office

8 Article 1. Eligibility for Public Office.

9 Section 6301. Governor and Lieutenant Governor. A candidate for governor or  
10 lieutenant governor shall be qualified to vote in the Commonwealth, at least thirty-five  
11 (35) years of age, and a resident and a domiciliary of the Commonwealth for at least ten  
12 (10) years immediately preceding the date on which a governor would take office. No  
13 person convicted of a felony in the Commonwealth or in any area under the jurisdiction of  
14 the United States may be eligible for these offices unless a full pardon has been granted.

15 Section 6302. Senators. A candidate for senator shall be qualified to vote in the  
16 Commonwealth, at least twenty-five (25) years of age, and a resident and a domiciliary of  
17 the Commonwealth for at least five (5) years immediately preceding the date on which a  
18 senator would take office. No person convicted of a felony in the Commonwealth or in  
19 any area under the jurisdiction of the United States may be eligible for this office unless a  
20 full pardon has been granted.

21 Section 6303. Representatives. A candidate for the House of Representatives  
22 shall be qualified to vote in the Commonwealth, at least twenty-one (21) years of age, a  
23 resident and a domiciliary of the Commonwealth for at least ~~three (3)~~ five (5) years  
24 immediately preceding the date on which a representative would take office. In addition,  
25 a candidate for the House of Representatives shall also be a registered voter and a resident  
26 of the election precinct where he or she is a candidate for at least ~~one (1)~~ two (2) years  
27 immediately preceding the date of election. No person convicted of a felony in the  
28 Commonwealth or in any area under the jurisdiction of the United States may be eligible  
29 for this office unless a full pardon has been granted.

30 Section 6304. Resident Representative to the United States. A candidate for  
31 resident representative to the United States shall be qualified to vote in the  
32 Commonwealth, a citizen of the United States, at least twenty-five (25) years of age, and a  
33 resident and a domiciliary of the Commonwealth for at least seven (7) years immediately  
34 preceding the date on which the resident representative takes office. No person convicted

1 of a felony in the Commonwealth or in any area under the jurisdiction of the United States  
2 may be eligible for this office unless a full pardon has been granted.

3 Section 6305. Mayor. A candidate for mayor shall be qualified to vote in the  
4 Commonwealth and on the island or islands served by the mayor, at least twenty-five (25)  
5 years of age, a resident and a domiciliary of the island or islands served by the mayor for  
6 at least three years immediately preceding the date on which the mayor takes office, and  
7 must reside in the island or islands served by the mayor after each election. No person  
8 convicted of a felony in the Commonwealth or in any area under the jurisdiction of the  
9 United States may be eligible for these offices unless a full pardon has been granted.

10 Section 6306. Municipal Council. A candidate for Municipal Council shall be  
11 qualified to vote in the Commonwealth and on the island or islands served by the  
12 Municipal Council, at least twenty-one (21) years of age, and a resident and a domiciliary  
13 of the island or islands served by the Council for at least three years immediately  
14 preceding the date on which the Municipal Council takes office and must reside in the  
15 island or islands served by the Council after each election. No person convicted of a  
16 felony in the Commonwealth or in any area under the jurisdiction of the United States  
17 may be eligible for this office unless a full pardon has been granted.

18 Section 6307. Board of Education. A candidate for the Board of Education shall  
19 be qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident  
20 and a domiciliary of the Commonwealth for at least five years immediately preceding the  
21 date on which the member takes office. No person convicted of a felony in the  
22 Commonwealth or in any area under the jurisdiction of the United States may be eligible  
23 for this office unless a full pardon has been granted.

24 Article 2. Party Nominations: Governor and Lieutenant Governor.

25 Section 6321. Nominations: Governor and Lieutenant Governor. Any political  
26 party may nominate candidates for governor and lieutenant governor by having its  
27 chairman and secretary certify to the Commission the names of the party's team of  
28 candidates not more than ninety (90) days and not less than sixty (60) days prior to the  
29 election. At the same time, the political party shall file a petition containing the  
30 signatures, printed names, residences and mailing addresses of not less than two-hundred  
31 (200) registered voters in support of the party's team of candidates. No person may sign  
32 more than one petition for governor and lieutenant governor.

1           Section 6322. Party Nominations: Failure to Comply with Act. The  
2 Commission may refuse to accept for filing any petition that, on its face, fails to comply  
3 with the requirements of this Act.

4           Section 6323. Party Nominations: Duty of Commission. Upon receipt of the  
5 certificate of nomination and petition by any political party, the Commission shall:

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

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

11          Section 6324. Party Nominations: Failure of Commission to Act. If the  
12 Commission does not affirmatively take action to deny certification to a political party's  
13 candidates within forty-five (45) days, prior to the election day, the party's nominees shall  
14 be deemed certified for the general election ballot.

15          Section 6325. Party Nominations: Filing Fee. Each petition for a political party  
16 candidate for governor or lieutenant governor shall be accompanied by payment to the  
17 Commission of a five hundred dollar (\$500.00) filing fee.

18          Article 3. Independent Nominations: Governor and Lieutenant Governor.

19          Section 6331. Independent Nominations: Governor and Lieutenant Governor.

20                   (a) The nomination of independent candidates is made by petition  
21 designating the person seeking the nomination to be an independent candidate,  
22 and containing the signatures, printed names, residences, and mailing address of  
23 two hundred (200) registered voters in the Commonwealth.

24                   (b) All independent nomination petitions and the candidate's acceptance  
25 shall be filed with the Commission not more than ninety (90) days and not less  
26 than sixty (60) days prior to the general election.

27          Section 6332. Independent Nominations: Failure to Comply With Act. The  
28 Commission may refuse to accept for filing any petition that, on its face, fails to comply  
29 with the requirements of the preceding sections.

30          Section 6333. Independent Nominations: Failure of Commission to Act. If the  
31 Commission does not affirmatively take action to deny certification to an independent  
32 candidate within forty-five (45) days prior to the election day, the candidate shall be  
33 deemed certified for the general election ballot.

1           Section 6334. Independent Nominations: Filing Fee. Each petition for an  
2 independent candidate for governor and lieutenant governor shall be accompanied by  
3 payment to the Commission of a five hundred dollar (\$500.00) filing fee.

4           Article 4. Nomination of Candidates to Other Offices.

5           Section 6341. Nominations: Resident Representative to the United States. The  
6 nomination of candidates for resident representative to the United States is made by  
7 petition of any political party or any independent candidate. The procedures for political  
8 party nominations and for independent nominations for governor and lieutenant governor  
9 set forth in Articles 2 and 3 of this Chapter shall apply with respect to the nomination of  
10 candidates for resident representative to the United States, except that the filing fee shall  
11 be five hundred (\$500.00) dollars for each resident representative.

12           Section 6342. Nomination: Senators and Representatives. Political Parties shall  
13 nominate their candidates for senator or representative in the manner prescribed in their  
14 party rules and regulations and according to the provisions of this Division. The political  
15 party chairman and secretary shall certify to the Commission the names of the Party's  
16 nominees not more than ninety (90) days and not less than sixty (60) days before the  
17 general election. All certifications of candidates by political parties and independent  
18 candidates shall be accompanied by petitions containing the signatures, printed names,  
19 residences, and mailing addresses of not less than five percent (5%) or one hundred (100),  
20 whichever is less, in the case of a senator, and fifty (50) in the case of a representative, of  
21 the registered voters of the respective senatorial or electoral district, as the case may be.  
22 Each name certified as a nominee shall be accompanied by the signature of the person  
23 nominated, which signature constitutes the nominees assent to be a candidate of that  
24 political party. The political party may not nominate more candidates than the number of  
25 vacancies in the Senate and the House of Representatives.

26           Section 6343. Nominations: Senators and Representatives: Procedures.  
27 Procedures for political party nominations and for independent nominations for governor  
28 and lieutenant governor set forth in Articles 2 and 3 of this Chapter shall apply with  
29 respect to the nomination of candidates for senators and representatives, except that the  
30 filing fee shall be two hundred dollars (\$200.00) for each senator and one hundred dollars  
31 (\$100.00) for each representative paid by the political party or independent candidate.

32           Section 6344. Nominations: Mayor.

33           (a) Candidates for mayor shall be nominated by petition designating the  
34 person seeking nomination and the office sought, containing the signatures,

1 printed names, residences, and mailing addresses of a number of registered voters  
2 of that municipality equal to at least 5 percent or one hundred (100), whichever is  
3 less, of the registered voters within that municipality.

4 (b) The procedures and requirements for political party nomination and  
5 for independent nomination for governor or lieutenant governor set forth in  
6 Articles 2 and 3 of this Chapter shall apply with respect to the nominations of  
7 candidates for mayorship, consistent with this section, except that the filing fee  
8 shall be two hundred dollars (\$200.00) paid by the political party or independent  
9 candidate.

10 Section 6345. Nominations: Municipal Councils and Board of Education.

11 (a) Candidates for Municipal Council and Board of Education shall be  
12 nominated by petition designating the person seeking nomination and the office  
13 sought, containing the signatures, printed names, residences and mailing  
14 addresses of not less than five percent (5%) or 100, whichever is less, of the  
15 registered voters for each respective senatorial, election district or mayoral  
16 islands, as the case may, be for each nonpartisan candidate. Each petition shall be  
17 accompanied by the signature of the person nominated, which shall constitute the  
18 nominee's assent to be a candidate.

19 (b) The procedures and requirements for independent nomination for  
20 governor and lieutenant governor set forth in this chapter shall apply with respect  
21 to the nomination of nonpartisan candidates, as consistent with this section,  
22 except that the filing fee shall be fifty dollars (\$50.00) for each municipal council  
23 and Board of Education candidate.

24 CHAPTER 4

25 Article 1. Election Campaigns and Campaign Offenses.

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

- 30 (a) Voting or agreeing not to vote.  
31 (b) Coming or agreeing to come to the polls.  
32 (c) Refraining or agreeing to refrain from voting.  
33 (d) Voting or agreeing to vote for any particular person.

1 (e) Refraining or agreeing to refrain from voting for any particular  
2 person.

3 (f) Inducing any other person to:

4 (1) Vote or refrain from voting.

5 (2) Vote or refrain from voting for any particular person.

6 (3) Come to or remain away from the polls.

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

10 (a) Voted to secure the election or endorsement of any other person as  
11 the nominee or candidate of any convention, organized assemblage of electors or  
12 voters, or other body representing or claiming to represent a political party or  
13 principal or any clubs, society or association.

14 (b) Aided in securing the selection or endorsement of any other person as  
15 a nominee or candidate as provided in Subsection (a).

16 Section 6403. Payment of Value: To Vote, Not Vote or Reward for Same. A  
17 person shall not lend or contribute any money or other valuable consideration to or for  
18 any voter, or to or for any other person, to:

19 (a) Induce a voter to:

20 (1) Vote or refrain from voting at any election.

21 (2) Vote or refrain from voting at any election for any particular  
22 person.

23 (3) Come to the polls at an election.

24 (4) Remain away from the polls at an election.

25 (b) Reward a voter for having :

26 (1) Voted.

27 (2) Refrained from voting.

28 (3) Voted for any particular person.

29 (4) Refrained from voting for any particular person.

30 (5) Come to the polls at an election.

31 (6) Remained away from the polls at an election.

32 Section 6404. Receipt of Value: To Procure Election or Vote. A person shall  
33 not, directly or indirectly, by himself or through any other person procure, engage,  
34 promise or endeavor to procure, in consequence of any gift, loan, offer, promise,

1 procurement or agreement, the election of any person, or the vote of any voter at an  
2 election.

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

7 Section 6406. Penalty. Any person who commits any of the offenses set forth in  
8 Sections 6401 - 6405, inclusive, is guilty of felony punishable by a fine not greater than  
9 \$50,000 or not more than five (5) years imprisonment, or both.

10 Section 6407. Promising Appointment to Office. Every person is guilty of a  
11 misdemeanor who being a nominee or candidate at any election, offers or agrees to  
12 appoint or procure the appointment of any particular person to office, as an inducement or  
13 consideration for any person to vote for or to procure, or aid in procuring, the election of  
14 any nominee or candidate.

15 Section 6408. Communication of Promise. Every person is guilty of a  
16 misdemeanor who communicates any offer made in violation of the preceding Section  
17 6407 to any person with intent to induce him to vote for, or to procure or aid in procuring  
18 the election of, the nominee or candidate making the offer.

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

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

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

28 Section 6410. Penalty. Any person who commits any of the offenses set forth in  
29 Sections 6407 - 6409, inclusive, is guilty of a misdemeanor punishable by a fine not  
30 greater than \$2,000 or not more than 60 days in prison, or both.

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

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

3           Section 6413. Complaints. Any person who believes a violation of any provision  
4 of this Chapter has occurred may file a complaint with the Commission. The  
5 Commission shall expeditiously investigate the matter in accordance with Section 6105.  
6 Whenever in the judgment of the majority of the Commission any person has engaged in  
7 any acts or practices which constitute a violation of this Chapter, the Commission shall  
8 refer the record of the said investigation to the Attorney General who shall institute a  
9 criminal prosecution under Section 6406 or 6410 of this Chapter against the person, and,  
10 in the event the person is convicted of the violation prior to the election in question, the  
11 Commission shall strike his name from the ballot. In the event the person is convicted of  
12 the violation subsequent to the election in question and was elected to the office for which  
13 he was a candidate, the Attorney General shall take whatever civil action is necessary to  
14 effect his disqualification from office.

15           Section 6414. Winning Candidate Convicted of a Felony.

16 If the Commission finds that a winning candidate, who has not yet assumed his office, has  
17 been convicted of a felony under this chapter or under any other Commonwealth law, then  
18 the manner of determining his replacement shall be governed as follows:

19           (a) If a successful candidate for governor is convicted for the violation of  
20 any felony under this Act, or under any other law of the Commonwealth or the  
21 United States of America, he shall relinquish his office, the successful lieutenant  
22 governor candidate shall become governor, and the new governor shall appoint a  
23 lieutenant governor.

24           (b) If a lieutenant governor is convicted for violation of any felony under  
25 this Act, or under any other law of the Commonwealth or the United States of  
26 America, he shall relinquish his office and the governor shall appoint a lieutenant  
27 governor.

28           (c) If a successful candidate for representative to the United States is  
29 convicted for violation of any felony under this Act, or under any other law of  
30 the Commonwealth or the United States of America, he shall relinquish his office  
31 and a reelection shall be conducted.

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

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

5 (f) If a successful candidate for the Municipal Council or Board of  
6 Education is convicted for violation for any felony under this Act, he shall  
7 relinquish his office and the person having the next highest number of votes shall  
8 be declared to have been elected.

9 Article 2. Campaign Financial Disclosure.

10 Section 6421. Definition. Unless the context otherwise clearly requires, the  
11 definitions set forth herein shall govern the construction of this Article.

12 (a) "Campaign Statement of Account" means an itemized statement  
13 prepared by a candidate showing the specific nature, source and amount of  
14 contributions and expenses, including the names of persons receiving such  
15 expense, except where the aggregate fair market value of an expense or  
16 contribution is less than one hundred dollars (\$100).

17 (b) "Candidate" means an individual who filed nomination papers under  
18 the provision of Chapter 3 of this Act.

19 (c) "Committee" means a group of individuals organized for the purpose  
20 of aiding the campaign of any candidate.

21 (d) "Contribution" means a payment, gift, subscription, assessment,  
22 contract, payment for services, dues, advance, pledge or promise of any money or  
23 anything of value, whether or not legally enforceable, to a candidate, committee  
24 or holder of an elective office made for the purpose of influencing the nomination  
25 or election of any candidate, or for the qualification, passage, or defeat of any  
26 measure. The term "contribution" includes the purchase of tickets for events;  
27 such as dinners, luncheons, rallies, and similar fundraising events; the candidate's  
28 own money or property used on behalf of its candidacy, the granting of discounts  
29 or rebates not available to the general public; or the granting of discounts or  
30 rebates by television and radio stations and newspapers not extended on an equal  
31 basis to all candidates for the same office; and any payments for the services of  
32 any person serving as an agent of a candidate or committee by a person other than  
33 the candidates or committee, or a person whose expenditures the candidates or  
34 committee must report under this chapter. The term "contribution" further

1 includes any transfer of anything of value received by a committee from another  
2 committee. The term "contribution" shall not include loans, except forgiveness of  
3 loans or payment of loans, volunteer personal services provided without  
4 compensation, in payments made by an individual for his travel expenses if such  
5 payments are made voluntarily without any understanding or agreement that they  
6 shall be, directly or indirectly, repaid to him, or the use of private property when  
7 utilized directly by the owner or lessee thereof in the course of rendering such  
8 services. The term "contribution" does not include amounts received pursuant to  
9 a pledge or promise to the extent those amounts have been previously reported as  
10 a contribution.

11 (e) "Expenses" means funds promised or expended by a person in aid of  
12 the campaign of a candidate or individual prior to his becoming a candidate and  
13 services or property promised or furnished by a person in aid of the campaign of  
14 candidate or individual prior to his becoming a candidate. "Expenses" shall not  
15 mean expenditures for the operation of a permanent political party headquarters  
16 or for general voter registration drives. Furthermore, "expenses" shall not mean  
17 editorial comments made in connection with the normal publication of a  
18 newspaper or other periodical or the normal programming of a broadcasting  
19 station.

20 (f) "Election" means any primary, local, special, or general election.

21 (g) "Person" means any individual, including a candidate, committee,  
22 association, political party, partnership, or other group. Person shall not mean  
23 domestic, foreign or alien corporation.

24 Section 6422. Duties of Candidates. Upon becoming a candidate, an individual  
25 may designate one committee to serve as his campaign committee. The candidate shall  
26 appoint a treasurer who shall also be the treasurer of the campaign committee and in that  
27 capacity he shall keep a record of all contributions and expenses received and made  
28 thereby.

29 Section 6423. Cessation of Campaigning. All campaigning for the purposes of  
30 election shall cease before the time that the polls open and shall remain inactive during the  
31 period that the polls are open. For purpose of this section, the term "campaigning" shall  
32 include but not limited to any newspaper or broadcast advertisements appearing on  
33 election day, the distribution of campaign literature, and to the display of any campaign  
34 activities, material, signs, posters, or the like within 500 feet of any election polling place.

1           Section 6424. Campaign Statement of Account; Filing; Verification. A  
2 candidate shall file a detailed financial statement of account prepared with the advice and  
3 co-signature of his treasurer or the election or re-election committee with the Office of the  
4 Public Auditor and a copy to the Commission within fifty (50) days after the election.  
5 Subject to the limitation of Section 6421 (a), the statement shall include the names and  
6 contributions of supporters contributing in cash or in-kind and a detailed statement of  
7 campaign spending. All statements of account shall be verified under oath by the  
8 candidate and his treasurer. Such verification shall state that the candidate has used all  
9 reasonable diligence in its preparation, and that it is true, full and explicit.

10           Section 6425. Publication. The Election Commission shall make public all  
11 campaign statements of account within ten (10) days after their filing, by publishing them  
12 in a newspaper of general circulation in the Commonwealth or by posting the same in  
13 certain public places designated by the Commission.

14           Section 6426. Multi-Candidate: Apportionment. Multi-candidate expenses are  
15 those spent by a person in aid or more than one candidate. Such expenses shall be treated  
16 as an expense by each candidate supported thereby and shall be apportioned equally  
17 among them; except that candidates may agree in advance of the contracting of any multi-  
18 candidate expenses as to the amount attributable to each if such agreement is filed in  
19 advance of said contracting with the Commission. Each candidate participating in such  
20 agreement shall retain for a period of one (1) year after the election to which the expense  
21 relates, documents supporting the apportionment under such agreement.

22           Section 6427. Requirement of Authorization. No person other than a candidate  
23 or his campaign committee shall incur or contract for any expense in aid or such  
24 candidate's campaign unless he applies in writing to the candidate's treasurer at least five  
25 (5) days prior thereto for authorization. The request for authorization shall state in  
26 detailed the amount and nature of any specific expense listed thereon. No person shall  
27 incur or contract for any expense if such expense has been disapproved by the treasurer of  
28 such candidate in writing within three (3) days of receipt of the request or authorization.

29           Section 6428. Penalties. Any person violating this Article shall upon conviction  
30 be fined not more than fifty thousand dollars (\$50,000) or imprisoned for not more than  
31 one year or both.

32           Section 6429. Extension of Deadline. For good cause, the Commission may  
33 extend the deadline imposed on Section 6424 by not more than fifteen (15) days, upon  
34 written request by a candidate. A candidate shall be fined a non-waivable one hundred

1 (\$100.00) dollars penalty for each day the financial report is late without a Commission  
2 approved extension period.

3 Section 6430. Non-Compliance. The Public Auditor shall refer any candidate  
4 who fails to comply with this Article to the office of the Attorney General for prosecution.

5 CHAPTER 5

6 Elections

7 Article 1. General Election and Special Election.

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

15 Section 6502. Special Elections Subject to the Call of the Governor.

16 (a) If a vacancy occurs in the legislature, in the office of the governor or  
17 lieutenant governor, or in office of a mayor, which under the Constitution  
18 requires an election to fill the vacancy or a recall petition is certified by the  
19 Attorney General, the Governor shall call a special election to fill such vacancy.

20 (b) If the Governor fails to call a special election within thirty (30) days  
21 of a constitutional vacancy or the certification of a recall petition, any registered  
22 voter may petition the Election Commission to determine and certify that a  
23 vacancy requiring a special election exists or that a recall petition has been  
24 certified by the Attorney General. Within ten (10) calendar days of receipt of a  
25 petition, the Commission shall submit its determination to the Governor. The  
26 Governor shall issue a proclamation for a special election within five (5) calendar  
27 days of receipt of a Commission certification of vacancy or recall requiring a  
28 special election.

29 (c) If there are simultaneous vacancies in the offices of Governor and  
30 Lieutenant Governor and less than one year remains from the date of the first  
31 vacancy, the Senate President shall be Acting Governor and the Speaker of the  
32 House shall be Acting Lieutenant Governor and both shall serve out the remainder  
33 of the terms of their respective offices.

1 (d) If there is a vacancy in the legislature and less than one-half of the  
2 term remains, the governor shall fill the vacancy in accordance with Article II,  
3 section 9 of the Commonwealth Constitution within thirty (30) days of the date of  
4 the vacancy.

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

9 (f) In case of a vacancy on the Board of Education, the Governor shall  
10 appoint a replacement pursuant to 1 CMC section 2263 regardless of the time  
11 remaining in the term of office.

12 (g) All special elections required hereunder shall be held in accordance  
13 with the provisions of this Act.

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

19 Section 6504. Calling of Special Elections. All special elections subject to the  
20 call of the governor shall be called by proclamation of the Governor of the  
21 Commonwealth. The Commission shall cause a copy of the proclamation to be  
22 published in a newspaper of general circulation in the Commonwealth and to be posted in  
23 each senatorial election district or mayoral island where such election will take place.

24 Section 6505. Special Elections Subject to the Call of the Legislature.  
25 Amendments to the Northern Marianas Constitution, as proposed by popular or legislative  
26 initiative or by constitutional convention, and such other matters as may be provided by  
27 law, shall be placed before the Commonwealth voters for ratification or other action at  
28 special elections. Such special elections shall be held no more than sixty (60) days after  
29 notification by the legislature by joint resolution to the Election Commission or at such  
30 time and in such manner as provided by law or in the legislative initiative proposing the  
31 amendment. In accordance with its responsibilities and duties under this Division, the  
32 Election Commission shall administer and supervise special elections. Voter eligibility  
33 and voting procedures shall be in compliance with 1 CMC § 6201 et seq.

1           Section 6506. Funding for General and Special Elections. In the absence of an  
2 appropriation for a general or special election conducted pursuant to this Division, or for  
3 voter education with respect to a proposed amendment to the Constitution, the Governor  
4 shall, notwithstanding any other provision of law, reprogram sufficient funds for the  
5 conduct of a general or a special election, or for voter education, as the case may be, from  
6 executive branch accounts to the Election Commission.

7           Section 6507. Postponement of Election. If for serious cause resulting from any  
8 natural phenomena, act of God, or a public enemy, it becomes reasonably impossible to  
9 hold any election duly scheduled in the Commonwealth as a whole or in any senatorial or  
10 election district, or mayoral island or islands, the Governor may postpone any such  
11 election wherein for such time as it may deem necessary, but in no event shall  
12 postponement exceed sixty (60) days from the date when such election should have been  
13 held.

14           Section 6508. Election Day: Holiday. If an election is held on a day other than a  
15 Saturday or Sunday, the election day shall be a legal holiday within the Commonwealth or  
16 in the senatorial or election district.

17                           Article 2. Conduct of Elections.

18           Section 6521. Right to Cast Secret Ballot.

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

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

26           Section 6522. Polling Places: Hours of Operation. Polling places shall open at  
27 7:00 a.m. on the day of the election and shall be kept open until 7:00 p.m. on the same  
28 day, except that any person who is already at the polling place at 7:00 p.m. shall be  
29 allowed to vote. The Commission may close any polling place earlier if all the voters of  
30 the election district have voted. Whenever possible, public schools and public buildings  
31 shall be utilized as polling places during elections. No rent shall be charged or paid for  
32 the use thereof.

33           Section 6523. Collection of Ballot Boxes.

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

6 (b) Ballot boxes shall only be opened by the Commission or its  
7 designated election officials and only upon the order of the Commission.

8 Section 6524. Tabulation of Votes.

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

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

33 (c) Any candidate for governor, lieutenant governor, resident  
34 representatives to the United States or mayor, who receives the majority of the

1 votes cast for such office in any election shall be declared the winning candidate.  
2 In the event no such candidate receives the majority of the votes cast, there shall  
3 be a run-off between the two candidates having the most votes.

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

7 Section 6525. Ballot Irregularities.

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

17 (b) At any election, any ballot which is not marked as provided by law  
18 shall be void, but the ballot shall be preserved and returned with the other ballots.

19 (c) Any voter who spoils a ballot shall return it to a poll worker and  
20 receive another ballot.

21 (d) At any election, a ballot may not be rejected if it is possible to  
22 determine the voter's choice even though the ballot has been severely soiled or  
23 defaced.

24 (e) If a voter indicates the choice of more candidates than there are  
25 offices to be filled or if for any reason it is impossible to determine the voter's  
26 choice for any office, the ballot may not be counted for that office. The rest of  
27 the ballot, if properly marked, shall be counted.

28 Section 6526. Marking the Ballot.

29 (a) In voting, the voter shall place the appropriate mark in the voting  
30 square adjacent to the name of any nominee for whom he intends to vote.

31 (b) Should the Commission adopt a ballot form using any mechanical,  
32 electromechanical, or electronic device to record the vote or aid in recording the  
33 vote, the information required by this Section shall appear on the device in the

1 place provided therefore, or otherwise prominently within the voting booth so as  
2 to be easily read by the voter.

3 Section 6527. Loss or Destruction of Ballots. In case of the prevention of an  
4 election in any election district by the loss or the destruction of the ballots intended for  
5 that election district, the election official or other member of the Commission, shall make  
6 an affidavit setting forth the fact, and transmit it to the Governor. Upon receipt of the  
7 affidavit, the Governor may, and upon the application of any nominee for any office to be  
8 voted for by the electors of that election district, shall, order a new election in that election  
9 district.

10 Article 3. Party Switch.

11 Section 6531. Party Switch. If an elected official switches parties while more  
12 than half of his term remains, the affected seat shall automatically be declared vacant and  
13 a special election shall be held to fill that vacancy if the seat was held by an official  
14 elected as a candidate of a political party. If less than half of term remains, the Governor  
15 shall appoint a replacement to be recommended by the affected party. This section shall  
16 not apply to independent candidates.

17 CHAPTER 6

18 Election Contests

19 Section 6601. Election Contests ; Recount.

20 (a) Any Commonwealth voter may contest an election for any of the  
21 following reasons:

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

24 (2) The candidate has given to an election official anything of  
25 value to procure his election.

26 (3) Illegal votes were cast sufficient to change the result of the  
27 election of any person who has been declared elected. "Illegal votes"  
28 means any vote cast by a person who is not qualified to vote because of  
29 failure to meet age, domiciliary or residency requirements or has cast  
30 more than one ballot in the same election.

31 (4) The Commission in the conduct of election or arithmetical  
32 tabulation of votes made errors sufficient to change the final result of the  
33 election of any person who has been declared elected.

1 (5) Actual fraud by any person in the voting process, in the  
2 conduct of the election or in the tabulation of the votes sufficient to have  
3 changed the outcome of the election.

4 (b) Recount. If less than five votes separate the person declared elected  
5 and the next highest vote getter, the next highest vote getter is entitled to a  
6 recount. Such recount shall be made in the presence of the parties and under the  
7 supervision of the Commonwealth Superior Court.

8 Section 6602. Election Contests: Actual Prejudice Required.

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

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

16 Section 6603. Election Contest: Written Complaint.

17 (a) When a voter contests any election he shall file with the  
18 Commonwealth Superior Court a written complaint setting forth specifically:

19 (1) The name of the contestant;

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

22 (3) The name of the defendant;

23 (4) The office the defendant sought; and

24 (5) The particular grounds for the contest.

25 (6) Any other information which the Court may require pursuant  
26 to Court Rules.

27 (b) The contestant shall verify the complaint and shall file and serve it  
28 upon the defendant within seven days after the discovery of the facts supporting  
29 the contest, except that no complaint may be filed over fifteen (15) days after the  
30 declaration of the official results.

31 (c) Service of process shall be in accordance with the Rules of Civil  
32 Procedure governing personal service.

33 (d) When the counting of illegal votes is alleged as a cause of contest, it  
34 is sufficient to state generally that in one or more specific election districts illegal

1 votes were given to the defendant which, if taken from him, would reduce the  
2 number of his legal votes below the number of legal votes received by another  
3 candidate for the same office.

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

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

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

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

17 Section 6605. Election Contest: Court Hearing; Recount.

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

23 (b) If the statements of the cause of the contest are insufficient, the Court  
24 may dismiss the proceedings for lack of evidence or for want of prosecution.

25 (c) The Court shall hear and determine all issues arising in contested  
26 elections. After hearing the evidence and within five (5) days of the submission  
27 thereof, the Court shall issue its finding of facts and conclusions of law, and  
28 immediately thereafter announce judgment in the case, either confirming or  
29 reversing the result of the election.

30 Section 6606. Election Contest: Judgment of the Court. If it is adjudged that a  
31 person other than the defendant has the largest number of legal votes cast in any election  
32 contest, the Court shall declare that person elected.

33 Section 6607. Election Contest: Certificate of Election.

1 (a) Upon the expiration of the time for appeal, the person declared  
2 elected by the Court is entitled to a certificate of election. If a certificate has not  
3 already been issued to him by the Commission, the Commission shall  
4 immediately make out and deliver to that person a certificate of election.

5 (b) If the Commission has issued any certificate for the same office to  
6 another person than the one declared elected by the Court, such certificate shall  
7 become void by the judgment of the Court.

8 Section 6608. Election Contests: Costs.

9 (a) If the proceedings under this section are dismissed for insufficient  
10 evidence or for want of prosecution, or the election is confirmed by the Court,  
11 judgment shall be rendered against the contestant, for costs and reasonable  
12 attorneys' fees, in favor of the defendant. If the election results are reversed,  
13 judgment for costs and reasonable attorneys' fees shall be rendered against the  
14 defendant, in favor of the contestant.

15 (b) Where two or more contests are joined for the purpose of recounting  
16 votes as provided in this Article, the costs may be apportioned among the parties  
17 in the discretion of the Court.

18 Section 6609. Election Contest: Appeal. Any party aggrieved by the judgment  
19 of the Commonwealth Superior Court may appeal to the Supreme Court of the Northern  
20 Mariana Islands as in other cases, except that from the day of Judgment, the notice of  
21 appeal shall be filed within three (3) days, the applicant's brief within ten (10) days, the  
22 appellee's brief within fifteen (15) days, oral arguments shall be heard within twenty (20)  
23 days, and the appellate Judgment shall be issued within thirty (30) days. During the  
24 pendency of proceedings on appeal, and until final determination thereof, the person  
25 declared elected by the Commonwealth Superior Court shall be entitled to the office in  
26 like manner as if no appeal had been taken. Any lawful action taken by the person in  
27 office is valid, even if that person is subsequently removed.

28 Section 6610. Election Contest: Failure to Appeal from Court Judgment.  
29 Whenever an election is reversed by the Judgment of the Commonwealth Superior Court,  
30 and no appeal is taken within three (3) days thereafter, the certification, if any has been  
31 issued, is void and the office is filled by the person declared to be elected.

32  
33 CHAPTER 7  
34 Criminal Penalties

1           Section 6701. Counterfeit Ballots. Any person who knowingly, willfully and  
2 unlawfully prints, copies, imitates, or distributes or causes to be printed, copied, imitated,  
3 or distributed any unofficial ballot or any document that is so substantially similar in style  
4 or content to the official ballot as to cause the likelihood of confusion with the official  
5 ballot shall upon conviction be fined \$5,000, imprisoned for a minimum of sixty (60)  
6 days, or both. There shall be no suspended sentences.

7           Section 6702. Unlawful Threats to Candidate or Family. Any person who  
8 directly or indirectly threatens or intimidates any candidate or his immediate family by  
9 physical means, bribery, extortion, or any other means so as to attempt or cause the  
10 candidate to withdraw from the election shall upon conviction be fined \$5,000 or  
11 imprisoned for not less than sixty (60) days nor more than five years.

12           Section 6703. Unlawful Threats to Election Personnel. Any person who directly  
13 or indirectly threatens or intimidates the Commission, its designees, its representatives or  
14 its election workers so as to attempt or cause those persons not to perform their duties and  
15 responsibilities lawfully and in a proper manner, shall upon conviction be fined not more  
16 than \$2,000 or imprisoned for not less than ninety (90) days and not more than five (5)  
17 years. There shall be no suspended sentences.

18           Section 6704. Unlawful Registration. A person who signs an affidavit of  
19 registration knowing that he does not qualify to vote or who knowingly registers with the  
20 intent to vote more than once or who registers in an election district in which he does not  
21 reside shall, upon conviction, be fined not more than \$2,000 or imprisoned for not more  
22 than 2 years. A person who willfully causes, procures, or allows any person to be  
23 registered as a voter, knowing that person is not to be entitled to registration, shall upon  
24 conviction be fined not more than \$2,000 or imprisoned for not more than 2 years.

25           Section 6705. Unlawful Campaign activities.

26           (a) No person shall campaign on election day within five hundred (500)  
27 feet of a polling place, including campaigning by aircraft. No candidate shall  
28 loiter or socialize within five hundred (500) feet of a polling place on election  
29 day.

30           (b) No person may post or transport names, pictures, or other campaign  
31 materials or set up any booth within five hundred (500) feet of the polling place.

32           (c) No person may use the name of a government department or agency  
33 to campaign for or express support for a candidate running for public office; nor

1 shall the buying or selling of fundraising materials in support of candidates for  
2 public office take place in any government building or facility.

3 (d) All campaign posters shall be removed from public places no later  
4 than fifteen (15) days after the election date by the candidate.

5 (e) No campaign materials, or hard board, used as a poster, may be  
6 attached to any telephone pole, fire hydrant or tree on public property.

7 Any person who knowingly and willfully violates any provision of this section  
8 shall, upon conviction, be fined \$500.

9 Section 6706. Unlawful Sale or Purchase of Alcohol on Election Day. No  
10 person may sell, purchase, or dispense any alcoholic beverages or liquor while the polls  
11 are open on the day of an election. Any person who knowingly and willfully violates this  
12 section shall upon conviction be fined not more than \$1,000 or imprisoned for not more  
13 than one hundred (100) days, or both.

14 Section 2. Severability. If any provision of this Act or the application of any such  
15 provision to any person or circumstance should be held invalid by a court of competent  
16 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
17 circumstances other than those to which it is held invalid shall not be affected thereby.

18 Section 3. Savings Clause. This Act and any repealer contained herein shall not be  
19 construed as affecting any existing right acquired under contract or acquired under statutes  
20 repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in  
21 this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment  
22 of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or  
23 criminal, which shall already be in existence at the date this Act becomes effective.

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

DATE: \_\_\_\_\_

Introduced by: \_\_\_\_\_  
Rep. Heinz S. Hofschneider

Reviewed for legal sufficiency: \_\_\_\_\_



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 ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Repealer and Reenactment. 1 CMC, Division 6, Chapters 1 through 5  
2 are hereby repealed and reenacted to read as follows. Current Chapter 6, the "Executive  
3 Transitions Act", is unaffected hereby.

4 "Section 6001. Short Title. This Act may be cited as the "Northern  
5 Mariana Islands Election Reform Act of 1998".

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

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

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

14 (b) "Attorney General" means the Attorney General of the  
15 Commonwealth of the Northern Mariana Islands.

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

1 (d) "Commission" means the Commonwealth of the Northern  
2 Mariana Islands Election Commission.

3 (e) "Candidate" means a person who is either seeking a  
4 nomination or is proposed for a nomination by sponsors in accordance  
5 with the provisions of this Act.

6 (f) "Commonwealth" means the Commonwealth of the Northern  
7 Mariana Islands.

8 (g) "Constitution" means the Constitution of the Commonwealth  
9 of the Northern Mariana Islands.

10 (h) "District" means an election district.

11 (i) "Domicile" means that place in which a person maintains a  
12 residence with the intention of continuing that residence for an unlimited  
13 or indefinite period, and to which that person has the intention of returning  
14 whenever absent, even for an extended period.

15 (j) "Elector" means any person who is entitled to register under the  
16 provisions of this Act.

17 (k) "General Election" means an election held throughout the  
18 Commonwealth every two years on the first Saturday in November.

19 (l) "Local Election" means a municipal, senatorial district, or any  
20 election district election held in the Commonwealth.

21 (m) "Nominee" means a candidate who has become entitled under  
22 the provisions of this Act to a place on the ballot.

23 (n) "Precinct" means the election district.

24 (o) "Recognized Political Party" means any political party, group,  
25 or organization united for the purpose of promoting a common political  
26 end or carrying out a particular line of political policy and which:

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

29 (2) Has filed with the Election Commission under such  
30 uniform regulations as the Commission may reasonably prescribe

1 evidence of the lawful creation of the party and election of its  
2 chairman, secretary, and treasurer, including their addresses; and

3 (3) Has received, at the most recent general election, in the  
4 event it had a candidate for each of the offices to be filled, not less  
5 than ten percent (10%) of the total votes cast therein; or in the  
6 event it had a lesser number of candidates than there were offices  
7 to be filled, each such party candidate received not less than ten  
8 percent (10%) of the total votes cast for the office to which the  
9 candidate sought election.

10 (p) "Register" means the list of registered voters prepared and  
11 bound by the Commission.

12 (q) "Registration Clerk" means any authorized staff of the  
13 Commission, or person authorized by the Commission to register electors,  
14 and other officers charged with the duty of registering electors.

15 (r) "Residence" means that place in which a person's habitation is  
16 fixed, and to which, whenever the person is absent, the person has the  
17 intention to return, however a person who is temporarily out of the  
18 Commonwealth for business, education, government representation,  
19 military, medical referral, medical reasons, or employment by the  
20 Commonwealth, even for an extended period, shall be considered a  
21 resident of the Commonwealth if during that period, he maintains a  
22 domicile in the Commonwealth.

23 (s) "Voter" means a person duly registered to vote under the  
24 provisions of this Act.

25 (t) "Serving a Sentence for a Felony" includes persons imprisoned,  
26 on parole, probation, or under a suspended sentence.

27 Section 6004. Political Party: Rights. In addition to any other rights  
28 accorded in this Act to a political party, a recognized political party shall have the  
29 right to a place on the ballot, in any election, and to have the names of its  
30 candidate identified thereon with the party's name or other official designations.

1 Any recognized political party which shall fail to poll on any general election, the  
2 percentage of total votes cast as required by Section 6003(o)(3) shall lose its  
3 recognition as a recognized political party, and shall be denied a place upon the  
4 ballot unless it complies with the provisions of Section 6005.

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

9 Section 6006. Continuity of Democratic and Republican Parties. The  
10 Democratic and Republican parties shall be deemed to have complied and  
11 qualified under the provisions of this Act on its effective date.

12 CHAPTER 1

13 Election Commission

14 Section 6101. Election Commission; Establishment. There is hereby  
15 established an Independent Election Commission in the Commonwealth  
16 government hereinafter referred to as the "Commission."

17 Section 6102. Election Commission: Composition. The Commission  
18 shall have nine (9) members; eight (8) of which shall be appointed by the  
19 Governor from recommendations made by the recognized political parties in the  
20 Commonwealth in accordance with Section 6006 of this Act and one of whom  
21 shall be recommended by the eight confirmed members of the Commission to the  
22 Governor for his appointment. Appointment shall not be subject to the advice and  
23 consent of the Senate. Each recognized political party shall recommend eight (8)  
24 different names to the Governor. The Governor shall then make the appointments  
25 so that the recognized political parties are equally represented. Four members  
26 shall be residents of Saipan, one shall be representing the islands north of Saipan,  
27 two members shall be residents of Rota, and two members shall be residents of  
28 the islands of Tinian and Aguiguan.

29 Section 6103. Election Commission: Term of Appointment.

1 (a) Members shall serve for a term of four years, of the members  
2 first appointed, two (2) shall serve for a term of one (1) year, two (2) shall  
3 serve for two (2) years, two (2) shall serve for three (3) years, and three (3)  
4 shall serve for four (4) years. No member may serve for more than two (2)  
5 consecutive four-year terms, or in the case of members appointed for less  
6 than four years, for the period of term to which he is appointed plus one  
7 (1) four (4) year term. Upon the expiration of the term of a member of the  
8 Commission, such person shall cease to be a member unless reappointed  
9 in the manner prescribed by law.

10 (b) If a vacancy should occur on the Commission said vacancy  
11 shall be filled for the remainder of the term only by the method originally  
12 prescribed for the appointment.

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

18 Section 6104. Election Commission: Election of Chairperson. The  
19 Commission shall annually elect one of its members as Chairperson by a majority  
20 vote.

21 Section 6105. Election Commission: Duties. The Commission shall have  
22 the following powers and duties:

- 23 (a) To appoint an Executive Director.
- 24 (b) To administer and supervise all general, primary, local, and  
25 special elections, including questions pertaining to initiatives, referenda  
26 and recalls in the Commonwealth.
- 27 (c) To employ voter registration workers, poll workers, vote  
28 tabulators, and other persons on a full or part-time basis as necessary to  
29 conduct elections and administer its other duties and responsibilities.

1 (d) To prepare and provide printed ballots or voting machines,  
2 private voting booths, tally sheets, and other materials necessary to  
3 conduct an election in each polling place.

4 (e) To designate and publicize polling places within electoral  
5 district not later than fifteen (15) calendar days before an election day.  
6 Such polling places may include public facilities, such as schools and  
7 other public building.

8 (f) To appoint poll supervisors for each election district and  
9 provide a complete list of registered voters in each election district. All  
10 poll supervisors so appointed shall be registered voters.

11 (g) To promulgate rules, regulations, and instructions necessary to  
12 conduct and administer elections, including questions pertaining to  
13 initiatives, referenda recalls, voter registration, and voter challenges.

14 (h) To promulgate rules and regulations pertaining to registration  
15 by mail, nomination of candidates, voting procedures, and a system for  
16 absentee voting.

17 (i) To promulgate rules and regulations pertaining to procedures to  
18 be followed respecting the receipt and investigation of, and the actions  
19 taken on, complaints of election irregularities.

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

24 (k) To establish additional penalties for any violations by any  
25 Board member or its employees of any provision of this Act.

26 (l) To summon and examine witnesses and to maintain order  
27 during any of its official duties.

28 (m) To promulgate all initiatives and referenda in Chamorro,  
29 Carolinian and English in at least two local newspapers, twice before an

1 election, and make copies available to the general public at the  
2 Commission office.

3 Section 6106. Election Commission: Quorum. Seven (7) members of the  
4 Commission shall constitute a quorum to conduct official business. All decisions  
5 of the Commission shall be made by a majority vote of the members present.

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

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

18 Section 6109. Election Commission: Executive Director; Power and  
19 Duties.

20 (a) The executive director shall be responsible for the  
21 administration of this Act and the rules and regulations promulgated  
22 thereunder. He shall supervise all Commonwealth elections.

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

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

1 (d) The executive director shall serve as the ex-officio secretary  
2 for the Commission, but shall not be a voting member thereof. He shall  
3 keep the minutes of its proceedings, preserve all reports made to it, keep a  
4 record of all examinations held under its directions, and perform such  
5 other duties as the Commission shall prescribe.

6 (e) The executive director shall not be a member of the classified  
7 service and shall receive an annual salary as determined by the  
8 Commission pursuant to 1 CMC, Section 8246. The executive director  
9 shall only be removed for cause upon the concurrence of three-fourths  
10 (3/4) of the Commission members.

11 Section 6110. Election Commission: Administrative Staff. The executive  
12 director is authorized to employ such staff as may be required to supervise  
13 Commonwealth elections; maximize registration of eligible voters throughout the  
14 Commonwealth; maintain data concerning registered voters, elections,  
15 apportionment, and districting; and to perform other duties as necessary to carry  
16 out the intent of this Act pursuant to budgetary appropriation.

17 Section 6111. Exception from Civil Service.

18 (a) Beginning 90 days after the effective date of this Act, the  
19 CNMI Election Commission shall no longer be part of the Civil Service  
20 System and the employment of Commission staff shall no longer be  
21 subject to Civil Service Rules.

22 (b) The employees of the Commission shall be exempt from  
23 application of the Commonwealth Civil Service Act (1 CMC Section 8101  
24 et seq.), except that the protections and prohibitions of Sections 8141,  
25 8142, 8145, and 8151 through 8153 shall apply to the employees of the  
26 Commission to the same extent and in the same manner as if the  
27 employees of the Commission were members of the Civil Service.

28 (c) Within 90 days after the effective date of this Act, the  
29 Commission shall develop, adopt and administer a merit based personnel

1 system that rewards productivity and service, provides management  
2 flexibility, and includes procedures for addressing employee grievances.

3 Section 6112. Transitional Provision. The present chairman and members  
4 of the Election Commission and the executive director shall continue to serve  
5 until a new Election Commission and executive director have been appointed  
6 pursuant to this Act.

7 CHAPTER 2

8 Registration and Voting Procedures

9 Section 6201. Voting: Eligibility.

10 (a) Pursuant to Article VII, Section 1 of the Constitution of the  
11 Northern Mariana Islands, a person is eligible to vote who, on the date of  
12 the election, is 18 years of age or older, is domiciled in the  
13 Commonwealth, has resided in the Commonwealth for at least 120 days  
14 prior to the election day, is not serving a sentence for a felony as defined in  
15 Section 6003(t) of this Act, has not been declared by a court to be of  
16 unsound mind, is not confined to a mental institution, and is either a  
17 citizen or national of the United States as defined in the Commonwealth  
18 Constitution.

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

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

24 Section 6202. Domicile: Determination.

25 (a) Each person has a domicile;

26 (b) Each person has only one domicile;

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

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

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

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

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

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

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

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

18 (e) Whether the person has expressed an intention not to be  
19 domiciled in the Commonwealth;

20 (f) Whether the person registered and voted in a place outside the  
21 Commonwealth during the preceding year;

22 (g) Whether the person who immediately prior to becoming a  
23 member of the military service was not domiciled in the Commonwealth  
24 and who is in the military service residing in a military reservation or is  
25 provided a housing or housing allowance;

26 (h) Whether the person's presence or residency in the  
27 Commonwealth is based on a work order or contract with the  
28 Commonwealth Government, its subdivisions or its agencies; or

29 (i) Whether the person's presence or residency in the  
30 Commonwealth is based on a work order or contract in the private sector.

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

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

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

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

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

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

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

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

1 Section 6205. Voter Challenge.

2 (a) Any person may challenge a voter's residency or other  
3 qualification to vote.

4 (b) A voter whose qualification has been challenged and not  
5 adjudicated prior to election day shall be permitted to cast his vote, but  
6 the ballot must be kept sealed and segregated by the Election Commission  
7 until the final adjudication of the challenge.

8 (c) A challenge to a voter's qualification shall be initially  
9 determined by the Election Commission pursuant to a hearing conducted  
10 in accordance with the Administrative Procedures Act. A review of the  
11 Commission's decision may be had by the Superior Court on an expedited  
12 schedule to be established by rules of the Superior Court. The decision of  
13 the Superior Court shall be final and there shall be no further judicial  
14 review.

15 Section 6206. Registration Procedures.

16 (a) Any person qualified to vote in a general, primary, local or  
17 special election may register to vote not less than thirty (30) days before  
18 the day of the election.

19 (b) When registering to vote, the person shall sign an affidavit of  
20 registration on a form prepared and furnished by the Commission stating  
21 that he meets the qualifications established by the Constitution and by this  
22 Act for voting in the elections in the Commonwealth.

23 (1) Except as provided in Section 6215, no person may  
24 register to vote or vote in an election district other than that in  
25 which he is a resident. A person has a residence in, or is a resident  
26 of, the election district where that person is factually living and has  
27 an abode.

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

1 (3) Persons who are domiciled in the Commonwealth as  
2 provided in Sections 6202-6204, but who are temporarily out of the  
3 Commonwealth for any reason such as business, employment,  
4 service in the Armed Forces, or Merchant Marines of the United  
5 States, education, training, or medical treatment are considered  
6 residents for purposes of this Act.

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

- 12 (1) Name;
- 13 (2) Social security number;
- 14 (3) Date of birth;
- 15 (4) Residence, including mailing address;
- 16 (5) That the residence stated in the affidavit is not simply  
17 because of the person's presence in the Commonwealth but that the  
18 residence was acquired with the intent to make the Northern  
19 Mariana Islands the person's legal residence with all the  
20 accompanying obligations therein;
- 21 (6) That the person is a citizen or U.S. national as defined  
22 in the NMI Constitution;
- 23 (7) That the person meets the requirements of the NMI  
24 Constitution and this Act.

25 (d) If a registration clerk administering an oath has any question  
26 regarding the propriety of an affidavit of registration, the clerk shall  
27 forward the affidavit to the Commission for final decision as to its  
28 propriety. In case of a questionable affidavit, residency or any question  
29 regarding the qualifications of the voter, the Commission shall conduct a  
30 formal or informal hearing to determine the correct facts. The registrant

1 has the right to present evidence to the Commission regarding his or her  
2 qualifications to vote and the registrant's proper election district.

3 (e) Any voter may change election districts by re-registering in the  
4 general, primary, or special election register pursuant to Section 6205(b).  
5 The Commission shall cancel the existing registration and re register the  
6 voter in the new election district. No registration may be allowed due to a  
7 change of residency within thirty (30) days before an election.

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

14 Section 6207. Removal of Names From Register; When; Re-Registration.

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

17 (1) At the written request of the person registered.

18 (2) When the insanity of the person registered is legally  
19 established.

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

27 (4) Upon submission of a death certificate of the person  
28 registered. Not later than the fifteenth (15th) day of each month  
29 the Secretary of Public Health shall furnish the Commission an  
30 abstract of the register of deaths showing, for all decedents

1                   eighteen (18) years of age or over, as follows: the name; sex; age;  
2                   place of residence; month, day and year of death; and certificate of  
3                   death number;

4                   (5) If the person registered has not voted in the most recent  
5                   general election.

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

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

9                   (b) Six months prior to an election, the Commission shall also  
10                  register electors at such times and places within the Commonwealth as the  
11                  Commission shall deem advisable and convenient from the time  
12                  registration is open until thirty (30) days prior to an election and the  
13                  Commission may deputize volunteers as registration clerks for such  
14                  purposes. No person holding an elective office or who is a candidate for  
15                  elective office shall be a deputized volunteer.

16                  Section 6208. Transfers, Name Changes; Initiated by Executive Director.

17                  (a) The executive director shall use all reliable and pertinent  
18                  information to keep the general register up to date. The executive director  
19                  may request information from, but is not limited to, the following sources:

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

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

24                         (3) The Department of Public Health for death or other  
25                         changes affecting voter status;

26                         (4) The Commonwealth Utilities Corporation concerning  
27                         commencement or changes of services;

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

1 In requesting the information the executive director shall give reasonable  
2 notice and time for furnishing the information.

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

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

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

11 (3) Any alleged new address and district;

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

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

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

22 Section 6209. Voting Procedures.

23 (a) The Commission shall distribute to each polling place a list of  
24 the eligible voters for that polling place. Not less than 15 days before the  
25 day of election, a copy of the list shall be posted at the office of the  
26 Commission and Mayors for examination by the public. Only those voters  
27 whose names appear on the list may vote at that polling place. Any name  
28 which does not appear on the list due to an error may be inserted by the  
29 Commission any time prior to the closing of the polls.

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

8 (c) A ballot shall contain the names of candidates in an order  
 9 identifying party affiliation or nonpartisanship for Board of Education and  
 10 municipal council, as established by the Commission, and the office to be  
 11 sought. An appropriate amount of space shall be provided on each ballot  
 12 for the voter to write in a name of his or her choice for the elective offices  
 13 listed on the ballot. The Commission shall not count the vote for any  
 14 write-in candidate from any ballot on which the voter has indicated, by use  
 15 of a write-in, the choice of more candidates than there are offices to be  
 16 filled.

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

24 (e) The Board shall establish a method of marking and identifying  
 25 each person who has completed voting.

26 Section 6210. Absentee Voting. Subject to the procedures set forth in this  
 27 Chapter, any registered voter at any election may request and cast an absentee  
 28 ballot with the Commission.

29 Section 6211. Absentee Voting: Sick or Disabled Voters. If a registered  
 30 voter at any election is confined to a home or hospital due to illness or physical

1 disability and is unable to go to the polls, that voter may vote in accordance with  
2 this Act and the rules and regulations promulgated by the Commission. The  
3 person or member of his or her immediate family or guardian may make a written  
4 request, on a form furnished by the Commission, for an absentee ballot by 12:00  
5 o'clock noon on election day.

6 Section 6212. Absentee Voting: Absence From the Commonwealth.

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

- 11 (1) The conduct of his business;
- 12 (2) The necessity of travel;
- 13 (3) Attendance at an institution of learning;
- 14 (4) Serving in the United States Armed Forces or the  
15 Merchant Marine;
- 16 (5) Employment;
- 17 (6) Training;
- 18 (7) Receiving treatment at a medical institution;
- 19 (8) Government representation; or
- 20 (9) Accompanying a member of the household who is  
21 engaged in an activity listed above.

22 (b) Any registered voter, under the circumstances specified in  
23 subsection (a)(1-9), inclusive, may make an application to the Commission  
24 for an official ballot to be voted at such election. Such application if made  
25 by mail shall be made not more than sixty (60) days nor less than ten (10)  
26 days before the election, or if the application is made in person, not later  
27 than during regular office hours of the day prior to the election. Any such  
28 application shall be made in writing on a form furnished by the  
29 Commission.

1           Section 6213. Marking Absentee Ballot. The Commission shall provide  
2 to any registered voter entitled to vote by absentee ballot and who applies for one,  
3 an official ballot, a ballot envelope, an affidavit prescribed by the Commission,  
4 and a reply envelope. The absentee voter shall mark the ballot in the usual  
5 manner provided by law and in a manner such that no other person can know how  
6 the ballot is marked. The absentee voter shall then deposit the ballot in the ballot  
7 envelope and securely seal it. The absentee voter shall then complete and execute  
8 the affidavit. The ballot envelope and the affidavit shall then be enclosed and  
9 sealed in the covering reply envelope and mailed or sent by commercial courier  
10 service to the Commission. Such ballots and affidavits will not be counted by the  
11 Commission unless mailed. For the purpose of this Act, the word "mailed"  
12 includes ballots and affidavits sent through the postal or courier services.

13           Section 6214. Absentee Voting: Counting Ballots.

14           (a) To be counted, an absentee ballot shall be postmarked not later  
15 than the date of election and be received by the Commission not later than  
16 seven days after the date of election. If the Commission is using a post  
17 office box for the receipt of absentee ballots, it shall remove all absentee  
18 ballots contained in the box no later than seven days after the election date  
19 and such ballots shall be deemed to have been received within the  
20 deadline.

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

23           (c) The Commission shall compare the signature of the voter on  
24 the application for absentee ballot with that on the affidavit and the  
25 registration. If the signatures appear to be by the same person, if the  
26 affidavit is properly completed, and if the envelope is sealed and it does  
27 not appear to have been tampered with, the notation "OK" shall be placed  
28 on the return envelope and shall be initialed by no less than five (5)  
29 members of the Commission.

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

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

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

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

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

8                   (5) The Commission has already received an absentee  
9 ballot from the person; or

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

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

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

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

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

26                  (h) The returned envelopes marked "OK", together with the  
27 application attached, shall be delivered by the Commission to the  
28 accounting and tabulation committee after the polls are closed, to be  
29 tabulated by the accounting and tabulation committee.



1 Commonwealth or in any area under the jurisdiction of the United States may be  
2 eligible for these offices unless a full pardon has been granted.

3 Section 6302. Senators. A candidate for senator shall be qualified to vote  
4 in the Commonwealth, at least twenty-five (25) years of age, and a resident and a  
5 domiciliary of the Commonwealth for at least five (5) years immediately  
6 preceding the date on which a senator would take office. No person convicted of  
7 a felony in the Commonwealth or in any area under the jurisdiction of the United  
8 States may be eligible for this office unless a full pardon has been granted.

9 Section 6303. Representatives. A candidate for the House of  
10 Representatives shall be qualified to vote in the Commonwealth, at least twenty-  
11 one (21) years of age, a resident and a domiciliary of the Commonwealth for at  
12 least three (3) years immediately preceding the date on which a representative  
13 would take office. In addition, a candidate for the House of Representatives shall  
14 also be a registered voter and a resident of the election precinct where he or she is  
15 a candidate for at least one (1) year immediately preceding the date of election.  
16 No person convicted of a felony in the Commonwealth or in any area under the  
17 jurisdiction of the United States may be eligible for this office unless a full pardon  
18 has been granted.

19 Section 6304. Resident Representative to the United States. A candidate  
20 for resident representative to the United States shall be qualified to vote in the  
21 Commonwealth, a citizen of the United States, at least twenty five (25) years of  
22 age, and a resident and a domiciliary of the Commonwealth for at least seven (7)  
23 years immediately preceding the date on which the resident representative takes  
24 office. No person convicted of a felony in the Commonwealth or in any area  
25 under the jurisdiction of the United States may be eligible for this office unless a  
26 full pardon has been granted.

27 Section 6305. Mayor. A candidate for mayor shall be qualified to vote in  
28 the Commonwealth and on the island or islands served by the mayor, at least  
29 twenty-five (25) years of age, a resident and a domiciliary of the island or islands  
30 served by the mayor for at least three years immediately preceding the date on

1 which the mayor takes office, and must reside in the island or islands served by  
2 the mayor after each election. No person convicted of a felony in the  
3 Commonwealth or in any area under the jurisdiction of the United States may be  
4 eligible for these offices unless a full pardon has been granted.

5 Section 6306. Municipal Council. A candidate for Municipal Council  
6 shall be qualified to vote in the Commonwealth and on the island or islands  
7 served by the Municipal Council, at least twenty-one (21) years of age, and a  
8 resident and a domiciliary of the island or islands served by the Council for at  
9 least three years immediately preceding the date on which the Municipal Council  
10 takes office and must reside in the island or islands served by the Council after  
11 each election. No person convicted of a felony in the Commonwealth or in any  
12 area under the jurisdiction of the United States may be eligible for this office  
13 unless a full pardon has been granted.

14 Section 6307. Board of Education. A candidate for the Board of  
15 Education shall be qualified to vote in the Commonwealth, at least twenty-five  
16 years of age, and a resident and a domiciliary of the Commonwealth for at least  
17 five years immediately preceding the date on which the member takes office. No  
18 person convicted of a felony in the Commonwealth or in any area under the  
19 jurisdiction of the United States may be eligible for this office unless a full pardon  
20 has been granted.

21 Article 2. Party Nominations: Governor and Lieutenant Governor.

22 Section 6321. Nominations: Governor and Lieutenant Governor. Any  
23 political party may nominate candidates for governor and lieutenant governor by  
24 having its chairman and secretary certify to the Commission the names of the  
25 party's team of candidates not more than ninety (90) days and not less than sixty  
26 (60) days prior to the election. At the same time, the political party shall file a  
27 petition containing the signatures, printed names, residences and mailing  
28 addresses of not less than two-hundred (200) registered voters in support of the  
29 party's team of candidates. No person may sign more than one petition for  
30 governor and lieutenant governor.

1           Section 6322. Party Nominations: Failure to Comply with Act. The  
2 Commission may refuse to accept for filing any petition that, on its face, fails to  
3 comply with the requirements of this Act.

4           Section 6323. Party Nominations: Duty of Commission. Upon receipt of  
5 the certificate of nomination and petition by any political party, the Commission  
6 shall:

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

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

13           Section 6324. Party Nominations: Failure of Commission to Act. If the  
14 Commission does not affirmatively take action to deny certification to a political  
15 party's candidates within forty-five (45) days, prior to the election day, the party's  
16 nominees shall be deemed certified for the general election ballot.

17           Section 6325. Party Nominations: Filing Fee. Each petition for a  
18 political party candidate for governor or lieutenant governor shall be accompanied  
19 by payment to the Commission of a five hundred dollar (\$500.00) filing fee.

20           Article 3. Independent Nominations: Governor and Lieutenant Governor.

21           Section 6331. Independent Nominations: Governor and Lieutenant  
22 Governor.

23                   (a) The nomination of independent candidates is made by petition  
24 designating the person seeking the nomination to be an independent  
25 candidate, and containing the signatures, printed names, residences, and  
26 mailing address of two hundred (200) registered voters in the  
27 Commonwealth.

28                   (b) All independent nomination petitions and the candidate's  
29 acceptance shall be filed with the Commission not more than ninety (90)  
30 days and not less than sixty (60) days prior to the general election.

1           Section 6332. Independent Nominations: Failure to Comply With Act.  
2           The Commission may refuse to accept for filing any petition that, on its face, fails  
3           to comply with the requirements of the preceding sections.

4           Section 6333. Independent Nominations: Failure of Commission to Act.  
5           If the Commission does not affirmatively take action to deny certification to an  
6           independent candidate within forty-five (45) days prior to the election day, the  
7           candidate shall be deemed certified for the general election ballot.

8           Section 6334. Independent Nominations: Filing Fee. Each petition for an  
9           independent candidate for governor and lieutenant governor shall be accompanied  
10          by payment to the Commission of a five hundred dollar (\$500.00) filing fee.

11                           Article 4. Nomination of Candidates to Other Offices.

12          Section 6341. Nominations: Resident Representative to the United States.  
13          The nomination of candidates for resident representative to the United States is  
14          made by petition of any political party or any independent candidate. The  
15          procedures for political party nominations and for independent nominations for  
16          governor and lieutenant governor set forth in Articles 2 and 3 of this Chapter shall  
17          apply with respect to the nomination of candidates for resident representative to  
18          the United States, except that the filing fee shall be five hundred (\$500.00) dollars  
19          for each resident representative.

20          Section 6342. Nomination: Senators and Representatives. Political  
21          Parties shall nominate their candidates for senator or representative in the manner  
22          prescribed in their party rules and regulations and according to the provisions of  
23          this Division. The political party chairman and secretary shall certify to the  
24          Commission the names of the Party's nominees not more than ninety (90) days  
25          and not less than sixty (60) days before the general election. All certifications of  
26          candidates by political parties and independent candidates shall be accompanied  
27          by petitions containing the signatures, printed names, residences, and mailing  
28          addresses of not less than five percent (5%) or one hundred (100), whichever is  
29          less, in the case of a senator, and fifty (50) in the case of a representative, of the  
30          registered voters of the respective senatorial or electoral district, as the case may

1 be. Each name certified as a nominee shall be accompanied by the signature of  
2 the person nominated, which signature constitutes the nominees assent to be a  
3 candidate of that political party. The political party may not nominate more  
4 candidates than the number of vacancies in the Senate and the House of  
5 Representatives.

6 Section 6343. Nominations: Senators and Representatives: Procedures.  
7 Procedures for political party nominations and for independent nominations for  
8 governor and lieutenant governor set forth in Articles 2 and 3 of this Chapter shall  
9 apply with respect to the nomination of candidates for senators and  
10 representatives, except that the filing fee shall be two hundred dollars (\$200.00)  
11 for each senator and one hundred dollars (\$100.00) for each representative paid by  
12 the political party or independent candidate.

13 Section 6344. Nominations: Mayor.

14 (a) Candidates for mayor shall be nominated by petition  
15 designating the person seeking nomination and the office sought,  
16 containing the signatures, printed names, residences, and mailing  
17 addresses of a number of registered voters of that municipality equal to at  
18 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  
21 and for independent nomination for governor or lieutenant governor set  
22 forth in Articles 2 and 3 of this Chapter shall apply with respect to the  
23 nominations of candidates for mayorship, consistent with this section,  
24 except that the filing fee shall be two hundred dollars (\$200.00) paid by  
25 the political party or independent candidate.

26 Section 6345. Nominations: Municipal Councils and Board of Education.

27 (a) Candidates for Municipal Council and Board of Education  
28 shall be nominated by petition designating the person seeking nomination  
29 and the office sought, containing the signatures, printed names, residences  
30 and mailing addresses of not less than five percent (5%) or 100, whichever

1 is less, of the registered voters for each respective senatorial, election  
2 district or mayoral islands, as the case may, be for each nonpartisan  
3 candidate. Each petition shall be accompanied by the signature of the  
4 person nominated, which shall constitute the nominee's assent to be a  
5 candidate.

6 (b) The procedures and requirements for independent nomination  
7 for governor and lieutenant governor set forth in this chapter shall apply  
8 with respect to the nomination of nonpartisan candidates, as consistent  
9 with this section, except that the filing fee shall be fifty dollars (\$50.00)  
10 for each municipal council and Board of Education candidate.

11 CHAPTER 4

12 Article 1. Election Campaigns and Campaign Offenses.

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

- 18 (a) Voting or agreeing not to vote.
- 19 (b) Coming or agreeing to come to the polls.
- 20 (c) Refraining or agreeing to refrain from voting.
- 21 (d) Voting or agreeing to vote for any particular person.
- 22 (e) Refraining or agreeing to refrain from voting for any particular  
23 person.

- 24 (f) Inducing any other person to:
  - 25 (1) Vote or refrain from voting.
  - 26 (2) Vote or refrain from voting for any particular person.
  - 27 (3) Come to or remain away from the polls.

28 Section 6402. To Vote or Aid in Securing Nomination for Another. A  
29 person shall not, directly, by himself or through any other person, give or receive

1 any money or other valuable thing, before, during or after election because he or  
2 any other person:

3 (a) Voted to secure the election or endorsement of any other  
4 person as the nominee or candidate of any convention, organized  
5 assemblage of electors or voters, or other body representing or claiming to  
6 represent a political party or principal or any clubs, society or association.

7 (b) Aided in securing the selection or endorsement of any other  
8 person as a nominee or candidate as provided in Subsection (a).

9 Section 6403. Payment of Value: To Vote, Not Vote or Reward for  
10 Same. A person shall not lend or contribute any money or other valuable  
11 consideration to or for any voter, or to or for any other person, to:

12 (a) Induce a voter to:

13 (1) Vote or refrain from voting at any election.

14 (2) Vote or refrain from voting at any election for any  
15 particular person.

16 (3) Come to the polls at an election.

17 (4) Remain away from the polls at an election.

18 (b) Reward a voter for having :

19 (1) Voted.

20 (2) Refrained from voting.

21 (3) Voted for any particular person.

22 (4) Refrained from voting for any particular person.

23 (5) Come to the polls at an election.

24 (6) Remained away from the polls at an election.

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

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

6           Section 6406. Penalty. Any person who commits any of the offenses set  
7 forth in Sections 6401 - 6405, inclusive, is guilty of felony punishable by a fine  
8 not greater than \$50,000 or not more than five (5) years imprisonment, or both.

9           Section 6407. Promising Appointment to Office. Every person is guilty  
10 of a misdemeanor who being a nominee or candidate at any election, offers or  
11 agrees to appoint or procure the appointment of any particular person to office, as  
12 an inducement or consideration for any person to vote for or to procure, or aid in  
13 procuring, the election of any nominee or candidate.

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

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

- 25                   (a) The name of the chairman and secretary or the names of two
- 26                   (2) officers of the political party or other organization issuing it, or
- 27                   (b) The name and residence of the person responsible therefor.

28           Section 6410. Penalty. Any person who commits any of the offenses set  
29 forth in Sections 6407 - 6409, inclusive, is guilty of a misdemeanor punishable by  
30 a fine not greater than \$2,000 or not more than 60 days in prison, or both.

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

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

7           Section 6413. Complaints. Any person who believes a violation of any  
8 provision of this Chapter has occurred may file a complaint with the Commission.  
9 The Commission shall expeditiously investigate the matter in accordance with  
10 Section 6105. Whenever in the judgment of the majority of the Commission any  
11 person has engaged in any acts or practices which constitute a violation of this  
12 Chapter, the Commission shall refer the record of the said investigation to the  
13 Attorney General who shall institute a criminal prosecution under Section 6406 or  
14 6410 of this Chapter against the person, and, in the event the person is convicted  
15 of the violation prior to the election in question, the Commission shall strike his  
16 name from the ballot. In the event the person is convicted of the violation  
17 subsequent to the election in question and was elected to the office for which he  
18 was a candidate, the Attorney General shall take whatever civil action is necessary  
19 to effect his disqualification from office.

20           Section 6414. Winning Candidate Convicted of a Felony.  
21 If the Commission finds that a winning candidate, who has not yet assumed his  
22 office, has been convicted of a felony under this chapter or under any other  
23 Commonwealth law, then the manner of determining his replacement shall be  
24 governed as follows:

25           (a) If a successful candidate for governor is convicted for the  
26 violation of any felony under this Act, or under any other law of the  
27 Commonwealth or the United States of America, he shall relinquish his  
28 office, the successful lieutenant governor candidate shall become  
29 governor, and the new governor shall appoint a lieutenant governor.

1 (b) If a lieutenant governor is convicted for violation of any felony  
2 under this Act, or under any other law of the Commonwealth or the  
3 United States of America, he shall relinquish his office and the governor  
4 shall appoint a lieutenant governor.

5 (c) If a successful candidate for representative to the United States  
6 is convicted for violation of any felony under this Act, or under any other  
7 law of the Commonwealth or the United States of America, he shall  
8 relinquish his office and a reelection shall be conducted.

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

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

16 (f) If a successful candidate for the Municipal Council or Board of  
17 Education is convicted for violation for any felony under this Act, he shall  
18 relinquish his office and the person having the next highest number of  
19 votes shall be declared to have been elected.

20 Article 2. Campaign Financial Disclosure.

21 Section 6421. Definition. Unless the context otherwise clearly requires,  
22 the definitions set forth herein shall govern the construction of this Article.

23 (a) "Campaign Statement of Account" means an itemized  
24 statement prepared by a candidate showing the specific nature, source and  
25 amount of contributions and expenses, including the names of persons  
26 receiving such expense, except where the aggregate fair market value of an  
27 expense or contribution is less than one hundred dollars (\$100).

28 (b) "Candidate" means an individual who filed nomination papers  
29 under the provision of Chapter 3 of this Act.

1 (c) "Committee" means a group of individuals organized for the  
2 purpose of aiding the campaign of any candidate.

3 (d) "Contribution" means a payment, gift, subscription,  
4 assessment, contract, payment for services, dues, advance, pledge or  
5 promise of any money or anything of value, whether or not legally  
6 enforceable, to a candidate, committee or holder of an elective office made  
7 for the purpose of influencing the nomination or election of any candidate,  
8 or for the qualification, passage, or defeat of any measure. The term  
9 "contribution" includes the purchase of tickets for events; such as dinners,  
10 luncheons, rallies, and similar fundraising events; the candidate's own  
11 money or property used on behalf of its candidacy, the granting of  
12 discounts or rebates not available to the general public; or the granting of  
13 discounts or rebates by television and radio stations and newspapers not  
14 extended on an equal basis to all candidates for the same office; and any  
15 payments for the services of any person serving as an agent of a candidate  
16 or committee by a person other than the candidates or committee, or a  
17 person whose expenditures the candidates or committee must report under  
18 this chapter. The term "contribution" further includes any transfer of  
19 anything of value received by a committee from another committee. The  
20 term "contribution" shall not include loans, except forgiveness of loans or  
21 payment of loans, volunteer personal services provided without  
22 compensation, in payments made by an individual for his travel expenses  
23 if such payments are made voluntarily without any understanding or  
24 agreement that they shall be, directly or indirectly, repaid to him, or the  
25 use of private property when utilized directly by the owner or lessee  
26 thereof in the course of rendering such services. The term "contribution"  
27 does not include amounts received pursuant to a pledge or promise to the  
28 extent those amounts have been previously reported as a contribution.

29 (e) "Expenses" means funds promised or expended by a person in  
30 aid of the campaign of a candidate or individual prior to his becoming a

1 candidate and services or property promised or furnished by a person in  
2 aid of the campaign of candidate or individual prior to his becoming a  
3 candidate. "Expenses" shall not mean expenditures for the operation of a  
4 permanent political party headquarters or for general voter registration  
5 drives. Furthermore, "expenses" shall not mean editorial comments made  
6 in connection with the normal publication of a newspaper or other  
7 periodical or the normal programming of a broadcasting station.

8 (f) "Election" means any primary, local, special, or general  
9 election.

10 (g) "Person" means any individual, including a candidate,  
11 committee, association, political party, partnership, or other group. Person  
12 shall not mean domestic, foreign or alien corporation.

13 Section 6422. Duties of Candidates. Upon becoming a candidate, an  
14 individual may designate one committee to serve as his campaign committee. The  
15 candidate shall appoint a treasurer who shall also be the treasurer of the campaign  
16 committee and in that capacity he shall keep a record of all contributions and  
17 expenses received and made thereby.

18 Section 6423. Cessation of Campaigning. All campaigning for the  
19 purposes of election shall cease before the time that the polls open and shall  
20 remain inactive during the period that the polls are open. For purpose of this  
21 section, the term "campaigning" shall include but not limited to any newspaper or  
22 broadcast advertisements appearing on election day, the distribution of campaign  
23 literature, and to the display of any campaign activities, material, signs, posters, or  
24 the like within 500 feet of any election polling place.

25 Section 6424. Campaign Statement of Account; Filing; Verification. A  
26 candidate shall file a detailed financial statement of account prepared with the  
27 advice and co-signature of his treasurer or the election or re-election committee  
28 with the Office of the Public Auditor and a copy to the Commission within fifty  
29 (50) days after the election. Subject to the limitation of Section 6421 (a), the  
30 statement shall include the names and contributions of supporters contributing in

1 cash or in-kind and a detailed statement of campaign spending. All statements of  
2 account shall be verified under oath by the candidate and his treasurer. Such  
3 verification shall state that the candidate has used all reasonable diligence in its  
4 preparation, and that it is true, full and explicit.

5 Section 6425. Publication. The Election Commission shall make public  
6 all campaign statements of account within ten (10) days after their filing, by  
7 publishing them in a newspaper of general circulation in the Commonwealth or by  
8 posting the same in certain public places designated by the Commission.

9 Section 6426. Multi-Candidate: Apportionment. Multi-candidate  
10 expenses are those spent by a person in aid or more than one candidate. Such  
11 expenses shall be treated as an expense by each candidate supported thereby and  
12 shall be apportioned equally among them; except that candidates may agree in  
13 advance of the contracting of any multi-candidate expenses as to the amount  
14 attributable to each if such agreement is filed in advance of said contracting with  
15 the Commission. Each candidate participating in such agreement shall retain for a  
16 period of one (1) year after the election to which the expense relates, documents  
17 supporting the apportionment under such agreement.

18 Section 6427. Requirement of Authorization. No person other than a  
19 candidate or his campaign committee shall incur or contract for any expense in aid  
20 or such candidate's campaign unless he applies in writing to the candidate's  
21 treasurer at least five (5) days prior thereto for authorization. The request for  
22 authorization shall state in detail the amount and nature of any specific expense  
23 listed thereon. No person shall incur or contract for any expense if such expense  
24 has been disapproved by the treasurer of such candidate in writing within three (3)  
25 days of receipt of the request or authorization.

26 Section 6428. Penalties. Any person violating this Article shall upon  
27 conviction be fined not more than fifty thousand dollars (\$50,000) or imprisoned  
28 for not more than one year or both.

29 Section 6429. Extension of Deadline. For good cause, the Commission  
30 may extend the deadline imposed on Section 6424 by not more than fifteen (15)

1 days, upon written request by a candidate. A candidate shall be fined a non-  
2 waivable one hundred (\$100.00) dollars penalty for each day the financial report is  
3 late without a Commission approved extension period.

4 Section 6430. Non-Compliance. The Public Auditor shall refer any  
5 candidate who fails to comply with this Article to the office of the Attorney  
6 General for prosecution.

7 CHAPTER 5

8 Elections

9 Article 1. General Election and Special Election.

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

18 Section 6502. Special Elections Subject to the Call of the Governor.

19 (a) If a vacancy occurs in the legislature, in the office of the  
20 governor or lieutenant governor, or in office of a mayor, which under the  
21 Constitution requires an election to fill the vacancy or a recall petition is  
22 certified by the Attorney General, the Governor shall call a special election  
23 to fill such vacancy.

24 (b) If the Governor fails to call a special election within thirty (30)  
25 days of a constitutional vacancy or the certification of a recall petition, any  
26 registered voter may petition the Election Commission to determine and  
27 certify that a vacancy requiring a special election exists or that a recall  
28 petition has been certified by the Attorney General. Within ten (10)  
29 calendar days of receipt of a petition, the Commission shall submit its  
30 determination to the Governor. The Governor shall issue a proclamation

1 for a special election within five (5) calendar days of receipt of a  
2 Commission certification of vacancy or recall requiring a special election.

3 (c) If there are simultaneous vacancies in the offices of Governor  
4 and Lieutenant Governor and less than one year remains from the date of  
5 the first vacancy, the Senate President shall be Acting Governor and the  
6 Speaker of the House shall be Acting Lieutenant Governor and both shall  
7 serve out the remainder of the terms of their respective offices.

8 (d) If there is a vacancy in the legislature and less than one-half of  
9 the term remains, the governor shall fill the vacancy in accordance with  
10 Article II, section 9 of the Commonwealth Constitution within thirty (30)  
11 days of the date of the vacancy.

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

17 (f) In case of a vacancy on the Board of Education, the Governor  
18 shall appoint a replacement pursuant to 1 CMC section 2263 regardless of  
19 the time remaining in the term of office.

20 (g) All special elections required hereunder shall be held in  
21 accordance with the provisions of this Act.

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

28 Section 6504. Calling of Special Elections. All special elections subject  
29 to the call of the governor shall be called by proclamation of the Governor of the  
30 Commonwealth. The Commission shall cause a copy of the proclamation to be

1 published in a newspaper of general circulation in the Commonwealth and to be  
2 posted in each senatorial election district or mayoral island were such election will  
3 take place.

4 Section 6505. Special Elections Subject to the Call of the Legislature.  
5 Amendments to the Northern Marianas Constitution, as proposed by popular or  
6 legislative initiative or by constitutional convention, and such other matters as  
7 may be provided by law, shall be placed before the Commonwealth voters for  
8 ratification or other action at special elections. Such special elections shall be  
9 held no more than sixty (60) days after notification by the legislature by joint  
10 resolution to the Election Commission or at such time and in such manner as  
11 provided by law or in the legislative initiative proposing the amendment. In  
12 accordance with its responsibilities and duties under this Division, the Election  
13 Commission shall administer and supervise special elections. Voter eligibility  
14 and voting procedures shall be in compliance with 1 CMC § 6201 et seq.

15 Section 6506. Funding for General and Special Elections. In the absence  
16 of an appropriation for a general or special election conducted pursuant to this  
17 Division, or for voter education with respect to a proposed amendment to the  
18 Constitution, the Governor shall, notwithstanding any other provision of law,  
19 reprogram sufficient funds for the conduct of a general or a special election, or for  
20 voter education, as the case may be, from executive branch accounts to the  
21 Election Commission.

22 Section 6507. Postponement of Election. If for serious cause resulting  
23 from any natural phenomena, act of God, or a public enemy, it becomes  
24 reasonably impossible to hold any election duly scheduled in the Commonwealth  
25 as a whole or in any senatorial or election district, or mayoral island or islands, the  
26 Governor may postpone any such election wherein for such time as it may deem  
27 necessary, but in no event shall postponement exceed sixty (60) days from the  
28 date when such election should have been held.

1           Section 6508. Election Day: Holiday. If an election is held on a day other  
2 than a Saturday or Sunday, the election day shall be a legal holiday within the  
3 Commonwealth or in the senatorial or election district.

4                           Article 2. Conduct of Elections.

5           Section 6521. Right to Cast Secret Ballot.

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

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

14           Section 6522. Polling Places: Hours of Operation. Polling places shall  
15 open at 7:00 a.m. on the day of the election and shall be kept open until 7:00 p.m.  
16 on the same day, except that any person who is already at the polling place at 7:00  
17 p.m. shall be allowed to vote. The Commission may close any polling place  
18 earlier if all the voters of the election district have voted. Whenever possible,  
19 public schools and public buildings shall be utilized as polling places during  
20 elections. No rent shall be charged or paid for the use thereof.

21           Section 6523. Collection of Ballot Boxes.

22                   (a) After all voting is completed, all ballot boxes and voting  
23 machines shall be collected by election officials and delivered to the  
24 Commission or its duly authorized representative by the safest and most  
25 expeditious means available and be certified to the Commission that the  
26 ballots so delivered were cast in accordance with the provisions of this  
27 Act.

28                   (b) Ballot boxes shall only be opened by the Commission or its  
29 designated election officials and only upon the order of the Commission.

30           Section 6524. Tabulation of Votes.

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

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

28 (c) Any candidate for governor, lieutenant governor, resident  
29 representatives to the United States or mayor, who receives the majority of  
30 the votes cast for such office in any election shall be declared the winning

1 candidate. In the event no such candidate receives the majority of the  
2 votes cast, there shall be a run-off between the two candidates having the  
3 most votes.

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

7 Section 6525. Ballot Irregularities.

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

18 (b) At any election, any ballot which is not marked as provided by  
19 law shall be void, but the ballot shall be preserved and returned with the  
20 other ballots.

21 (c) Any voter who spoils a ballot shall return it to a poll worker  
22 and receive another ballot.

23 (d) At any election, a ballot may not be rejected if it is possible to  
24 determine the voter's choice even though the ballot has been severely  
25 soiled or defaced.

26 (e) If a voter indicates the choice of more candidates than there are  
27 offices to be filled or if for any reason it is impossible to determine the  
28 voter's choice for any office, the ballot may not be counted for that office.  
29 The rest of the ballot, if properly marked, shall be counted.

30 Section 6526. Marking the Ballot.

1 (a) In voting, the voter shall place the appropriate mark in the  
2 voting square adjacent to the name of any nominee for whom he intends to  
3 vote.

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

9 Section 6527. Loss or Destruction of Ballots. In case of the prevention of  
10 an election in any election district by the loss or the destruction of the ballots  
11 intended for that election district, the election official or other member of the  
12 Commission, shall make an affidavit setting forth the fact, and transmit it to the  
13 Governor. Upon receipt of the affidavit, the Governor may, and upon the  
14 application of any nominee for any office to be voted for by the electors of that  
15 election district, shall, order a new election in that election district.

16 Article 3. Party Switch.

17 Section 6531. Party Switch. If an elected official switches parties while  
18 more than half of his term remains, the affected seat shall automatically be  
19 declared vacant and a special election shall be held to fill that vacancy if the seat  
20 was held by an official elected as a candidate of a political party. If less than half  
21 of term remains, the Governor shall appoint a replacement to be recommended by  
22 the affected party. This section shall not apply to independent candidates.

23 CHAPTER 6

24 Election Contests

25 Section 6601. Election Contests ; Recount.

26 (a) Any Commonwealth voter may contest an election for any of  
27 the following reasons:

28 (1) The person declared elected to an office will not be  
29 eligible for that office at the beginning of his term.

1 (2) The candidate has given to an election official  
2 anything of value to procure his election.

3 (3) Illegal votes were cast sufficient to change the result of  
4 the election of any person who has been declared elected. "Illegal  
5 votes" means any vote cast by a person who is not qualified to  
6 vote because of failure to meet age, domiciliary or residency  
7 requirements or has cast more than one ballot in the same election.

8 (4) The Commission in the conduct of election or  
9 arithmetical tabulation of votes made errors sufficient to change  
10 the final result of the election of any person who has been  
11 declared elected.

12 (5) Actual fraud by any person in the voting process, in  
13 the conduct of the election or in the tabulation of the votes  
14 sufficient to have changed the outcome of the election.

15 (b) Recount. If less than five votes separate the person declared  
16 elected and the next highest vote getter, the next highest vote getter is  
17 entitled to a recount. Such recount shall be made in the presence of the  
18 parties and under the supervision of the Commonwealth Superior Court.

19 Section 6602. Election Contests: Actual Prejudice Required.

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

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

28 Section 6603. Election Contest: Written Complaint.

1 (a) When a voter contests any election he shall file with the  
2 Commonwealth Superior Court a written complaint setting forth  
3 specifically:

4 (1) The name of the contestant;

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

7 (3) The name of the defendant;

8 (4) The office the defendant sought; and

9 (5) The particular grounds for the contest.

10 (6) Any other information which the Court may require  
11 pursuant to Court Rules.

12 (b) The contestant shall verify the complaint and shall file and  
13 serve it upon the defendant within seven days after the discovery of the  
14 facts supporting the contest, except that no complaint may be filed over  
15 fifteen (15) days after the declaration of the official results.

16 (c) Service of process shall be in accordance with the Rules of  
17 Civil Procedure governing personal service.

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

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

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

29 (b) At the time the Court decides the date for the election contest  
30 hearing, the Court shall issue summons to the parties to appear at the time

1 and place specified in the order. The summons shall be personally served  
2 by any authorized person upon the parties at least 5 days before the  
3 hearing.

4 (c) The Court shall issue subpoenas for witnesses at the request of  
5 any party. The Court may compel the attendance of witnesses who have  
6 been subpoenaed.

7 Section 6605. Election Contest: Court Hearing; Recount.

8 (a) At the hearing the ballots shall be recounted in the presence of  
9 all parties, where it appears from the complaint filed that a recount is  
10 necessary for the proper determination of the contest. If two or more  
11 statements of contest are filed requiring a recount, the Commission may  
12 join the action of the contestants for the purpose of recounting the votes.

13 (b) If the statements of the cause of the contest are insufficient, the  
14 Court may dismiss the proceedings for lack of evidence or for want of  
15 prosecution.

16 (c) The Court shall hear and determine all issues arising in  
17 contested elections. After hearing the evidence and within five (5) days of  
18 the submission thereof, the Court shall issue its finding of facts and  
19 conclusions of law, and immediately thereafter announce judgment in the  
20 case, either confirming or reversing the result of the election.

21 Section 6606. Election Contest: Judgment of the Court. If it is adjudged  
22 that a person other than the defendant has the largest number of legal votes cast in  
23 any election contest, the Court shall declare that person elected.

24 Section 6607. Election Contest: Certificate of Election.

25 (a) Upon the expiration of the time for appeal, the person declared  
26 elected by the Court is entitled to a certificate of election. If a certificate  
27 has not already been issued to him by the Commission, the Commission  
28 shall immediately make out and deliver to that person a certificate of  
29 election.

1 (b) If the Commission has issued any certificate for the same  
2 office to another person than the one declared elected by the Court, such  
3 certificate shall become void by the judgment of the Court.

4 Section 6608. Election Contests: Costs.

5 (a) If the proceedings under this section are dismissed for  
6 insufficient evidence or for want of prosecution, or the election is  
7 confirmed by the Court, judgment shall be rendered against the contestant,  
8 for costs and reasonable attorneys' fees, in favor of the defendant. If the  
9 election results are reversed, judgment for costs and reasonable attorneys'  
10 fees shall be rendered against the defendant, in favor of the contestant.

11 (b) Where two or more contests are joined for the purpose of  
12 recounting votes as provided in this Article, the costs may be apportioned  
13 among the parties in the discretion of the Court.

14 Section 6609. Election Contest: Appeal. Any party aggrieved by the  
15 judgment of the Commonwealth Superior Court may appeal to the Supreme Court  
16 of the Northern Mariana Islands as in other cases, except that from the day of  
17 Judgment, the notice of appeal shall be filed within three (3) days, the applicant's  
18 brief within ten (10) days, the appellee's brief within fifteen (15) days, oral  
19 arguments shall be heard within twenty (20) days, and the appellate Judgment  
20 shall be issued within thirty (30) days. During the pendency of proceedings on  
21 appeal, and until final determination thereof, the person declared elected by the  
22 Commonwealth Superior Court shall be entitled to the office in like manner as if  
23 no appeal had been taken. Any lawful action taken by the person in office is  
24 valid, even if that person is subsequently removed.

25 Section 6610. Election Contest: Failure to Appeal from Court Judgment.

26 Whenever an election is reversed by the Judgment of the Commonwealth Superior  
27 Court, and no appeal is taken within three (3) days thereafter, the certification, if  
28 any has been issued, is void and the office is filled by the person declared to be  
29 elected.

30

CHAPTER 7

Criminal Penalties

1  
2  
3           Section 6701. Counterfeit Ballots. Any person who knowingly, willfully  
4 and unlawfully prints, copies, imitates, or distributes or causes to be printed,  
5 copied, imitated, or distributed any unofficial ballot or any document that is so  
6 substantially similar in style or content to the official ballot as to cause the  
7 likelihood of confusion with the official ballot shall upon conviction be fined  
8 \$5,000, imprisoned for a minimum of sixty (60) days, or both. There shall be no  
9 suspended sentences.

10           Section 6702. Unlawful Threats to Candidate or Family. Any person who  
11 directly or indirectly threatens or intimidates any candidate or his immediate  
12 family by physical means, bribery, extortion, or any other means so as to attempt  
13 or cause the candidate to withdraw from the election shall upon conviction be  
14 fined \$5,000 or imprisoned for not less than sixty (60) days nor more than five  
15 years.

16           Section 6703. Unlawful Threats to Election Personnel. Any person who  
17 directly or indirectly threatens or intimidates the Commission, its designees, its  
18 representatives or its election workers so as to attempt or cause those persons not  
19 to perform their duties and responsibilities lawfully and in a proper manner, shall  
20 upon conviction be fined not more than \$2,000 or imprisoned for not less than  
21 ninety (90) days and not more than five (5) years. There shall be no suspended  
22 sentences.

23           Section 6704. Unlawful Registration. A person who signs an affidavit of  
24 registration knowing that he does not qualify to vote or who knowingly registers  
25 with the intent to vote more than once or who registers in an election district in  
26 which he does not reside shall, upon conviction, be fined not more than \$2,000 or  
27 imprisoned for not more than 2 years. A person who willfully causes, procures, or  
28 allows any person to be registered as a voter, knowing that person is not to be  
29 entitled to registration, shall upon conviction be fined not more than \$2,000 or  
30 imprisoned for not more than 2 years.

1                   Section 6705. Unlawful Campaign activities.

2                   (a) No person shall campaign on election day within five hundred  
3 (500) feet of a polling place, including campaigning by aircraft. No  
4 candidate shall loiter or socialize within five hundred (500) feet of a  
5 polling place on election day.

6                   (b) No person may post or transport names, pictures, or other  
7 campaign materials or set up any booth within five hundred (500) feet of  
8 the polling place.

9                   (c) No person may use the name of a government department or  
10 agency to campaign for or express support for a candidate running for  
11 public office; nor shall the buying or selling of fundraising materials in  
12 support of candidates for public office take place in any government  
13 building or facility.

14                   (d) All campaign posters shall be removed from public places no  
15 later than fifteen (15) days after the election date by the candidate.

16                   (e) No campaign materials, or hard board, used as a poster, may be  
17 attached to any telephone pole, fire hydrant or tree on public property.

18                   Any person who knowingly and willfully violates any provision of this  
19 section shall, upon conviction, be fined \$500.

20                   Section 6706. Unlawful Sale or Purchase of Alcohol on Election Day. No  
21 person may sell, purchase, or dispense any alcoholic beverages or liquor while the  
22 polls are open on the day of an election. Any person who knowingly and willfully  
23 violates this section shall upon conviction be fined not more than \$1,000 or  
24 imprisoned for not more than one hundred (100) days, or both.


25                   Section 2. Severability. If any provision of this Act or the application of any such  
26 provision to any person or circumstance should be held invalid by a court of competent  
27 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
28 circumstances other than those to which it is held invalid shall not be affected thereby.

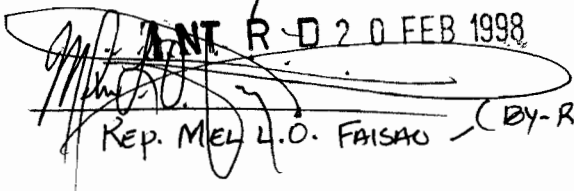
29                   Section 3. Savings Clause. This Act and any repealer contained herein shall not  
30 be construed as affecting any existing right acquired under contract or acquired under

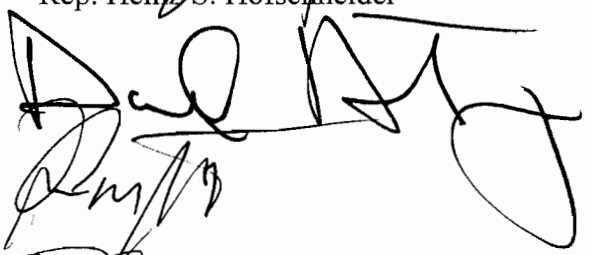
1 statutes repealed or under any rule, regulation or order adopted under the statutes.  
2 Repealers contained in this Act shall not affect any proceeding instituted under or  
3 pursuant to prior law. The enactment of this Act shall not have the effect of terminating,  
4 or in any way modifying, any liability, civil or criminal, which shall already be in  
5 existence at the date this Act becomes effective.


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

DATE: 2/19/98

Introduced by:   
Rep. Heinz S. Hofschneider

  
~~ANT R D 2 0 FEB 1998~~  
Rep. MEL L.O. FAISAO (BY-REQUEST)



Reviewed for legal sufficiency: 



**OFFICE OF THE SPEAKER**  
**House of Representatives**  
**Eleventh Northern Marianas Commonwealth Legislature**  
P. O. Box 586  
Saipan, MP 96950

**DIEGO T. BENAVENTE**  
*Speaker of the House*

Tel: (670) 664-7757/8  
Fax: (670) 322-6344

May 5, 1999

TO : Chairman, Committee on Judiciary and Governmental Operations

FROM : SPEAKER

SUBJECT : Referral of Comments received from the Executive Director of the Board of Elections with Regards to House Bill No. 11-115, for your review

The comments of Mr. Gregorio C. Sablan on H. B. 11-115 warrants close review and scrutiny of the subject bill. It is true that substantial changes, such as our demography, have taken place that would probably make it necessary to revisit our current election law (which was enacted some 22 years ago) to see what needs to be improved in order to address present needs.

I ask that the committee consider review of House Bill 11-115 for House action.



DIEGO T. BENAVENTE



**BOARD OF ELECTIONS  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

P. O. Box 470  
Saipan MP 96950

APR. 27 1999

Tel. : (670) 664-VOTE  
Fax : (670) 664-8689

Honorable Diego T. Benavente  
Speaker of the House  
ELEVENTH NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE  
Saipan MP 96950

and

Honorable Paul A. Manglona  
President of the Senate  
ELEVENTH NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE  
Saipan MP 96950

APR 28 1999  
RECEIVED  
11

Re: House Bill No. 11-115: A bill for an act to repeal and reenact the Commonwealth of the Northern Mariana Islands (1 CMC, Division 6, Chapter 1 through 5) and for other purposes.

Gentlemen:

It is my understanding that House Bill No. 11-115, which proposes to make important reforms to the procedures and requirements for the registration of voters and the conduct of elections within the Commonwealth of the Northern Mariana Islands, is still in the House Judiciary and Governmental Operations Committee.

It is my further understanding that House Bill No. 11-115, from latency in the 9th Legislature, has developed into its present form today. Substantial amount of time and efforts have been put into the development of what I firmly believe is a very important piece of legislation.


The present election law in our Commonwealth was enacted in 1977. It was enacted prior to our assuming full commonwealth status; prior even to the installment of a self-governing consitutional government. The NMI's population then was approximately 15,000 and there were less than 3,000 registered voters. We had less than 100 students who were abroad attending school. Our present day population is over 60,000; registered voters number over 12,000 and we have over 500 full time students abroad and many of our young men and women are serving in the United States Armed Services. Commonwealth government employees work in our offices in Washington, DC, Hawaii and Guam.

Honorable Diego T. Benavente  
Honorable Paul A. Manglona  
Re: House Bill No. 11-115  
Page 2.

Moreover, there appears to be some ambiguities in the present election law. I have discussed these concerns with you and will, therefore, not expatiate on them any further. However, I firmly believe that the need to reform the Commonwealth's election law has never been greater nor more urgent. And just as we have discussed, I suggest that we convene a small committee of individuals who would be tasked with reviewing House Bill No. 11-115 to draft a measure which all parties will find appropriate for enactment into law. At the very least, we must propose solutions to some of the matters we discussed in our meetings.

If you will examine the present situation relative to the election laws you have only one course of action: enact House Bill No. 11-115.

Sincerely yours,

  
GREGORIO C. SABLAN  
Executive Director

cc: Members of the Board of Elections

REVIEWED FOR TRANSMITTAL TO THE SENATE / GOVERNOR BY THE  
LEGISLATIVE COUNSEL THE FOLLOWING:

HB 11-115, HD1

BY:

JWS

DATE:

7/30/99

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 ELEVENTH NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1           Section 1. Repealer and Reenactment. 1 CMC, Division 6, Chapters 1 through 5  
2 are hereby repealed and reenacted to read as follows. Current Chapter 6, the "Executive  
3 Transitions Act", is unaffected hereby.

4                   "Section 6001. Short Title. This Act may be cited as the "Northern  
5 Mariana Islands Election Reform Act of 1998".

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

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

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

14                           (b) "Attorney General" means the Attorney General of the  
15 Commonwealth of the Northern Mariana Islands.

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

22                           (d) "Commission" means the Commonwealth of the Northern  
23 Mariana Islands Election Commission.

1 (e) "Candidate" means a person who is either seeking a  
2 nomination or is proposed for a nomination by sponsors in accordance  
3 with the provisions of this Act.

4 (f) "Commonwealth" means the Commonwealth of the Northern  
5 Mariana Islands.

6 (g) "Constitution" means the Constitution of the Commonwealth  
7 of the Northern Mariana Islands.

8 (h) "District" means an election district.

9 (i) "Domicile" means that place in which a person maintains a  
10 residence with the intention of continuing that residence for an unlimited  
11 or indefinite period, and to which that person has the intention of returning  
12 whenever absent, even for an extended period.

13 (j) "Elector" means any person who is entitled to register under the  
14 provisions of this Act.

15 (k) "General Election" means an election held throughout the  
16 Commonwealth every two years on the first Saturday in November.

17 (l) "Local Election" means a municipal, senatorial district, or any  
18 election district election held in the Commonwealth.

19 (m) "Nominee" means a candidate who has become entitled under  
20 the provisions of this Act to a place on the ballot.

21 (n) "Precinct" means the election district.

22 (o) "Recognized Political Party" means any political party, group,  
23 or organization united for the purpose of promoting a common political  
24 end or carrying out a particular line of political policy and which:

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

27 (2) Has filed with the Election Commission under such  
28 uniform regulations as the Commission may reasonably prescribe  
29 evidence of the lawful creation of the party and election of its  
30 chairman, secretary, and treasurer, including their addresses; and

31 (3) Has received, at the most recent general election, in the  
32 event it had a candidate for each of the offices to be filled, not less  
33 than ten percent (10%) of the total votes cast therein; or in the  
34 event it had a lesser number of candidates than there were offices

1 to be filled, each such party candidate received not less than ten  
2 percent (10%) of the total votes cast for the office to which the  
3 candidate sought election.

4 (p) "Register" means the list of registered voters prepared and  
5 bound by the Commission.

6 (q) "Registration Clerk" means any authorized staff of the  
7 Commission, or person authorized by the Commission to register electors,  
8 and other officers charged with the duty of registering electors.

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

17 (s) "Voter" means a person duly registered to vote under the  
18 provisions of this Act.

19 (t) "Serving a Sentence for a Felony" includes persons imprisoned,  
20 on parole, probation, or under a suspended sentence.

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

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



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

6 Section 6104. Election Commission: Election of Chairperson. The  
7 Commission shall annually elect one of its members as Chairperson by a majority  
8 vote.

9 Section 6105. Election Commission: Duties. The Commission shall have  
10 the following powers and duties:

11 (a) To appoint an Executive Director.

12 (b) To administer and supervise all general, primary, local, and  
13 special elections, including questions pertaining to initiatives, referenda  
14 and recalls in the Commonwealth.

15 (c) To employ voter registration workers, poll workers, vote  
16 tabulators, and other persons on a full or part-time basis as necessary to  
17 conduct elections and administer its other duties and responsibilities.

18 (d) To prepare and provide printed ballots or voting machines,  
19 private voting booths, tally sheets, and other materials necessary to  
20 conduct an election in each polling place.

21 (e) To designate and publicize polling places within electoral  
22 district not later than fifteen (15) calendar days before an election day.  
23 Such polling places may include public facilities, such as schools and  
24 other public building.

25 (f) To appoint poll supervisors for each election district and  
26 provide a complete list of registered voters in each election district. All  
27 poll supervisors so appointed shall be registered voters.

28 (g) To promulgate rules, regulations, and instructions necessary to  
29 conduct and administer elections, including questions pertaining to  
30 initiatives, referenda recalls, voter registration, and voter challenges.

31 (h) To promulgate rules and regulations pertaining to registration  
32 by mail, nomination of candidates, voting procedures, and a system for  
33 absentee voting.

1 (i) To promulgate rules and regulations pertaining to procedures to  
2 be followed respecting the receipt and investigation of, and the actions  
3 taken on, complaints of election irregularities.

4 (j) To promulgate a manual of administrative procedures to be  
5 used in the conduct of elections. The manual shall include the regulations  
6 to be followed by all election officials as well as descriptions of the  
7 necessary equipment and forms to be used in any election.

8 (k) To establish additional penalties for any violations by any  
9 Board member or its employees of any provision of this Act.

10 (l) To summon and examine witnesses and to maintain order  
11 during any of its official duties.

12 (m) To promulgate all initiatives and referenda in Chamorro,  
13 Carolinian and English in at least two local newspapers, twice before an  
14 election, and make copies available to the general public at the  
15 Commission office.

16 Section 6106. Election Commission: Quorum. Seven (7) members of the  
17 Commission shall constitute a quorum to conduct official business. All decisions  
18 of the Commission shall be made by a majority vote of the members present.

19 Section 6107. Election Commission: Compensation and Expenses.  
20 Members of the Commission are to receive compensation in the amount  
21 prescribed by 1 CMC, Section 8247(a), (b) and (c).

22 Section 6108. Election Commission: Restriction on Activities. No  
23 Commission member shall be a candidate for public office or hold an elected  
24 position or a position which is filled by appointment by the Governor.  
25 Commission members and employees shall not campaign during their tenure. A  
26 Commission member shall be removed only on grounds of gross neglect or  
27 dereliction of duty, breach of fiduciary duty, conviction of a felony, or mental or  
28 physical incapacity, by the Governor after the member is afforded a hearing and  
29 upon the recommendation of at least two-thirds (2/3) of the members of the  
30 Commission.

1           Section 6109. Election Commission: Executive Director: Power and  
2           Duties.

3                   (a) The executive director shall be responsible for the  
4                   administration of this Act and the rules and regulations promulgated  
5                   thereunder. He shall supervise all Commonwealth elections.

6                   (b) The executive director shall be responsible to maximize the  
7                   registration of eligible electors throughout the Commonwealth. In  
8                   maximizing registration the executive director may conduct surveys, carry  
9                   on house to house canvassing, and other activities necessary to ensure  
10                  maximum registration.

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

13                  (d) The executive director shall serve as the ex-officio secretary  
14                  for the Commission, but shall not be a voting member thereof. He shall  
15                  keep the minutes of its proceedings, preserve all reports made to it, keep a  
16                  record of all examinations held under its directions, and perform such  
17                  other duties as the Commission shall prescribe.

18                  (e) The executive director shall not be a member of the classified  
19                  service and shall receive an annual salary as determined by the  
20                  Commission pursuant to 1 CMC, Section 8246. The executive director  
21                  shall only be removed for cause upon the concurrence of three-fourths  
22                  (3/4) of the Commission members.

23           Section 6110. Election Commission: Administrative Staff. The executive  
24           director is authorized to employ such staff as may be required to supervise  
25           Commonwealth elections; maximize registration of eligible voters throughout the  
26           Commonwealth; maintain data concerning registered voters, elections,  
27           apportionment, and districting; and to perform other duties as necessary to carry  
28           out the intent of this Act pursuant to budgetary appropriation.

29           Section 6111. Exception from Civil Service.

30                   (a) Beginning 90 days after the effective date of this Act, the  
31                   CNMI Election Commission shall no longer be part of the Civil Service  
32                   System and the employment of Commission staff shall no longer be  
33                   subject to Civil Service Rules.

1 (b) The employees of the Commission shall be exempt from  
2 application of the Commonwealth Civil Service Act (1 CMC Section 8101  
3 et seq.), except that the protections and prohibitions of Sections 8141,  
4 8142, 8145, and 8151 through 8153 shall apply to the employees of the  
5 Commission to the same extent and in the same manner as if the  
6 employees of the Commission were members of the Civil Service.

7 (c) Within 90 days after the effective date of this Act, the  
8 Commission shall develop, adopt and administer a merit based personnel  
9 system that rewards productivity and service, provides management  
10 flexibility, and includes procedures for addressing employee grievances.

11 Section 6112. Transitional Provision. The present chairman and members  
12 of the Election Commission and the executive director shall continue to serve  
13 until a new Election Commission and executive director have been appointed  
14 pursuant to this Act.

15 CHAPTER 2

16 Registration and Voting Procedures

17 Section 6201. Voting: Eligibility.

18 (a) Pursuant to Article VII, Section 1 of the Constitution of the  
19 Northern Mariana Islands, a person is eligible to vote who, on the date of  
20 the election, is 18 years of age or older, is domiciled in the  
21 Commonwealth, has resided in the Commonwealth for at least 120 days  
22 prior to the election day, is not serving a sentence for a felony as defined  
23 in Section 6003(t) of this Act, has not been declared by a court to be of  
24 unsound mind, is not confined to a mental institution, and is either a  
25 citizen or national of the United States as defined in the Commonwealth  
26 Constitution.

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

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

32 Section 6202. Domicile: Determination.

33 (a) Each person has a domicile;

34 (b) Each person has only one domicile;

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

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

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

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

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

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

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

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

22 (e) Whether the person has expressed an intention not to be  
23 domiciled in the Commonwealth;

24 (f) Whether the person registered and voted in a place outside the  
25 Commonwealth during the preceding year;

26 (g) Whether the person who immediately prior to becoming a  
27 member of the military service was not domiciled in the Commonwealth  
28 and who is in the military service residing in a military reservation or is  
29 provided a housing or housing allowance;

30 (h) Whether the person's presence or residency in the  
31 Commonwealth is based on a work order or contract with the  
32 Commonwealth Government, its subdivisions or its agencies; or

33 (i) Whether the person's presence or residency in the  
34 Commonwealth is based on a work order or contract in the private sector.

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

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

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

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

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

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

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

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

31           Section 6205. Voter Challenge.

32           (a) Any person may challenge a voter's residency or other  
33 qualification to vote.

1 (b) A voter whose qualification has been challenged and not  
2 adjudicated prior to election day shall be permitted to cast his vote, but  
3 the ballot must be kept sealed and segregated by the Election Commission  
4 until the final adjudication of the challenge.

5 (c) A challenge to a voter's qualification shall be initially  
6 determined by the Election Commission pursuant to a hearing conducted  
7 in accordance with the Administrative Procedures Act. A review of the  
8 Commission's decision may be had by the Superior Court on an expedited  
9 schedule to be established by rules of the Superior Court. The decision of  
10 the Superior Court shall be final and there shall be no further judicial  
11 review.

12 Section 6206. Registration Procedures.

13 (a) Any person qualified to vote in a general, primary, local or  
14 special election may register to vote not less than thirty (30) days before  
15 the day of the election.

16 (b) When registering to vote, the person shall sign an affidavit of  
17 registration on a form prepared and furnished by the Commission stating  
18 that he meets the qualifications established by the Constitution and by this  
19 Act for voting in the elections in the Commonwealth.

20 (1) Except as provided in Section 6215, no person may  
21 register to vote or vote in an election district other than that in  
22 which he is a resident. A person has a residence in, or is a resident  
23 of, the election district where that person is factually living and has  
24 an abode.

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

28 (3) Persons who are domiciled in the Commonwealth as  
29 provided in Sections 6202-6204, but who are temporarily out of the  
30 Commonwealth for any reason such as business, employment,  
31 service in the Armed Forces, or Merchant Marines of the United  
32 States, education, training, or medical treatment are considered  
33 residents for purposes of this Act.

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

6 (1) Name;

7 (2) Social security number;

8 (3) Date of birth;

9 (4) Residence, including mailing address;

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

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

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

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

27 (e) Any voter may change election districts by re-registering in the  
28 general, primary, or special election register pursuant to Section 6205(b).  
29 The Commission shall cancel the existing registration and re register the  
30 voter in the new election district. No registration may be allowed due to a  
31 change of residency within thirty (30) days before an election.

32 (f) Notwithstanding any other registration requirements provided  
33 for in this Act, a registered voter who has voted in the most recent general  
34 election need not register again, unless it is necessary due to a change of

1 identification or residency or unless disqualification's enumerated by this  
 2 Act have intervened. If voting records have been destroyed or lost, the  
 3 Commission shall require re-registration of voters.

4 **Section 6207. Removal of Names From Register; When; Re-Registration.**

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

7 (1) At the written request of the person registered.

8 (2) When the insanity of the person registered is legally  
 9 established.

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

17 (4) Upon submission of a death certificate of the person  
 18 registered. Not later than the fifteenth (15th) day of each month  
 19 the Secretary of Public Health shall furnish the Commission an  
 20 abstract of the register of deaths showing, for all decedents  
 21 eighteen (18) years of age or over, as follows: the name; sex; age;  
 22 place of residence; month, day and year of death; and certificate of  
 23 death number;

24 (5) If the person registered has not voted in the most recent  
 25 general election.

26 (6) If a person registered in an Election or Senatorial  
 27 District or Municipality where that person is not a resident.

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

29 (b) Six months prior to an election, the Commission shall also  
 30 register electors at such times and places within the Commonwealth as the  
 31 Commission shall deem advisable and convenient from the time  
 32 registration is open until thirty (30) days prior to an election and the  
 33 Commission may deputize volunteers as registration clerks for such

1 purposes. No person holding an elective office or who is a candidate for  
2 elective office shall be a deputized volunteer.

3 Section 6208. Transfers, Name Changes; Initiated by Executive Director.

4 (a) The executive director shall use all reliable and pertinent  
5 information to keep the general register up to date. The executive director  
6 may request information from, but is not limited to, the following sources:

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

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

11 (3) The Department of Public Health for death or other  
12 changes affecting voter status;

13 (4) The Commonwealth Utilities Corporation concerning  
14 commencement or changes of services;

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

17 In requesting the information the executive director shall give reasonable  
18 notice and time for furnishing the information.

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

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

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

27 (3) Any alleged new address and district;

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

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

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

5 Section 6209. Voting Procedures.

6 (a) The Commission shall distribute to each polling place a list of  
7 the eligible voters for that polling place. Not less than 15 days before the  
8 day of election, a copy of the list shall be posted at the office of the  
9 Commission and Mayors for examination by the public. Only those voters  
10 whose names appear on the list may vote at that polling place. Any name  
11 which does not appear on the list due to an error may be inserted by the  
12 Commission any time prior to the closing of the polls.

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

20 (c) A ballot shall contain the names of candidates in an order  
21 identifying party affiliation or nonpartisanship for Board of Education and  
22 municipal council, as established by the Commission, and the office to be  
23 sought. An appropriate amount of space shall be provided on each ballot  
24 for the voter to write in a name of his or her choice for the elective offices  
25 listed on the ballot. The Commission shall not count the vote for any  
26 write-in candidate from any ballot on which the voter has indicated, by use  
27 of a write-in, the choice of more candidates than there are offices to be  
28 filled.

29 (d) The ballot may include questions concerning proposed  
30 Commonwealth constitutional amendments or proposed initiative or  
31 referendum issues. When the legislature passes a bill to submit a proposed  
32 question that is to be printed on the ballot. The question shall be phrased  
33 as simply and as clearly as possible to address the issue and require a "yes"

1 or "no" response by the voter, "yes" to be in favor of the question and "no"  
2 to be against.

3 (e) The Board shall establish a method of marking and identifying  
4 each person who has completed voting.

5 Section 6210. Absentee Voting. Subject to the procedures set forth in this  
6 Chapter, any registered voter at any election may request and cast an absentee  
7 ballot with the Commission.

8 Section 6211. Absentee Voting: Sick or Disabled Voters. If a registered  
9 voter at any election is confined to a home or hospital due to illness or physical  
10 disability and is unable to go to the polls, that voter may vote in accordance with  
11 this Act and the rules and regulations promulgated by the Commission. The  
12 person or member of his or her immediate family or guardian may make a written  
13 request, on a form furnished by the Commission, for an absentee ballot by 12:00  
14 o'clock noon on election day.

15 Section 6212. Absentee Voting: Absence From the Commonwealth.

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

- 20 (1) The conduct of his business;
- 21 (2) The necessity of travel;
- 22 (3) Attendance at an institution of learning;
- 23 (4) Serving in the United States Armed Forces or the  
24 Merchant Marine;
- 25 (5) Employment;
- 26 (6) Training;
- 27 (7) Receiving treatment at a medical institution;
- 28 (8) Government representation; or
- 29 (9) Accompanying a member of the household who is

30 engaged in an activity listed above.

31 (b) Any registered voter, under the circumstances specified in  
32 subsection (a)(1-9), inclusive, may make an application to the Commission  
33 for an official ballot to be voted at such election. Such application if made  
34 by mail shall be made not more than sixty (60) days nor less than ten (10)

1 days before the election, or if the application is made in person, not later  
2 than during regular office hours of the day prior to the election. Any such  
3 application shall be made in writing on a form furnished by the  
4 Commission.

5 Section 6213. Marking Absentee Ballot. The Commission shall provide  
6 to any registered voter entitled to vote by absentee ballot and who applies for one,  
7 an official ballot, a ballot envelope, an affidavit prescribed by the Commission,  
8 and a reply envelope. The absentee voter shall mark the ballot in the usual  
9 manner provided by law and in a manner such that no other person can know how  
10 the ballot is marked. The absentee voter shall then deposit the ballot in the ballot  
11 envelope and securely seal it. The absentee voter shall then complete and execute  
12 the affidavit. The ballot envelope and the affidavit shall then be enclosed and  
13 sealed in the covering reply envelope and mailed or sent by commercial courier  
14 service to the Commission. Such ballots and affidavits will not be counted by the  
15 Commission unless mailed. For the purpose of this Act, the word "mailed"  
16 includes ballots and affidavits sent through the postal or courier services.

17 Section 6214. Absentee Voting: Counting Ballots.

18 (a) To be counted, an absentee ballot shall be postmarked not later  
19 than the date of election and be received by the Commission not later than  
20 seven days after the date of election. If the Commission is using a post  
21 office box for the receipt of absentee ballots, it shall remove all absentee  
22 ballots contained in the box no later than seven days after the election date  
23 and such ballots shall be deemed to have been received within the  
24 deadline.

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

27 (c) The Commission shall compare the signature of the voter on  
28 the application for absentee ballot with that on the affidavit and the  
29 registration. If the signatures appear to be by the same person, if the  
30 affidavit is properly completed, and if the envelope is sealed and it does  
31 not appear to have been tampered with, the notation "OK" shall be placed  
32 on the return envelope and shall be initialed by no less than five (5)  
33 members of the Commission.

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

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

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

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

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

8 (5) The Commission has already received an absentee  
9 ballot from the person; or

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

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

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

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

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

26 (h) The returned envelopes marked "OK", together with the  
27 application attached, shall be delivered by the Commission to the  
28 accounting and tabulation committee after the polls are closed, to be  
29 tabulated by the accounting and tabulation committee.

30 Section 6215. Voting In Another Polling Place. A voter from one  
31 mayoral island or islands may vote at a polling place in another mayoral island or  
32 islands other than the one in which the voter is legally registered if the following  
33 conditions are met;

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

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

5 (c) The voter submits a written request to the Commission at least  
6 thirty (30) days before the election requesting authority to vote in another  
7 senatorial district or municipality;

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

11 (e) When notified by the Commission of the place to vote, the  
12 voter may vote only at that polling place; provided, however, that if the  
13 voter returns to his or her original polling place on election day he or she  
14 may cast his or her ballot there if it can be verified that he or she has not  
15 cast his or her ballot in another polling place. The Commission shall  
16 provide the proper ballot for each voter who complies with the provisions  
17 of this section and the Commission shall insure the ballot is tabulated  
18 correctly.

19 CHAPTER 3

20 Election to Public Office

21 Article 1. Eligibility for Public Office.

22 Section 6301. Governor and Lieutenant Governor. A candidate for  
23 governor or lieutenant governor shall be qualified to vote in the Commonwealth,  
24 at least thirty-five (35) years of age, and a resident and a domiciliary of the  
25 Commonwealth for at least ten (10) years immediately preceding the date on  
26 which a governor would take office. No person convicted of a felony in the  
27 Commonwealth or in any area under the jurisdiction of the United States may be  
28 eligible for these offices unless a full pardon has been granted.

29 Section 6302. Senators. A candidate for senator shall be qualified to vote  
30 in the Commonwealth, at least twenty-five (25) years of age, and a resident and a  
31 domiciliary of the Commonwealth for at least five (5) years immediately  
32 preceding the date on which a senator would take office. No person convicted of  
33 a felony in the Commonwealth or in any area under the jurisdiction of the United  
34 States may be eligible for this office unless a full pardon has been granted.

1           Section 6303. Representatives. A candidate for the House of  
2 Representatives shall be qualified to vote in the Commonwealth, at least twenty-  
3 one (21) years of age, a resident and a domiciliary of the Commonwealth for at  
4 least five (5) years immediately preceding the date on which a representative  
5 would take office. In addition, a candidate for the House of Representatives shall  
6 also be a registered voter and a resident of the election precinct where he or she is  
7 a candidate for at least two (2) years immediately preceding the date of election.  
8 No person convicted of a felony in the Commonwealth or in any area under the  
9 jurisdiction of the United States may be eligible for this office unless a full pardon  
10 has been granted.

11           Section 6304. Resident Representative to the United States. A candidate  
12 for resident representative to the United States shall be qualified to vote in the  
13 Commonwealth, a citizen of the United States, at least twenty-five (25) years of  
14 age, and a resident and a domiciliary of the Commonwealth for at least seven (7)  
15 years immediately preceding the date on which the resident representative takes  
16 office. No person convicted of a felony in the Commonwealth or in any area  
17 under the jurisdiction of the United States may be eligible for this office unless a  
18 full pardon has been granted.

19           Section 6305. Mayor. A candidate for mayor shall be qualified to vote in  
20 the Commonwealth and on the island or islands served by the mayor, at least  
21 twenty-five (25) years of age, a resident and a domiciliary of the island or islands  
22 served by the mayor for at least three years immediately preceding the date on  
23 which the mayor takes office, and must reside in the island or islands served by  
24 the mayor after each election. No person convicted of a felony in the  
25 Commonwealth or in any area under the jurisdiction of the United States may be  
26 eligible for these offices unless a full pardon has been granted.

27           Section 6306. Municipal Council. A candidate for Municipal Council  
28 shall be qualified to vote in the Commonwealth and on the island or islands  
29 served by the Municipal Council, at least twenty-one (21) years of age, and a  
30 resident and a domiciliary of the island or islands served by the Council for at  
31 least three years immediately preceding the date on which the Municipal Council  
32 takes office and must reside in the island or islands served by the Council after  
33 each election. No person convicted of a felony in the Commonwealth or in any

1 area under the jurisdiction of the United States may be eligible for this office  
2 unless a full pardon has been granted.

3 Section 6307. Board of Education. A candidate for the Board of  
4 Education shall be qualified to vote in the Commonwealth, at least twenty-five  
5 years of age, and a resident and a domiciliary of the Commonwealth for at least  
6 five years immediately preceding the date on which the member takes office. No  
7 person convicted of a felony in the Commonwealth or in any area under the  
8 jurisdiction of the United States may be eligible for this office unless a full pardon  
9 has been granted.

10 Article 2. Party Nominations: Governor and Lieutenant Governor.

11 Section 6321. Nominations: Governor and Lieutenant Governor. Any  
12 political party may nominate candidates for governor and lieutenant governor by  
13 having its chairman and secretary certify to the Commission the names of the  
14 party's team of candidates not more than ninety (90) days and not less than sixty  
15 (60) days prior to the election. At the same time, the political party shall file a  
16 petition containing the signatures, printed names, residences and mailing  
17 addresses of not less than two-hundred (200) registered voters in support of the  
18 party's team of candidates. No person may sign more than one petition for  
19 governor and lieutenant governor.

20 Section 6322. Party Nominations: Failure to Comply with Act. The  
21 Commission may refuse to accept for filing any petition that, on its face, fails to  
22 comply with the requirements of this Act.

23 Section 6323. Party Nominations: Duty of Commission. Upon receipt of  
24 the certificate of nomination and petition by any political party, the Commission  
25 shall:

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

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

32 Section 6324. Party Nominations: Failure of Commission to Act. If the  
33 Commission does not affirmatively take action to deny certification to a political

1 party's candidates within forty-five (45) days, prior to the election day, the party's  
 2 nominees shall be deemed certified for the general election ballot.

3 Section 6325. Party Nominations: Filing Fee. Each petition for a  
 4 political party candidate for governor or lieutenant governor shall be accompanied  
 5 by payment to the Commission of a five hundred dollar (\$500.00) filing fee.

6 Article 3. Independent Nominations: Governor and Lieutenant Governor.

7 Section 6331. Independent Nominations: Governor and Lieutenant  
 8 Governor.

9 (a) The nomination of independent candidates is made by petition  
 10 designating the person seeking the nomination to be an independent  
 11 candidate, and containing the signatures, printed names, residences, and  
 12 mailing address of two hundred (200) registered voters in the  
 13 Commonwealth.

14 (b) All independent nomination petitions and the candidate's  
 15 acceptance shall be filed with the Commission not more than ninety (90)  
 16 days and not less than sixty (60) days prior to the general election.

17 Section 6332. Independent Nominations: Failure to Comply With Act.  
 18 The Commission may refuse to accept for filing any petition that, on its face, fails  
 19 to comply with the requirements of the preceding sections.

20 Section 6333. Independent Nominations: Failure of Commission to Act.  
 21 If the Commission does not affirmatively take action to deny certification to an  
 22 independent candidate within forty-five (45) days prior to the election day, the  
 23 candidate shall be deemed certified for the general election ballot.

24 Section 6334. Independent Nominations: Filing Fee. Each petition for an  
 25 independent candidate for governor and lieutenant governor shall be accompanied  
 26 by payment to the Commission of a five hundred dollar (\$500.00) filing fee.

27 Article 4. Nomination of Candidates to Other Offices.

28 Section 6341. Nominations: Resident Representative to the United States.  
 29 The nomination of candidates for resident representative to the United States is  
 30 made by petition of any political party or any independent candidate. The  
 31 procedures for political party nominations and for independent nominations for  
 32 governor and lieutenant governor set forth in Articles 2 and 3 of this Chapter shall  
 33 apply with respect to the nomination of candidates for resident representative to

1 the United States, except that the filing fee shall be five hundred (\$500.00) dollars  
2 for each resident representative.

3 Section 6342. Nomination: Senators and Representatives. Political  
4 Parties shall nominate their candidates for senator or representative in the manner  
5 prescribed in their party rules and regulations and according to the provisions of  
6 this Division. The political party chairman and secretary shall certify to the  
7 Commission the names of the Party's nominees not more than ninety (90) days  
8 and not less than sixty (60) days before the general election. All certifications of  
9 candidates by political parties and independent candidates shall be accompanied  
10 by petitions containing the signatures, printed names, residences, and mailing  
11 addresses of not less than five percent (5%) or one hundred (100), whichever is  
12 less, in the case of a senator, and fifty (50) in the case of a representative, of the  
13 registered voters of the respective senatorial or electoral district, as the case may  
14 be. Each name certified as a nominee shall be accompanied by the signature of  
15 the person nominated, which signature constitutes the nominees assent to be a  
16 candidate of that political party. The political party may not nominate more  
17 candidates than the number of vacancies in the Senate and the House of  
18 Representatives.

19 Section 6343. Nominations: Senators and Representatives: Procedures.  
20 Procedures for political party nominations and for independent nominations for  
21 governor and lieutenant governor set forth in Articles 2 and 3 of this Chapter shall  
22 apply with respect to the nomination of candidates for senators and  
23 representatives, except that the filing fee shall be two hundred dollars (\$200.00)  
24 for each senator and one hundred dollars (\$100.00) for each representative paid by  
25 the political party or independent candidate.

26 Section 6344. Nominations: Mayor.

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

33 (b) The procedures and requirements for political party  
34 nomination and for independent nomination for governor or lieutenant

1 governor set forth in Articles 2 and 3 of this Chapter shall apply with  
2 respect to the nominations of candidates for mayorship, consistent with  
3 this section, except that the filing fee shall be two hundred dollars  
4 (\$200.00) paid by the political party or independent candidate.

5 Section 6345. Nominations: Municipal Councils and Board of Education.

6 (a) Candidates for Municipal Council and Board of Education  
7 shall be nominated by petition designating the person seeking nomination  
8 and the office sought, containing the signatures, printed names, residences  
9 and mailing addresses of not less than five percent (5%) or 100, whichever  
10 is less, of the registered voters for each respective senatorial, election  
11 district or mayoral islands, as the case may, be for each nonpartisan  
12 candidate. Each petition shall be accompanied by the signature of the  
13 person nominated, which shall constitute the nominee's assent to be a  
14 candidate.

15 (b) The procedures and requirements for independent nomination  
16 for governor and lieutenant governor set forth in this chapter shall apply  
17 with respect to the nomination of nonpartisan candidates, as consistent  
18 with this section, except that the filing fee shall be fifty dollars (\$50.00)  
19 for each municipal council and Board of Education candidate.

20 CHAPTER 4

21 Article 1. Election Campaigns and Campaign Offenses.

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

- 27 (a) Voting or agreeing not to vote.  
28 (b) Coming or agreeing to come to the polls.  
29 (c) Refraining or agreeing to refrain from voting.  
30 (d) Voting or agreeing to vote for any particular person.  
31 (e) Refraining or agreeing to refrain from voting for any particular  
32 person.  
33 (f) Inducing any other person to:  
34 (1) Vote or refrain from voting.

- 1 (2) Vote or refrain from voting for any particular person.
- 2 (3) Come to or remain away from the polls.

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

7 (a) Voted to secure the election or endorsement of any other  
8 person as the nominee or candidate of any convention, organized  
9 assemblage of electors or voters, or other body representing or claiming to  
10 represent a political party or principal or any clubs, society or association.

11 (b) Aided in securing the selection or endorsement of any other  
12 person as a nominee or candidate as provided in Subsection (a).

13 Section 6403. Payment of Value: To Vote, Not Vote or Reward for  
14 Same. A person shall not lend or contribute any money or other valuable  
15 consideration to or for any voter, or to or for any other person, to:

16 (a) Induce a voter to:

- 17 (1) Vote or refrain from voting at any election.
- 18 (2) Vote or refrain from voting at any election for any  
19 particular person.
- 20 (3) Come to the polls at an election.
- 21 (4) Remain away from the polls at an election.

22 (b) Reward a voter for having :

- 23 (1) Voted.
- 24 (2) Refrained from voting.
- 25 (3) Voted for any particular person.
- 26 (4) Refrained from voting for any particular person.
- 27 (5) Come to the polls at an election.
- 28 (6) Remained away from the polls at an election.

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

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

6           Section 6406. Penalty. Any person who commits any of the offenses set  
7 forth in Sections 6401 - 6405, inclusive, is guilty of felony punishable by a fine  
8 not greater than \$50,000 or not more than five (5) years imprisonment, or both.

9           Section 6407. Promising Appointment to Office. Every person is guilty  
10 of a misdemeanor who being a nominee or candidate at any election, offers or  
11 agrees to appoint or procure the appointment of any particular person to office, as  
12 an inducement or consideration for any person to vote for or to procure, or aid in  
13 procuring, the election of any nominee or candidate.

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

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

- 25                   (a) The name of the chairman and secretary or the names of two  
26                   (2) officers of the political party or other organization issuing it, or  
27                   (b) The name and residence of the person responsible therefor.

28           Section 6410. Penalty. Any person who commits any of the offenses set  
29 forth in Sections 6407 - 6409, inclusive, is guilty of a misdemeanor punishable by  
30 a fine not greater than \$2,000 or not more than 60 days in prison, or both.

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

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

3           Section 6413. Complaints. Any person who believes a violation of any  
4 provision of this Chapter has occurred may file a complaint with the Commission.  
5 The Commission shall expeditiously investigate the matter in accordance with  
6 Section 6105. Whenever in the judgment of the majority of the Commission any  
7 person has engaged in any acts or practices which constitute a violation of this  
8 Chapter, the Commission shall refer the record of the said investigation to the  
9 Attorney General who shall institute a criminal prosecution under Section 6406 or  
10 6410 of this Chapter against the person, and, in the event the person is convicted  
11 of the violation prior to the election in question, the Commission shall strike his  
12 name from the ballot. In the event the person is convicted of the violation  
13 subsequent to the election in question and was elected to the office for which he  
14 was a candidate, the Attorney General shall take whatever civil action is necessary  
15 to effect his disqualification from office.

16           Section 6414. Winning Candidate Convicted of a Felony.

17 If the Commission finds that a winning candidate, who has not yet assumed his  
18 office, has been convicted of a felony under this chapter or under any other  
19 Commonwealth law, then the manner of determining his replacement shall be  
20 governed as follows:

21           (a) If a successful candidate for governor is convicted for the  
22 violation of any felony under this Act, or under any other law of the  
23 Commonwealth or the United States of America, he shall relinquish his  
24 office, the successful lieutenant governor candidate shall become  
25 governor, and the new governor shall appoint a lieutenant governor.

26           (b) If a lieutenant governor is convicted for violation of any felony  
27 under this Act, or under any other law of the Commonwealth or the  
28 United States of America, he shall relinquish his office and the governor  
29 shall appoint a lieutenant governor.

30           (c) If a successful candidate for representative to the United States  
31 is convicted for violation of any felony under this Act, or under any other  
32 law of the Commonwealth or the United States of America, he shall  
33 relinquish his office and a reelection shall be conducted.

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

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

8 (f) If a successful candidate for the Municipal Council or Board of  
9 Education is convicted for violation for any felony under this Act, he shall  
10 relinquish his office and the person having the next highest number of  
11 votes shall be declared to have been elected.

12 Article 2. Campaign Financial Disclosure.

13 Section 6421. Definition. Unless the context otherwise clearly requires,  
14 the definitions set forth herein shall govern the construction of this Article.

15 (a) "Campaign Statement of Account" means an itemized  
16 statement prepared by a candidate showing the specific nature, source and  
17 amount of contributions and expenses, including the names of persons  
18 receiving such expense, except where the aggregate fair market value of an  
19 expense or contribution is less than one hundred dollars (\$100).

20 (b) "Candidate" means an individual who filed nomination papers  
21 under the provision of Chapter 3 of this Act.

22 (c) "Committee" means a group of individuals organized for the  
23 purpose of aiding the campaign of any candidate.

24 (d) "Contribution" means a payment, gift, subscription,  
25 assessment, contract, payment for services, dues, advance, pledge or  
26 promise of any money or anything of value, whether or not legally  
27 enforceable, to a candidate, committee or holder of an elective office made  
28 for the purpose of influencing the nomination or election of any candidate,  
29 or for the qualification, passage, or defeat of any measure. The term  
30 "contribution" includes the purchase of tickets for events; such as dinners,  
31 luncheons, rallies, and similar fundraising events; the candidate's own  
32 money or property used on behalf of its candidacy, the granting of  
33 discounts or rebates not available to the general public; or the granting of  
34 discounts or rebates by television and radio stations and newspapers not

1 extended on an equal basis to all candidates for the same office; and any  
2 payments for the services of any person serving as an agent of a candidate  
3 or committee by a person other than the candidates or committee, or a  
4 person whose expenditures the candidates or committee must report under  
5 this chapter. The term "contribution" further includes any transfer of  
6 anything of value received by a committee from another committee. The  
7 term "contribution" shall not include loans, except forgiveness of loans or  
8 payment of loans, volunteer personal services provided without  
9 compensation, in payments made by an individual for his travel expenses  
10 if such payments are made voluntarily without any understanding or  
11 agreement that they shall be, directly or indirectly, repaid to him, or the  
12 use of private property when utilized directly by the owner or lessee  
13 thereof in the course of rendering such services. The term "contribution"  
14 does not include amounts received pursuant to a pledge or promise to the  
15 extent those amounts have been previously reported as a contribution.

16 (e) "Expenses" means funds promised or expended by a person in  
17 aid of the campaign of a candidate or individual prior to his becoming a  
18 candidate and services or property promised or furnished by a person in  
19 aid of the campaign of candidate or individual prior to his becoming a  
20 candidate. "Expenses" shall not mean expenditures for the operation of a  
21 permanent political party headquarters or for general voter registration  
22 drives. Furthermore, "expenses" shall not mean editorial comments made  
23 in connection with the normal publication of a newspaper or other  
24 periodical or the normal programming of a broadcasting station.

25 (f) "Election" means any primary, local, special, or general  
26 election.

27 (g) "Person" means any individual, including a candidate,  
28 committee, association, political party, partnership, or other group. Person  
29 shall not mean domestic, foreign or alien corporation.

30 Section 6422. Duties of Candidates. Upon becoming a candidate, an  
31 individual may designate one committee to serve as his campaign committee. The  
32 candidate shall appoint a treasurer who shall also be the treasurer of the campaign  
33 committee and in that capacity he shall keep a record of all contributions and  
34 expenses received and made thereby.

1           Section 6423. Cessation of Campaigning. All campaigning for the  
2 purposes of election shall cease before the time that the polls open and shall  
3 remain inactive during the period that the polls are open. For purpose of this  
4 section, the term "campaigning" shall include but not limited to any newspaper of  
5 broadcast advertisements appearing on election day, the distribution of campaign  
6 literature, and to the display of any campaign activities, material, signs, posters, or  
7 the like within 500 feet of any election polling place.

8           Section 6424. Campaign Statement of Account: Filing: Verification. A  
9 candidate shall file a detailed financial statement of account prepared with the  
10 advice and co-signature of his treasurer or the election or re-election committee  
11 with the Office of the Public Auditor and a copy to the Commission within fifty  
12 (50) days after the election. Subject to the limitation of Section 6421 (a), the  
13 statement shall include the names and contributions of supporters contributing in  
14 cash or in-kind and a detailed statement of campaign spending. All statements of  
15 account shall be verified under oath by the candidate and his treasurer. Such  
16 verification shall state that the candidate has used all reasonable diligence in its  
17 preparation, and that it is true, full and explicit.

18           Section 6425. Publication. The Election Commission shall make public  
19 all campaign statements of account within ten (10) days after their filing, by  
20 publishing them in a newspaper of general circulation in the Commonwealth or by  
21 posting the same in certain public places designated by the Commission.

22           Section 6426. Multi-Candidate: Apportionment. Multi-candidate  
23 expenses are those spent by a person in aid or more than one candidate. Such  
24 expenses shall be treated as an expense by each candidate supported thereby and  
25 shall be apportioned equally among them; except that candidates may agree in  
26 advance of the contracting of any multi-candidate expenses as to the amount  
27 attributable to each if such agreement is filed in advance of said contracting with  
28 the Commission. Each candidate participating in such agreement shall retain for a  
29 period of one (1) year after the election to which the expense relates, documents  
30 supporting the apportionment under such agreement.

31           Section 6427. Requirement of Authorization. No person other than a  
32 candidate or his campaign committee shall incur or contract for any expense in aid  
33 or such candidate's campaign unless he applies in writing to the candidate's  
34 treasurer at least five (5) days prior thereto for authorization. The request for

1 authorization shall state in detailed the amount and nature of any specific expense  
2 listed thereon. No person shall incur or contract for any expense if such expense  
3 has been disapproved by the treasurer of such candidate in writing within three (3)  
4 days of receipt of the request or authorization.

5 Section 6428. Penalties. Any person violating this Article shall upon  
6 conviction be fined not more than fifty thousand dollars (\$50,000) or imprisoned  
7 for not more than one year or both.

8 Section 6429. Extension of Deadline. For good cause, the Commission  
9 may extend the deadline imposed on Section 6424 by not more than fifteen (15)  
10 days, upon written request by a candidate. A candidate shall be fined a non-  
11 waivable one hundred (\$100.00) dollars penalty for each day the financial report  
12 is late without a Commission approved extension period.

13 Section 6430. Non-Compliance. The Public Auditor shall refer any  
14 candidate who fails to comply with this Article to the office of the Attorney  
15 General for prosecution.

## 16 CHAPTER 5

### 17 Elections

#### 18 Article 1. General Election and Special Election.

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

#### 27 Section 6502. Special Elections Subject to the Call of the Governor.

28 (a) If a vacancy occurs in the legislature, in the office of the  
29 governor or lieutenant governor, or in office of a mayor, which under the  
30 Constitution requires an election to fill the vacancy or a recall petition is  
31 certified by the Attorney General, the Governor shall call a special election  
32 to fill such vacancy.

33 (b) If the Governor fails to call a special election within thirty (30)  
34 days of a constitutional vacancy or the certification of a recall petition, any

1 registered voter may petition the Election Commission to determine and  
2 certify that a vacancy requiring a special election exists or that a recall  
3 petition has been certified by the Attorney General. Within ten (10)  
4 calendar days of receipt of a petition, the Commission shall submit its  
5 determination to the Governor. The Governor shall issue a proclamation  
6 for a special election within five (5) calendar days of receipt of a  
7 Commission certification of vacancy or recall requiring a special election.

8 (c) If there are simultaneous vacancies in the offices of Governor  
9 and Lieutenant Governor and less than one year remains from the date of  
10 the first vacancy, the Senate President shall be Acting Governor and the  
11 Speaker of the House shall be Acting Lieutenant Governor and both shall  
12 serve out the remainder of the terms of their respective offices.

13 (d) If there is a vacancy in the legislature and less than one-half of  
14 the term remains, the governor shall fill the vacancy in accordance with  
15 Article II, section 9 of the Commonwealth Constitution within thirty (30)  
16 days of the date of the vacancy.

17 (e) If there is a vacancy in the office of mayor and less than one-  
18 half of the term remains from the date of the vacancy, or when the mayor  
19 is unable to discharge the duties of the office by reason or physical or  
20 mental disability, the presiding officer of the municipal council shall be  
21 acting mayor.

22 (f) In case of a vacancy on the Board of Education, the Governor  
23 shall appoint a replacement pursuant to 1 CMC section 2263 regardless of  
24 the time remaining in the term of office.

25 (g) All special elections required hereunder shall be held in  
26 accordance with the provisions of this Act.

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

33 Section 6504. Calling of Special Elections. All special elections subject  
34 to the call of the governor shall be called by proclamation of the Governor of the

1 Commonwealth. The Commission shall cause a copy of the proclamation to be  
2 published in a newspaper of general circulation in the Commonwealth and to be  
3 posted in each senatorial election district or mayoral island were such election will  
4 take place.

5 Section 6505. Special Elections Subject to the Call of the Legislature.  
6 Amendments to the Northern Marianas Constitution, as proposed by popular or  
7 legislative initiative or by constitutional convention, and such other matters as  
8 may be provided by law, shall be placed before the Commonwealth voters for  
9 ratification or other action at special elections. Such special elections shall be  
10 held no more than sixty (60) days after notification by the legislature by joint  
11 resolution to the Election Commission or at such time and in such manner as  
12 provided by law or in the legislative initiative proposing the amendment. In  
13 accordance with its responsibilities and duties under this Division, the Election  
14 Commission shall administer and supervise special elections. Voter eligibility  
15 and voting procedures shall be in compliance with 1 CMC § 6201 et seq.

16 Section 6506. Funding for General and Special Elections. In the absence  
17 of an appropriation for a general or special election conducted pursuant to this  
18 Division, or for voter education with respect to a proposed amendment to the  
19 Constitution, the Governor shall, notwithstanding any other provision of law,  
20 reprogram sufficient funds for the conduct of a general or a special election, or for  
21 voter education, as the case may be, from executive branch accounts to the  
22 Election Commission.

23 Section 6507. Postponement of Election. If for serious cause resulting  
24 from any natural phenomena, act of God, or a public enemy, it becomes  
25 reasonably impossible to hold any election duly scheduled in the Commonwealth  
26 as a whole or in any senatorial or election district, or mayoral island or islands, the  
27 Governor may postpone any such election wherein for such time as it may deem  
28 necessary, but in no event shall postponement exceed sixty (60) days from the  
29 date when such election should have been held.

30 Section 6508. Election Day; Holiday. If an election is held on a day  
31 other than a Saturday or Sunday, the election day shall be a legal holiday within  
32 the Commonwealth or in the senatorial or election district.

1 Article 2. Conduct of Elections.

2 Section 6521. Right to Cast Secret Ballot.

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

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

11 Section 6522. Polling Places: Hours of Operation. Polling places shall  
12 open at 7:00 a.m. on the day of the election and shall be kept open until 7:00 p.m.  
13 on the same day, except that any person who is already at the polling place at 7:00  
14 p.m. shall be allowed to vote. The Commission may close any polling place  
15 earlier if all the voters of the election district have voted. Whenever possible,  
16 public schools and public buildings shall be utilized as polling places during  
17 elections. No rent shall be charged or paid for the use thereof.

18 Section 6523. Collection of Ballot Boxes.

19 (a) After all voting is completed, all ballot boxes and voting  
20 machines shall be collected by election officials and delivered to the  
21 Commission or its duly authorized representative by the safest and most  
22 expeditious means available and be certified to the Commission that the  
23 ballots so delivered were cast in accordance with the provisions of this  
24 Act.

25 (b) Ballot boxes shall only be opened by the Commission or its  
26 designated election officials and only upon the order of the Commission.

27 Section 6524. Tabulation of Votes.

28 (a) The Commission shall establish an accounting and tabulation  
29 committee composed of not less than five (5) members. The accounting  
30 and tabulation committee shall count and tally all votes cast and determine  
31 the acceptability thereof. The accounting of ballots shall begin after all the  
32 polls in each election district are closed and shall continue in any  
33 tabulating location specified by the Commission until all votes are  
34 counted. No person may be present in the vicinity of the counting and

1 tabulation area, except that each political party may have not more than  
2 two observers in the area. When the ballots are in the counting and  
3 tabulation area, the area shall not be left unattended. There shall be a  
4 minimum of two (2) election officials at all times, in addition to the two  
5 observers from each political party. Upon the completion of the counting  
6 and tabulation of all votes cast for a Commonwealth or local elective  
7 office, an official public announcement shall be made by the Commission,  
8 except that no official announcement of the results may be made for those  
9 offices in which a voter challenge or other proceeding affecting ballots has  
10 been initiated until the legality of such challenged votes or the issues  
11 raised in such other proceeding affecting ballots have been determined.  
12 As soon as is practicable after the tabulation of ballots is completed for  
13 those Commonwealth or local elective offices in which no voter challenge  
14 or other proceeding affecting ballots has been initiated, the Commission  
15 shall issue certificates of election to the winning candidates. The  
16 Commission may make periodic announcements of results during  
17 tabulating and counting.

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

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

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

30 Section 6525. Ballot Irregularities.

31 (a) If a ballot being counted appears improper, the final decision  
32 as to the validity of the ballot shall be made by the Commission. The  
33 accounting and tabulation committee shall separate any ballot it believes  
34 to be improper and forward the ballot or ballots to the Commission for

1 ultimate determination. All ballots declared invalid for any irregularity  
2 shall be sorted or separated and a notation placed upon them indicating  
3 that they are rejected ballots. Upon completion of the counting of the  
4 ballots, the rejected ballots shall be placed in the ballot box and returned  
5 by the accounting and tabulation committee to the Commission with the  
6 cast ballots.

7 (b) At any election, any ballot which is not marked as provided by  
8 law shall be void, but the ballot shall be preserved and returned with the  
9 other ballots.

10 (c) Any voter who spoils a ballot shall return it to a poll worker  
11 and receive another ballot.

12 (d) At any election, a ballot may not be rejected if it is possible to  
13 determine the voter's choice even though the ballot has been severely  
14 soiled or defaced.

15 (e) If a voter indicates the choice of more candidates than there are  
16 offices to be filled or if for any reason it is impossible to determine the  
17 voter's choice for any office, the ballot may not be counted for that office.  
18 The rest of the ballot, if properly marked, shall be counted.

19 Section 6526. Marking the Ballot.

20 (a) In voting, the voter shall place the appropriate mark in the  
21 voting square adjacent to the name of any nominee for whom he intends to  
22 vote.

23 (b) Should the Commission adopt a ballot form using any  
24 mechanical, electromechanical, or electronic device to record the vote or  
25 aid in recording the vote, the information required by this Section shall  
26 appear on the device in the place provided therefore, or otherwise  
27 prominently within the voting booth so as to be easily read by the voter.

28 Section 6527. Loss or Destruction of Ballots. In case of the prevention of  
29 an election in any election district by the loss or the destruction of the ballots  
30 intended for that election district, the election official or other member of the  
31 Commission, shall make an affidavit setting forth the fact, and transmit it to the  
32 Governor. Upon receipt of the affidavit, the Governor may, and upon the  
33 application of any nominee for any office to be voted for by the electors of that  
34 election district, shall, order a new election in that election district.

Article 3. Party Switch.

Section 6531. Party Switch. If an elected official switches parties while more than half of his term remains, the affected seat shall automatically be declared vacant and a special election shall be held to fill that vacancy if the seat was held by an official elected as a candidate of a political party. If less than half of term remains, the Governor shall appoint a replacement to be recommended by the affected party. This section shall not apply to independent candidates.

CHAPTER 6

Election Contests

Section 6601. Election Contests : Recount.

(a) Any Commonwealth voter may contest an election for any of the following reasons:

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

(2) The candidate has given to an election official anything of value to procure his election.

(3) Illegal votes were cast sufficient to change the result of the election of any person who has been declared elected. "Illegal votes" means any vote cast by a person who is not qualified to vote because of failure to meet age, domiciliary or residency requirements or has cast more than one ballot in the same election.

(4) The Commission in the conduct of election or arithmetical tabulation of votes made errors sufficient to change the final result of the election of any person who has been declared elected.

(5) Actual fraud by any person in the voting process, in the conduct of the election or in the tabulation of the votes sufficient to have changed the outcome of the election.

(b) Recount. If less than five votes separate the person declared elected and the next highest vote getter, the next highest vote getter is entitled to a recount. Such recount shall be made in the presence of the parties and under the supervision of the Commonwealth Superior Court.

1           Section 6602. Election Contests: Actual Prejudice Required.

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

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

10          Section 6603. Election Contest: Written Complaint.

11          (a) When a voter contests any election he shall file with the  
12 Commonwealth Superior Court a written complaint setting forth  
13 specifically:

14                   (1) The name of the contestant;

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

17                   (3) The name of the defendant;

18                   (4) The office the defendant sought; and

19                   (5) The particular grounds for the contest.

20                   (6) Any other information which the Court may require  
21 pursuant to Court Rules.

22          (b) The contestant shall verify the complaint and shall file and  
23 serve it upon the defendant within seven days after the discovery of the  
24 facts supporting the contest, except that no complaint may be filed over  
25 fifteen (15) days after the declaration of the official results.

26          (c) Service of process shall be in accordance with the Rules of  
27 Civil Procedure governing personal service.

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

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

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

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

12          (c) The Court shall issue subpoenas for witnesses at the request of  
13          any party. The Court may compel the attendance of witnesses who have  
14          been subpoenaed.

15          Section 6605. Election Contest: Court Hearing; Recount.

16          (a) At the hearing the ballots shall be recounted in the presence of  
17          all parties, where it appears from the complaint filed that a recount is  
18          necessary for the proper determination of the contest. If two or more  
19          statements of contest are filed requiring a recount, the Commission may  
20          join the action of the contestants for the purpose of recounting the votes.

21          (b) If the statements of the cause of the contest are insufficient, the  
22          Court may dismiss the proceedings for lack of evidence or for want of  
23          prosecution.

24          (c) The Court shall hear and determine all issues arising in  
25          contested elections. After hearing the evidence and within five (5) days of  
26          the submission thereof, the Court shall issue its finding of facts and  
27          conclusions of law, and immediately thereafter announce judgment in the  
28          case, either confirming or reversing the result of the election.

29          Section 6606. Election Contest: Judgment of the Court. If it is adjudged  
30          that a person other than the defendant has the largest number of legal votes cast in  
31          any election contest, the Court shall declare that person elected.

32          Section 6607. Election Contest: Certificate of Election.

33          (a) Upon the expiration of the time for appeal, the person declared  
34          elected by the Court is entitled to a certificate of election. If a certificate

1 has not already been issued to him by the Commission, the Commission  
 2 shall immediately make out and deliver to that person a certificate of  
 3 election.

4 (b) If the Commission has issued any certificate for the same  
 5 office to another person than the one declared elected by the Court, such  
 6 certificate shall become void by the judgment of the Court.

7 Section 6608. Election Contests: Costs.

8 (a) If the proceedings under this section are dismissed for  
 9 insufficient evidence or for want of prosecution, or the election is  
 10 confirmed by the Court, judgment shall be rendered against the contestant,  
 11 for costs and reasonable attorneys' fees, in favor of the defendant. If the  
 12 election results are reversed, judgment for costs and reasonable attorneys'  
 13 fees shall be rendered against the defendant, in favor of the contestant.

14 (b) Where two or more contests are joined for the purpose of  
 15 recounting votes as provided in this Article, the costs may be apportioned  
 16 among the parties in the discretion of the Court.

17 Section 6609. Election Contest: Appeal. Any party aggrieved by the  
 18 judgment of the Commonwealth Superior Court may appeal to the Supreme Court  
 19 of the Northern Mariana Islands as in other cases, except that from the day of  
 20 Judgment, the notice of appeal shall be filed within three (3) days, the applicant's  
 21 brief within ten (10) days, the appellee's brief within fifteen (15) days, oral  
 22 arguments shall be heard within twenty (20) days, and the appellate Judgment  
 23 shall be issued within thirty (30) days. During the pendency of proceedings on  
 24 appeal, and until final determination thereof, the person declared elected by the  
 25 Commonwealth Superior Court shall be entitled to the office in like manner as if  
 26 no appeal had been taken. Any lawful action taken by the person in office is  
 27 valid, even if that person is subsequently removed.

28 Section 6610. Election Contest: Failure to Appeal from Court Judgment.  
 29 Whenever an election is reversed by the Judgment of the Commonwealth Superior  
 30 Court, and no appeal is taken within three (3) days thereafter, the certification, if  
 31 any has been issued, is void and the office is filled by the person declared to be  
 32 elected.

## CHAPTER 7

## Criminal Penalties

Section 6701. Counterfeit Ballots. Any person who knowingly, willfully and unlawfully prints, copies, imitates, or distributes or causes to be printed, copied, imitated, or distributed any unofficial ballot or any document that is so substantially similar in style or content to the official ballot as to cause the likelihood of confusion with the official ballot shall upon conviction be fined \$5,000, imprisoned for a minimum of sixty (60) days, or both. There shall be no suspended sentences.

Section 6702. Unlawful Threats to Candidate or Family. Any person who directly or indirectly threatens or intimidates any candidate or his immediate family by physical means, bribery, extortion, or any other means so as to attempt or cause the candidate to withdraw from the election shall upon conviction be fined \$5,000 or imprisoned for not less than sixty (60) days nor more than five years.

Section 6703. Unlawful Threats to Election Personnel. Any person who directly or indirectly threatens or intimidates the Commission, its designees, its representatives or its election workers so as to attempt or cause those persons not to perform their duties and responsibilities lawfully and in a proper manner, shall upon conviction be fined not more than \$2,000 or imprisoned for not less than ninety (90) days and not more than five (5) years. There shall be no suspended sentences.

Section 6704. Unlawful Registration. A person who signs an affidavit of registration knowing that he does not qualify to vote or who knowingly registers with the intent to vote more than once or who registers in an election district in which he does not reside shall, upon conviction, be fined not more than \$2,000 or imprisoned for not more than 2 years. A person who willfully causes, procures, or allows any person to be registered as a voter, knowing that person is not to be entitled to registration, shall upon conviction be fined not more than \$2,000 or imprisoned for not more than 2 years.

Section 6705. Unlawful Campaign activities.

(a) No person shall campaign on election day within five hundred (500) feet of a polling place, including campaigning by aircraft. No

1 candidate shall loiter or socialize within five hundred (500) feet of a  
 2 polling place on election day.

3 (b) No person may post or transport names, pictures, or other  
 4 campaign materials or set up any booth within five hundred (500) feet of  
 5 the polling place.

6 (c) No person may use the name of a government department or  
 7 agency to campaign for or express support for a candidate running for  
 8 public office; nor shall the buying or selling of fundraising materials in  
 9 support of candidates for public office take place in any government  
 10 building or facility.

11 (d) All campaign posters shall be removed from public places no  
 12 later than fifteen (15) days after the election date by the candidate.

13 (e) No campaign materials, or hard board, used as a poster, may be  
 14 attached to any telephone pole, fire hydrant or tree on public property.

15 Any person who knowingly and willfully violates any provision of this  
 16 section shall, upon conviction, be fined \$500.

17 Section 6706. Unlawful Sale or Purchase of Alcohol on Election Day. No  
 18 person may sell, purchase, or dispense any alcoholic beverages or liquor while the  
 19 polls are open on the day of an election. Any person who knowingly and willfully  
 20 violates this section shall upon conviction be fined not more than \$1,000 or  
 21 imprisoned for not more than one hundred (100) days, or both.

22 Section 2. Severability. If any provision of this Act or the application of any  
 23 such provision to any person or circumstance should be held invalid by a court of  
 24 competent jurisdiction, the remainder of this Act or the application of its provisions to  
 25 persons or circumstances other than those to which it is held invalid shall not be affected  
 26 thereby.

27 Section 3. Savings Clause. This Act and any repealer contained herein shall not  
 28 be construed as affecting any existing right acquired under contract or acquired under  
 29 statutes repealed or under any rule, regulation or order adopted under the statutes.  
 30 Repealers contained in this Act shall not affect any proceeding instituted under or  
 31 pursuant to prior law. The enactment of this Act shall not have the effect of terminating,  
 32 or in any way modifying, any liability, civil or criminal, which shall already be in  
 33 existence at the date this Act becomes effective.

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

DATE: 02/20/98

Introduced by: /s/ (Rep.) Heinz S. Hofschneider

/s/ (Rep.) David M. Apatang

/s/ (Rep.) Oscar M. Babauta

/s/ (Rep.) Melvin L.O. Faisao  
(By Request)

Reviewed for legal sufficiency:

/s/ Steve Terravecchia