

REFERRED TO: JGD
(HOUSE)

FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THIRD REG. SESSION, 2005

H. B. NO. 14-300

A BILL FOR AN ACT

TO AMEND PUBLIC LAW 12-18 TO PROVIDE FOR A GUBERNATORIAL RUNOFF ELECTION; AND FOR OTHER PURPOSES.

**BE IT ENACTED BY THE FOURTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Title.** This Act may be cited as the “Gubernatorial Runoff Election
2 Act of 2005.”

3 **Section 2. Findings.** The Legislature finds that the current gubernatorial election
4 procedure allows for candidates receiving the plurality of votes to be certified as the
5 governor and lieutenant governor of the Commonwealth of the Northern Mariana Islands
6 (“CNMI”). In other words, the current election procedure does not require that the
7 winning candidates obtain a majority of the votes. The end result in such a situation
8 translates to having a governor and lieutenant governor that may not be the voice of the
9 majority of voting citizens in the CNMI. Therefore, it is the intent of this bill to require a
10 gubernatorial runoff election so that the top two candidates may be placed on the official
11 ballot for the gubernatorial race.

12 **Section 3. Amendment.** Public Law 12-18 is hereby amended as follows:

13 a) §6003 shall be amended by adding the following provision and re-lettering the
14 subsequent provisions accordingly:

15 “§ 6003(1) ‘Gubernatorial Runoff Election’ means the election held on the first
16 (1st) Saturday of July in the same year of each gubernatorial election where more
17 than two (2) candidates for governor and lieutenant governor have properly been
18 certified by the Board of Elections to be placed on the ballot for election. The
19 runoff election serves to eliminate candidates for the office of the governor and

1 lieutenant governor, except for the two (2) highest vote recipients.”

2

3 b) § 6006 is hereby amended as follows:

4 “§ 6006. Continuity of Democratic Party of the Northern Marianas, Republican
5 Party of the Northern Mariana Islands Association and ~~CNMI Reform~~ Covenant
6 Party of the Northern Mariana Islands Parties.

7 The Democratic Party of the Northern Marianas, Republican Party of the
8 Northern Marianas Islands Association, and ~~CNMI Reform~~ Covenant Party of the
9 Northern Mariana Islands parties shall be deemed to have complied and qualified
10 under the provisions of this part on its effective date.”

11

12 c) §6205 is hereby amended as follows:

13 “§ 6205. Registration Procedures.

14 (a) Any person qualified to vote in a gubernatorial runoff, general,
15 primary, local or special election may register to vote not less than fifty
16 (50) days before the day of the election.

17 (b) [unchanged]

18 (c) [unchanged]

19 (d) [unchanged]

20 (e) Any voter may change election districts by re-registering in the
21 gubernatorial runoff, general, primary, or special election register in the
22 manner prescribed by this section. The Commission shall cancel the
23 existing registration and re-register the voter in the new election district.
24 No registration may be allowed due to a change of residency within the
25 fifty (50) days before an election. No change in residency during the fifty

1 (50) days before an election shall affect the eligibility of the voter to vote
2 in the precinct where registered.

3 (f) [unchanged]

4 (g) [unchanged]”
5

6 d) §6321 is hereby amended as follows:

7 “§ 6321. Nominations: Governor and Lieutenant Governor.

Any political party may nominate candidates for governor and lieutenant governor by having its chairman and secretary certify to the Commission the names of the party's team of candidates not more than ~~ninety (90)~~ two hundred ten (210) days and not less than ~~sixty (60)~~ one hundred eighty (180) days prior to the general election. At the same time, the political party shall file a petition containing the signatures, printed names, residences and mailing addresses of not less than two-hundred (200) registered voters in support of the party's team of candidates. No person may sign more than one petition for governor and lieutenant governor. Each petition shall be accompanied by the signature of the person nominated, which shall constitute the nominee's assent to be a candidate.”

e) §6323 is hereby amended as follows:

8 “§ 6323. Party Nominations: Duty of Commission.

9 Upon receipt of the certificate of nomination and petition by any political
10 party, the Commission shall:

11 (a) Determine whether all the requirements of this part have been
12 complied with and that the signatures on the petition are the genuine
13 signatures of the registered voters; and, if so,

1 (b) Certify the names of the party's nominees as candidates and cause
2 to have the names of the candidates appear on the gubernatorial runoff
3 and/or general election ballot."

4
5 f) §6324 is hereby amended as follows:

6 "§ 6324. Party Nominations: Failure of Commission to Act.

7 If the Commission does not affirmatively take action to deny certification
8 to a political party's candidates within forty-five (45) days, prior to the election
9 day, the party's nominees shall be deemed certified for the gubernatorial runoff
10 and/or general election ballot."

11 g) §6331 is hereby amended as follows:

12 "§ 6331. Independent Nominations: Governor and Lieutenant Governor.

13 (a) The nomination of independent candidates is made by petition
14 designating the persons seeking nomination for governor and lieutenant
15 governor to be an independent ticket, and containing the signatures,
16 printed names, residences, and mailing address of two hundred (200)
17 registered voters in the Commonwealth. Each petition shall be
18 accompanied by the signature of the persons nominated, which shall
19 constitute the nominees' assent to be candidates.

20 (b) All independent nomination petitions for governor and
21 lieutenant governor and the candidates' acceptances shall be filed with the
22 Commission not more than ~~ninety (90)~~ two hundred ten (210) days and not

1 less than ~~sixty (60)~~ one hundred eighty (180) days prior to the
2 gubernatorial runoff and/or general election.”

3
4 h) §6333 is hereby amended as follows:

5 “§ 6333. Independent Nominations: Failure of Commission to Act.

6 If the Commission does not affirmatively take action to deny certification
7 to an independent candidate within forty-five (45) days, prior to the election day,
8 the candidate shall be deemed certified for the gubernatorial runoff and/or
9 general election ballot.”

10
11 i) §6341 is hereby amended as follows:

12 “§ 6341. Nominations: Resident Representative to the United States.

 The nomination of candidates for resident representative to the United States is made by petition of any political party or any independent candidate. The procedures for political party nominations and for independent nominations for governor and lieutenant governor set forth in Articles 2 and 3 of this Chapter shall apply with respect to the nomination of candidates for resident representative to the United States, except that the filing fee shall be five hundred (\$500.00) dollars for each resident representative and nominations must be submitted for certification to the Commission not more than ninety (90) days and not less than sixty (60) days prior to the election. Each petition shall be accompanied by the signature of the person nominated, which shall constitute the nominee's assent to be a candidate.”

13 j) §6343 is hereby amended as follows:

14 “§ 6343. Nominations: Senators and Representatives: Procedures.

1 Procedures for political party nominations and for independent
2 nominations for governor and lieutenant governor set forth in Articles 2 and 3 of
3 this Chapter shall apply with respect to the nomination of candidates for senators
4 and representatives, except that the filing fee shall be two hundred fifty dollars
5 (\$250.00) for each senator and one hundred dollars (\$100.00) for each
6 representative paid by the political party or independent candidate and
7 nominations must be submitted for certification to the Commission not more than
8 ninety (90) days and not less than sixty (60) days prior to the election.”

9

10 k) § 6344 is hereby amended as follows:

11 “§ 6344. Nominations: Mayor.

12 (a) [unchanged]

13 (b) The procedures and requirements for political party nomination
14 and for independent nomination for governor or lieutenant governor set forth in
15 Articles 2 and 3 of this Chapter shall apply with respect to the nominations of
16 candidates for mayorship, consistent with this section, except that the filing fee
17 shall be two hundred fifty dollars (\$250.00) paid by the political party or
18 independent candidate and nominations must be submitted for certification to the
19 Commission not more than ninety (90) days and not less than sixty (60) days prior
20 to the election.”

21

22 l) §6345 is hereby amended as follows:

23 “§ 6345. Nominations: Municipal Councils and Board of Education.

24 (a) [unchanged]

1 (b) The procedures and requirements for independent nomination for
2 governor and lieutenant governor set forth in this chapter shall apply with
3 respect to the nomination of nonpartisan candidates, as consistent with this
4 section, except that the filing fee shall be one hundred dollars (\$100.00)
5 for each municipal council and Board of Education candidate and
6 nominations must be submitted for certification to the Commission not
7 more than ninety (90) days and not less than sixty (60) days prior to the
8 election.”
9

10 m) Chapter 5 Article 1 is amended by changing the title to Article 1 and by adding a
11 provision and re-numbering the subsequent provisions according to the following:

12 “**Article 1. Gubernatorial Runoff Election, General Election and Special**
13 **Election.**”

14 §6507. Gubernatorial Runoff Election.

15 If two or more nominations for governor and lieutenant governor are
16 certified by the Commission, then on the first (1st) Saturday in July in the same
17 year of each gubernatorial election there shall be a gubernatorial runoff election.
18 The top two (2) vote recipients shall be certified to be placed on the ballot for the
19 general election. In the event of a natural disaster or other Act of God, the effect
20 of which precludes holding the election on the foregoing day, the Governor,
21 acting pursuant to his powers under Article III, Section 10 of the Constitution,
22 may proclaim the general election be held not later than thirty (30) days thereafter
23 in the Commonwealth, or in the affected senatorial or election district or districts.
24

1
2 n) §6524(c) is hereby amended as follows:

3 “§6524(c) Any candidate for governor and lieutenant governor, resident
4 representative to the United States, mayor, senator, representative, municipal
5 council, or board of education, who receives the highest number of votes cast for
6 that office in any election shall be declared the winning candidate. In the case of
7 any office, except the governor and lieutenant governor, where more than one
8 candidate is to be elected, the candidates receiving the highest number of votes,
9 from greatest to least, shall be declared the winning candidates.”
10

11 **Section 4. Appropriations.** The Legislature shall appropriate Forty Thousand
12 Dollars (\$40,000.00) each election year wherein a gubernatorial runoff election becomes
13 necessary.

14 **Section 5. Expenditure Authority.** The expenditure authority to conduct the
15 gubernatorial runoff election shall be the Executive Director of the Board of Elections.

16 **Section 6. Severability.** If any provision of this Act or the application of any
17 such provision to any person or circumstance should be held invalid by a court of
18 competent jurisdiction, the remainder of this Act or the application of its provisions to
19 persons or circumstances other than those to which it is held invalid shall not be affected
20 thereby.

21 **Section 7. Savings Clause.** This Act and any repealer contained herein shall not
22 be construed as affecting any existing right acquired under contract or acquired under
23 statutes repealed or under any rule, regulation or order adopted under the statutes.
24 Repealers contained in this Act shall not affect any proceeding instituted under or
25 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,
26 or in any way modifying, any liability, civil or criminal, which shall already be in
27 existence on the date this Act becomes effective.

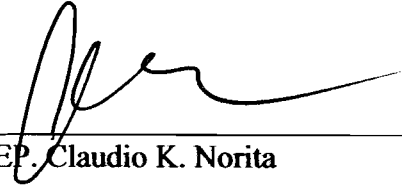
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2 **Section 8. Effective Date.** This Act shall take effect upon its approval by the
3 Governor or becoming law without such approval.

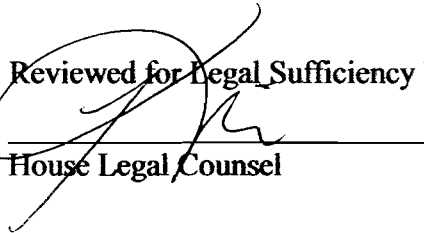
Prefiled:

Date: 2/11/05

Introduced By:


REP. Claudio K. Norita

Reviewed for Legal Sufficiency by:


House Legal Counsel