

FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2006

H. B. NO. 15-91

A BILL FOR AN ACT

TO AMEND PARTS OF 1 CMC 6101 *ET SEQ.*, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE FIFTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and Purpose.** The Legislature finds that the Northern
2 Mariana Islands Election Law, as amended, requires further amendments to establish
3 policies governing elections in the Northern Mariana Islands, including changes to the
4 campaign financial disclosures, and to set forth procedures that would allow the
5 Commonwealth Election Commission to more effectively and efficiently administer voter
6 registration, absentee voting, challenges to voter's eligibility, campaign statement of
7 accounts, funding for the Commission, among other matters. The Legislature finds that
8 other amendments proposed in this measure serves to establish uniformity in the
9 processing of voter registration and absentee voting and to further clarify ambiguities in
10 the Northern Mariana Islands Election Law. This measure goes to fully promote fair and
11 honest Commonwealth elections.

12 **Section 2. Amendments.** 1 CMC §§ 6003 (a), (c), (d), (n), (o), (p), (q), (s) and
13 (t) are amended to read as follows:

14 “(a) 'Absentee Voter' means any voter casting a ballot ~~in any way other~~
15 ~~than at the polling place pursuant to § 6211 or 6214 of this Act.~~

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

1 voting machine or machines that the Commission makes available for voting at
2 the polling places.

3 (d) 'Commission' means the Commonwealth of the Northern Mariana
4 Islands Election Commission. Whenever the Commission delegates any of its
5 duties or responsibilities set forth in § 6105 of this Act to the executive director, it
6 must do so by board resolution and then the term 'Commission' should then mean
7 the executive director.

8 (n) 'Precinct' means the ~~election district~~ the subdistricts within an election
9 district.

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

13 (1) Has duly constituted leaders or officials, including a chairman,
14 a secretary and a treasurer; and

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

19 (3) Has received, at the most recent general election, in the event it
20 had a candidate for each of the offices to be filled, a total number of votes
21 of not less than ten percent (10%) of the total number of voters who voted
22 in the general election; or in the event it had a lesser number of candidates
23 than there were offices to be filled, each such party candidate received a
24 total number of votes of not less than ten percent (10%) of the total
25 number of voters who voted in the ~~precinct~~ district.

26 (p) 'Register' or roster means the list of qualified ~~registered~~ voters
27 prepared and bound by the Commission.

1 (q) 'Registration Clerk' means any authorized staff of the Commission or
2 any person authorized by the ~~Commission~~ executive director to register electors,
3 and other officers charged with the duty of registering electors.

4 (s) 'Voter' means a person duly registered to vote under the provisions of
5 this part. Consistent with the definition of the Analysis of the NMI Constitution,
6 a 'Qualified Voter' means a voter who is both qualified and registered to vote.
7 Only qualified voters shall be allowed to cast their votes on any general, special
8 or local election.

9 (t) 'Serving a Sentence for a Felony' includes persons imprisoned, on
10 parole, probation, or under a suspended sentence; and shall also include those
11 -serving a sentence for a felony conviction pursuant to a *nolo contendere* plea.
12 Individuals serving a sentence for a misdemeanor or for misdemeanor offenses
13 shall not be denied voter registration so long as they meet all other voter
14 registration requirements."

15 **Section 3. Amendment.** 1 CMC § 6004 is amended to read as follows:

16 "§ 6004. New or Recognized Political Party: Rights.

17 In addition to any other rights accorded in this part to a new or recognized
18 political party, a new or recognized political party shall have the right to a place
19 on the ballot, in any election, and to have the names of its candidates identified
20 thereon with the party's name or other official designations. ~~Furthermore, all~~
21 ~~candidates of a recognized political party shall be listed consecutively on the~~
22 ~~ballot with all the other candidates of the same party.~~ Any new or recognized
23 political party which shall fail to poll on any general election, the percentage of
24 total votes cast as required by Section 6003(0)(3) shall lose its recognition as a
25 new or recognized political party, and shall be denied a place upon the ballot
26 unless it complies with the provisions of Section 6005. ~~Provided further that this~~
27 ~~section shall be effective at the next general election 2007 and thereafter."~~

28 **Section 4. Amendment.** 1 CMC § 6005 is amended to read as follows:

1 “§ 6005. Formation of New Political Parties.

2 One hundred (100) qualified ~~Any number of~~ voters may organize to form
3 a political party, which may have a place on the ballot and have the names of its
4 candidates identified thereon with the party's name by complying with Section
5 6003(o)(1) and (2). The Commission may further establish by regulations
6 additional procedural and substantial requirements for the application for the
7 formation and approval for recognition of new political parties and it shall charge
8 a nonrefundable application fee of not less than \$500 for each time an application
9 is submitted. The Commission may set further procedures and requirements it
10 may determine necessary to carry out the intent and purpose of this part.

11 **Section 5. Amendment.** 1 CMC § 6006 is amended to read as follows:

12 “§ 6006. Continuity of Covenant, Democratic, Republican and CNMI
13 ReformParties.

14 The Covenant Party of the Northern Mariana Islands, Inc., the Democratic
15 Party of the Northern Marianas, Inc., and the Republican Party of the Northern
16 Mariana Islands Association, and CNMI Reform parties shall be deemed to have
17 complied and qualified under the provisions of this part on its effective date.

18 **Section 6. Amendment.** 1 CMC § 6007 is amended to read as follows:

19 “§6007. Disclosure Requirement.

20 Within fifty (50) days after an election, all new or recognized
21 political parties shall file with the Public Auditor and with the
22 Commission:-a Campaign Statement of Account in the same manner as
23 those required of nominees pursuant to Chapter 4, Article 2 of this Act and
24 to any regulations that may be duly approved in furtherance of this Act.

25 (a) A statement with all the names and contributions of all persons,
26 as defined in section 6421, contributing in cash or in-kind, except where the
27 aggregate fair market value of an ~~expense or~~ contribution is less than five
28 hundred dollars (\$500), and

1 (b) A detailed statement of campaign spending for expenditures in
2 excess of \$100.

3 (c) A new or recognized political party shall be fined a non-waivable one
4 hundred dollars (\$100.00) penalty for each day the financial report is late.

5 **Section 7. Amendment.** 1 CMC § 6101 is amended to read as follows:

6 “§ 6101. Election Commission; Establishment.

7 There is hereby established an Independent Election Commission in the
8 Commonwealth government to be known as the 'Commonwealth of the Northern
9 Mariana Islands Election Commission'.”

10 **Section 8. Amendment.** 1 CMC § 6104 is amended to read as follows:

11 “§ 6104. Election Commission: Election of Chairperson.

12 The Commission shall annually elect one of its members as Chairperson
13 by a majority vote. If the Chairperson is absent from a duly noticed meeting, the
14 Commission may elect one of its members to be Chairperson pro-tempore for the
15 meeting in which the Chairperson is absent.”

16 **Section 9. Amendments.** 1 CMC §§ 6105 (a), (c), (d), (f), (h), (i) and (j) are
17 amended to read as follows:

18 (a) To appoint an Executive Director to be ~~its~~ the Commission's executive
19 officer.

20 (c) To designate and publicize polling places within electoral district not
21 later than fifteen (15) calendar days before an election day. Such polling places
22 may include public and private facilities, such as schools campuses, auditoriums,
23 community halls, libraries, commercial rental facilities and buildings and other
24 public or private buildings.

25 (d) To appoint poll supervisors for each election district and provide a
26 complete list of registered voters in each election district. All poll supervisors so
27 appointed shall be registered voters- and shall be hired from lists of individuals
28 recommended by the new or recognized political parties in such a manner as to

1 ensure a fair representation of all recognized political parties in the total cohort
2 except that in instances where the recognized political parties fail to recommend
3 names for appointments for election workers, or in instances where the
4 individuals recommended refuse the appointment or when the individuals
5 recommended have not received the training and certification required by this
6 part, the executive director, acting on behalf of the Commission, may appoint
7 other individuals to assist him in his conduct of the election or in his
8 administration of this Act. All poll supervisors shall receive training and
9 certification in procedures, ethics, tasks, and responsibilities prior to being
10 assigned to any duties.

11 (f) To promulgate rules and regulations pertaining to voter registration,
12 voter registration by mail, requirements of evidentiary documents which in the
13 Commission's determination are required to establish a registrant's eligibility to
14 be qualified to register to vote, rejection of a registrant's affidavit of registration
15 and to deny voter registration to a registrant, nomination of candidates,
16 applications for recognition of new political parties, voting procedures, and a
17 system for absentee voting.

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

22 (i) To summon and examine witnesses and to maintain order during any
23 of its official duties.

24 (j) To conduct or coordinate any and all public education activities and
25 events on any and all initiatives for local or general law, all proposed amendments
26 to the NMI Constitution, all referenda and recall in the Northern Mariana Islands.
27 The Commission may conduct the public education by deciding to make public
28 the summaries of the text of any issues that may be proposed to be placed in the

1 ballot. Subject to the availability of funds, the Commission may conduct any, part
2 or all public education using newspapers with wide circulation in the Northern
3 Mariana Islands, television and radio stations that broadcast widely in the
4 Northern Mariana Islands, meetings within the individual election districts in each
5 senatorial district, and the use of the Commission's website. Rather than
6 publishing the entire text of any issue or question that is the subject of a public
7 education, the Commission may, at its discretion, determine it necessary to
8 publicize summaries of the initiatives, issues or questions. The Attorney General,
9 or an attorney or attorneys licensed to practice law in the Northern Mariana
10 Islands selected by the Commission, shall prepare all summaries that may be
11 necessary under this section. All printed publications shall be in the Chamorro,
12 Carolinian, and English languages. In the absence of an appropriation of funds for
13 public or voter education to be conducted pursuant to this section or part, the
14 Governor shall, notwithstanding any other provision of law, reprogram funds
15 determined by the Commission as sufficient to carry out the provisions of this
16 section or part, from executive branch accounts to the Election Commission. The
17 executive director shall also have the authority, if in his discretion he finds it
18 necessary, to contract out any or all parts of the conduct of public or voter
19 education as may be required by this section. Notwithstanding this part of this
20 Act, if funds in an amount the Commission determines are sufficient for this
21 purpose are not available 180 days before the date of the election, the
22 Commission, Commissioners and the Executive Director shall be held harmless
23 from any liability for not carrying out the duties described in this part of this Act.”

24 **Section 10. Amendment.** 1 CMC § 6108 is amended to read as follows:

25 “§ 6108. Election Commission: Restriction on Activities.

26 No Commission member shall be a candidate for public office or hold an
27 elected position or a position which is filled by appointment by the Governor or
28 by the Governor-elect. Commission members and employees shall not campaign

1 during their tenure. Commission members shall not make a contribution to or
2 receive anything of value from a nominee, a candidate or candidate's committee
3 or a recognized or new political party. A Commission member shall be removed
4 only pursuant to Article III, Section § 21 of the Commonwealth Constitution. It
5 shall be considered cause for removal if a Commission member is found to have
6 campaigning during his tenure or is found to have made a contribution or is found
7 to have received anything of value from a nominee, a candidate or candidate's
8 committee or a recognized or new political party.

9 **Section 11. Amendments.** 1 CMC §§ 6109 (d) and (g) are amended to read as
10 follows:

11 “(d) The executive director shall employ voter registration workers, poll
12 workers, ~~vote~~-tabulators, and other persons on a full or part-time basis as
13 necessary to conduct elections and administer the commission's other duties and
14 responsibilities. ~~Such employees~~ Poll supervisors, poll workers and confined
15 voters workers shall be hired from lists of individuals recommended by the
16 recognized political parties in such a manner as to ensure a fair representation of
17 all recognized political parties in the total cohort except that in instances where
18 the recognized political parties fail to recommend names for appointments for
19 election workers, or in instances where the individuals recommended refuse the
20 appointment or when the individuals recommended has not received the training
21 and certification required by this part, the executive director may appoint other
22 individuals to assist him in his conduct of the election or in his administration of
23 this Act. All ~~such employees~~ poll workers and confined voters workers shall
24 receive training and certification in procedures, ethics, tasks, and responsibilities
25 prior to being assigned to any duties.

26 (g) The executive director shall be exempt from civil service and shall
27 receive an annual salary as determined by the Commission pursuant to 1 CMC,
28 Section 8246. The executive director shall only be removed for cause after he is

1 afforded a hearing and upon the concurrence of three-fourths (3/4) of the
2 Commission members.”

3 **Section 12. Amendment.** 1 CMC § 6111 (c) is amended to read as follows:

4 “(c) Within 90 days after the effective date of this part, the Commission
5 shall develop, adopt and administer a merit based personnel system that rewards
6 productivity and service, provides management flexibility, and includes
7 procedures for addressing employee grievances. The Commission may, however,
8 authorize the Office of Personnel Management, or its successor, to administer the
9 provisions of the personnel system adopted for the Commission. All Commission
10 employees shall receive a copy of the Commission’s Employee Manual and they
11 shall acknowledge their receipt of the manual and their agreement to comply with
12 all requirements set forth in the manual immediately upon employment with the
13 Commission.”

14 **Section 13. Amendments.** 1 CMC §§ 6201 (a) to (f) is amended to read as
15 follows:

16 “(a) Pursuant to Article VII, Section 1 of the Constitution of the
17 Commonwealth of the Northern Mariana Islands, a person is eligible to vote who,
18 on the date of the election, is 18 years of age or older, is domiciled in the
19 Commonwealth, is a resident in the Commonwealth and has resided in the
20 Commonwealth for a period of time provided by law, is not serving a sentence for
21 a felony, has not been declared by a court to be of unsound mind, and is either a
22 citizen or national of the United States as defined in Covenant Article 3.

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

26 (c) Under authority of Article VII, Section 1 of the ~~Commonwealth~~ NMI
27 Constitution, no person shall be eligible to vote who has not resided in the
28 Commonwealth at least 120 days prior to the election day.

1 (d) Consistent with Article VII, Section 1 of the ~~Commonwealth~~ NMI
2 Constitution, no person who is confined to a mental institution shall be eligible to
3 vote.

4 (e) In accordance with Article VII, Section 1 of the ~~Commonwealth~~ NMI
5 Constitution, no person serving a sentence for a felony, including time being
6 served while under parole or probation as defined by Section 6003(t) of this part,
7 shall be eligible to vote.

8 (f) No person shall register or vote in any other ~~precinct~~ district than that
9 in which the person resides.”

10 **Section 14. Amendment.** 1 CMC § 6201 is amended to insert a new subsection
11 (g) to read as follows:

12 “(g) A person may be required to provide evidence of his eligibility to
13 register to vote and the Commission may, by Regulation, provide what evidence
14 are acceptable for a registrant’s registration to vote.”

15 **Section 15. Amendments.** 1 CMC §§ 6204 (a) and (b) are amended to read as
16 follows:

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

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

23 **Section 16. Amendments.** 1 CMC §§ 6205 (b), (c), (d) and (e) are amended to
24 read as follows:

25 “(b) When registering to vote, the person shall sign an affidavit of
26 registration, and questionnaires, when additional information is necessary for the
27 Commission to determine a registrant’s eligibility to register to vote, on a form or
28 forms prepared and furnished by the Commission stating that he meets the

1 qualifications established by the Constitution and by this part for voting in the
2 elections in the Commonwealth.

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

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

9 (3) Persons who are domiciled in the Commonwealth as provided
10 in Sections 6202-6204, but who are temporarily out of the Commonwealth
11 for any reason such as business, employment, service in the Armed
12 Forces, or Merchant Marines of the United States, education, training, or
13 medical treatment are considered residents for purposes of this part.

14 (c) Any person desiring to register to vote in an election may register with
15 a registration clerk or other person authorized by the Commission or, if a person
16 registers by mail, before a notary public or commissioned officer authorized to
17 administer oath. The Commission shall authorize one or more registration clerks
18 for Rota and for Tinian and Aguiguan, which may be the ~~Clerk of Court~~
19 Commission members from ~~on~~ the respective islands or other persons, and who
20 shall be available to register voters at all times at which the Commission's offices
21 on Saipan are open for the registration of voters. The registrant shall be examined
22 under oath as to his or her qualification and it may be attested to in the form of a
23 mark. The affidavit shall contain the following information:

24 (1) Full legal name;

25 (2) Social security number;

26 (3) Date and place of birth;

27 (4) Residence, including the registrant's village and island and
28 mailing address;

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

5 (6) That the person is a citizen or national of the United States;

6 (7) That the person is not serving a sentence for a felony
7 conviction, including time being served under parole, probation or
8 suspension.

9 (78) Any other information as may be required by the
10 Commission;

11 (89) That the person meets the requirements of the Commonwealth
12 Constitution and this part.

13 (10) That the person is not registered to vote elsewhere in any
14 other jurisdiction.

15 (d) If a registration clerk administering an oath has any question regarding
16 the propriety of an affidavit of registration, the clerk shall forward the affidavit to
17 the ~~Commission~~ executive director for ~~final~~ a decision as to its propriety. In case
18 of a questionable affidavit, residency or any question regarding the qualifications
19 of the voter, the ~~Commission~~ executive director may require the registrant to
20 provide additional information or additional evidence of the registrant's eligibility
21 when such information or documents shall ~~conduct a formal or informal hearing~~
22 allow the executive director to determine the correct facts and determine the
23 registrant's eligibility to register to vote. The executive director may reject a
24 registrant's affidavit of registration and deny registration to the registrant. Upon
25 the executive director's rejection of a registrant's affidavit of registration, the
26 executive director shall, in writing and within ten (10) working days, notify the
27 registrant of his or her decision and shall also inform the registrant of his or her
28 right to appeal the denial to the Commission. The registrant has thirty (30)

1 calendar days to appeal the executive director’s decision except that a registrant
2 shall not appeal the executive director’s denial of his eligibility to register to vote
3 within the fifty (50) days of the date of the election. Within five (5) working days
4 of the Commission’s receipt of a registrant’s appeal to the Commission, the
5 executive director must notify the registrant of a date and time upon which a
6 hearing will be held to hear the appeal. The hearing shall be held within thirty
7 (30) days from the date the Commission receives the registrant’s request to
8 appeal. The Commission shall conduct a formal or informal hearing, or it may
9 appoint a hearing officer to conduct the hearing of any voter registration denial of
10 the executive director. The registrant has the right to present evidence to the
11 Commission regarding his or her qualifications to vote and the registrant's proper
12 election district. A decision shall be issued not later than thirty (30) working days
13 from the date that the hearing is concluded on all appeals from registrants denied
14 eligibility to register to vote by the executive director. The decision of the
15 Commission on all appeals of voter registration shall be final.

16 (e) Any voter may change election districts by re-registering in the
17 general, primary, or special election register in the manner prescribed by this
18 section. The Commission shall cancel the existing registration and re-register the
19 voter in the new election district. No registration may be allowed due to a change
20 of residency within the fifty (50) days before an election. No change in residency
21 during the fifty (50) days before an election shall affect the eligibility of the voter
22 to vote in the ~~precinct~~ district where registered.”

23 **Section 17. Amendments.** 1 CMC §§ 6206 (a) and (b) are amended to read as
24 follows:

25 “(a) The Commission shall remove the name of a registered voter from the
26 register in the following cases:

- 27 (1) At the written request of the person registered.

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

3 (3) Upon the receipt of certification from the Court that the person
4 registered ~~is serving a~~ has been sentenced for a felony conviction,
5 including a plea of nolo contendere for a felony offense or offenses.
6 Within fifty (50) days of each general election the chief clerk of the
7 Commonwealth Superior e Court shall transmit to the Commission a list
8 of all persons convicted of a felony during the preceding two (2) year
9 period. The Commission may request of the court, at any time, the
10 identity of any person who has been convicted of a felony. A person
11 whose name has been removed from the register for a felony conviction,
12 including a plea of nolo contendere for a felony offense, shall, upon the
13 completion of the sentence, be required to re-register before his name can
14 be inserted back onto the register.

15 (4) Upon submission of a death certificate of the person
16 registered. Not later than the fifteenth (15th) day of each month the
17 Secretary of Public Health shall furnish the Commission an abstract of
18 the register of deaths showing, for all decedents eighteen (18) years of
19 age or over, as follows: the name; sex; age; place of residence; month,
20 day and year of birth and death; and certificate of death number. In the
21 case that a deceased's record is unavailable in the Department of Public
22 Health, the Commission may receive written notice from the deceased's
23 next of kin and that written notice shall be sufficient to remove the name
24 of the deceased from the register.

25 (5) Upon finding, after notice and opportunity to be heard, that the
26 person registered in an Election or Senatorial District or Municipality
27 where that person is not a resident.

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

1 (7) If the person did not vote in the preceding general election.

2 (8) If the person registered to vote in another jurisdiction.

3 (b) Beginning six months prior to an election, the Commission shall also
4 register electors at such times and places within the Commonwealth as the
5 ~~Commission~~ executive director shall deem advisable and convenient until fifty
6 (50) days prior to an election and the Commission may deputize volunteers,
7 including volunteers outside of the Northern Mariana islands, as registration
8 clerks for such purposes. No person holding an elective office or who is a
9 candidate for elective office shall be a deputized volunteer.”

10 **Section 18. Amendments.** 1 CMC §§ 6207 (a) (4) and (5) are amended to read
11 as follows:

12 “(4) Notwithstanding the provisions of 1 CMC §§ 8111 et. seq. including
13 any subsequent amendment or succession or any regulations, rules or policies
14 promulgated pursuant therefrom, ~~the~~ Commonwealth Utilities Corporation
15 concerning commencement or changes of services;

16 (5) The Department of Lands and Natural Resources or the Department of
17 Public Lands concerning land deeds and homesteading permits and issuance.

18 **Section 19. Amendments.** 1 CMC §§ 6208 (a) and (e) are amended to read as
19 follows:

20 “(a) The Commission shall distribute to each polling place a list of the
21 eligible voters for that polling place. Not less than 15 days before the day of
22 election, a copy of the list shall be posted at the office of the Commission and
23 Mayors for examination by the public. Only those voters whose names appear on
24 the list may vote at that polling place. Any name which does not appear on the list
25 due to an error may be inserted by the Commission any time prior to the closing
26 of the polls. No person whose name appears on the listing of eligible voters that
27 is distributed to each polling place on election day shall be denied a ballot unless

1 that person may not receive a ballot under § 6206 or that person has been issued a
2 ballot pursuant to §§ 6210, 6211 or 6214 of this statute.

3 (e) The ballot may include questions concerning proposed
4 Commonwealth constitutional amendments, ~~or~~ proposed initiative ~~or~~ and
5 referendum issues or judicial retention questions. When such matters are to be
6 printed on the ballot, the question shall be phrased as simply and as clearly as
7 possible to address the issue and require a 'yes' or 'no' response by the voter, 'yes'
8 to be in favor of the question and 'no' to be against.”

9 **Section 20. Amendment.** 1 CMC § 6210 is amended to read as follows

10 “§ 6210. Absentee Voting: Sick or Disabled Voters.

11 If a registered voter at any election is confined to a home or hospital due
12 to illness or physical disability and is unable to go to the polls, that voter may vote
13 in accordance with this part and the rules and regulations promulgated by the
14 Commission. The person or member of his or her immediate family or guardian
15 may make a written request, on a form furnished by the Commission, for an
16 absentee ballot by 12:00 o'clock noon on election day. A spouse, a parent or an
17 eighteen year old or older child of the voter may assist that voter to cast his or her
18 vote if that voter requires such assistance due to his or her physical or other
19 disability.”

20 **Section 21. Amendments.** 1 CMC §§ 6211 (a), (b) and (c) are amended to read
21 as follows:

22 “§ 6211. Absentee Voting: Absence From the Commonwealth.

23 (a) Any registered voter of the Commonwealth ~~may, as provided in this~~
24 ~~part and subject to the conditions of this Section, may vote at any election by~~
25 ~~absentee ballot if he will be prevented from personally going to the polls and~~
26 ~~voting on election day because of~~ who will be absent from the Commonwealth on
27 the date of the election may vote by absentee ballot in that election if his or her
28 absence from the Commonwealth is due to one of the following:

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

12 (b) Any registered voter, who will be absent from the Commonwealth on
13 the date of the election and under the circumstances specified in subsection
14 (a)(1-9), inclusive, may make an application to the Commission for an official
15 ballot to be voted at such election. Such application if made by mail or by
16 facsimile or by other electronic means approved by the Commission shall be
17 made not more than ~~sixty~~ ninety (90) days nor less than ten (10) days before the
18 election, or if the application is made in person, not later than 4:30 p.m. during
19 ~~regular office hours~~ of the day prior to the election. Any such application shall be
20 made in writing on a form furnished by the Commission and shall indicate the
21 applicant's name, social security number, the applicant's election district, the
22 reason for requesting an absentee voting and the address to which the applicant
23 wishes the ballot forwarded if the applicant is not picking up the ballot in person.
24 The executive director, or his authorized designee or designees, must first approve
25 such applications before the voter can be issued a ballot. All such ballots must be
26 cast pursuant to §§ 6212 and 6213 of this part.

27 ~~(c) Beginning one week before the day of election, the board may~~
28 ~~establish special policing places within the Commonwealth at which a voter~~

1 ~~eligible to cast an absentee ballot may request an absent ballot, cast their ballot,~~
2 ~~and deliver it into the custody of the Board to be counted seven days after the~~
3 ~~election as provided by this Chapter.”~~

4 **Section 22. Amendment.** 1 CMC § 6212 is amended to read as follows:

5 “§ 6212. Marking Absentee Ballot.

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

20 **Section 23. Amendments.** 1 CMC §§ 6213 (a), (a)(1) and (h) are amended to
21 read as follows:

22 “(a) To be counted, an absentee ballot shall be postmarked ~~not later than~~
23 ~~the date of election~~ and be received by the Commission not later than ~~fourteen~~
24 ~~days after~~noon of the date of election. If the Commission is using a post office
25 box for the receipt of absentee ballots, it shall remove all absentee ballots
26 contained in the box on and no later than ~~fourteen days after~~noon of the election
27 date and such ballots shall be deemed to have been received within the deadline.

1 (1) ~~Commencing with the date absentee ballots are first sent out~~
2 ~~until fourteen days after~~At noon on the date of the election, no less than
3 two persons shall go to the post office, one of whom shall be designated
4 by the Commission Chairperson and the other of whom shall be
5 designated by the Executive Director, to collect absentee ballots.

6 (h) The returned envelopes marked ‘OK’, together with the application
7 attached, shall be delivered by the Commission to the accounting and tabulation
8 committee ~~fourteen days after the day of the election~~ at the time of the counting of
9 the ballots cast at the polling places on the date of the election, to be tabulated by
10 the accounting and tabulation committee.”

11 **Section 24. Amendment.** 1 CMC § 6214 (a) (3) is amended to read as follows:

12 “(3) The voter submits a written request on a form approved by the
13 executive director to the Commission at least thirty (30) days before the election
14 requesting authority to vote in another senatorial district or municipality.”

15 **Section 25. Amendment.** 1 CMC §§ 6214 (a) is amended to include a new
16 subsection (4) to read as follows:

17 “(4) The voter submits a written request to the executive director by 4:30
18 p.m. of the day before the date of the election together with a letter from a
19 physician licensed to practice in the Commonwealth explaining that the voter’s
20 medical condition require the voter to go to a municipality other than that where
21 he is registered to vote and that the medical referral decision occurred after the
22 date provided in item two (2) of this Section.”

23 **Section 26. Amendment.** 1 CMC § 6303 is amended to read as follows:

24 “§ 6303. Representatives.

25 A candidate for the House of Representatives shall be qualified to vote in
26 the Commonwealth, at least twenty-one (21) years of age, a resident and a
27 domiciliary of the Commonwealth for at three (3) years immediately preceding
28 the date on which a representative would take office. A candidate for the House of

1 Representatives shall be registered voter and a resident of the election ~~precinct~~
2 district where he or she is a candidate. 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 this office unless a full pardon has been granted.”

5 **Section 27. Amendment.** 1 CMC § 6321 is amended to read as follows:

6 “§ 6321. Nominations: Governor and Lieutenant Governor.

7 Any new or recognized political party may nominate candidates for
8 governor and lieutenant governor by having its chairman and secretary certify to
9 the Commission the names of the party’s team of candidates not more than one
10 hundred twenty (120) days and not less than ninety (90) days prior to the election.
11 At the same time, the new or recognized political party shall file a petition
12 containing the signatures, printed names, residences and mailing addresses of not
13 less than two-hundred (200) registered voters in support of the party’s team of
14 candidates. No person may sign more than one petition for governor and
15 lieutenant governor. Each petition shall be accompanied by the signature of the
16 persons_ nominated, which shall constitute the nominee’s_ assent to be a
17 candidates.”

18 **Section 28. Amendment.** 1 CMC § 6323 is amended to read as follows:

19 “§ 6323. Party Nominations: Duty of Commission.

20 Upon receipt of the certificate of nomination and petition by any new or
21 recognized political party, the Commission shall:

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

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

27 **Section 29. Amendment.** 1 CMC § 6324 is amended to read as follows:

28 “§ 6324. Party Nominations: Failure of Commission to Act.

1 If the Commission does not affirmatively take action to deny certification
2 to a new or recognized political party's candidates within forty-five (45) days,
3 prior to the election day, the party's nominees shall be deemed certified for the
4 general election ballot.”

5 **Section 30. Amendment.** 1 CMC § 6325 is amended to read as follows:

6 “§ 6325. Party Nominations: Filing Fee.

7 Each petition for a new or recognized political party candidate for
8 governor or lieutenant governor shall be accompanied by payment to the
9 Commission of a five hundred dollar (\$500.00) filing fee.”

10 **Section 31. Amendment.** 1 CMC § 6341 is amended to read as follows:

11 “§ 6341. Nominations: Resident Representative to the United States.

12 The nomination of candidates for resident representative to the United
13 States is made by petition of any new or recognized political party or any
14 independent candidate. The procedures for new or recognized political party
15 nominations and for independent nominations for governor and lieutenant
16 governor set forth in Articles 2 and 3 of this Chapter shall apply with respect to
17 the nomination of candidates for resident representative to the United States,
18 except that the filing fee shall be five hundred (\$500.00) dollars for each resident
19 representative. Each petition shall be accompanied by the signature of the person
20 nominated, which shall constitute the nominee's assent to be a candidate.”

21 **Section 32. Amendment.** 1 CMC § 6342 is amended to read as follows:

22 “§ 6342. Nomination: Senators and Representatives.

23 New or recognized Ppolitical parties shall nominate their candidates for
24 senator or representative in the manner prescribed in their party rules and
25 regulations and according to the provisions of this Chapter. The new or
26 recognized political party chairman and secretary shall certify to the Commission
27 the names of the Party’s nominees not more than one hundred twenty (120) days
28 and not less than ninety (90) days before the general election. All certifications of

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

11 **Section 33. Amendment.** 1 CMC § 6343 is amended to read as follows:

12 “§ 6343. Nominations: Senators and Representatives: Procedures.

13 Procedures for new or recognized political party nominations and for
14 independent nominations for governor and lieutenant governor set forth in
15 Articles 2 and 3 of this Chapter shall apply with respect to the nomination of
16 candidates for senators and representatives, except that the filing fee shall be two
17 hundred fifty dollars (\$250.00) for each senator and one hundred dollars
18 (\$100.00) for each representative paid by the new or recognized political party or
19 independent candidate.”

20 **Section 34. Amendment.** 1 CMC §§ 6344 (a) and (b) are amended to read as
21 follows:

22 “§ 6344. Nominations: Mayor.

23 (a) Candidates for mayor shall be nominated by petition designating the
24 person seeking nomination and the office sought, containing the signatures,
25 printed names, residences, and mailing addresses of a number of registered voters
26 of that municipality equal to at least 5 percent or one hundred (100), whichever is
27 less, of the registered voters within that municipality. Each petition shall be
28 accompanied by the signature of the person nominated, which shall constitute the

1 nominee's assent to be a candidate.

2 (b) The procedures and requirements for new or recognized political party
3 nomination and for independent nomination for governor or lieutenant governor
4 set forth in Articles 2 and 3 of this Chapter shall apply with respect to the
5 nominations of candidates for mayorship, consistent with this section, except that
6 the filing fee shall be two hundred fifty dollars (\$250.00) paid by the new or
7 recognized political party or independent candidate.”

8 **Section 35. Amendment.** 1 CMC § 6521 is amended by inserting a new
9 subsection (c) to read as follows:

10 “(c) A registered voter who requires assistance to vote, for reason of
11 physical or other disability, may request and receive such assistance from the
12 executive director, from election workers or from the voter’s legal spouse, parent,
13 or from an eighteen (18) year old son or daughter.”

14 **Section 36. Amendment.** 1 CMC §§ 6524 (a) (1) is amended to read as follows:

15 “(1) The accounting of ballots shall begin after all the polls in each
16 election district are closed and shall continue in any tabulating location specified
17 by the Commission until all votes are counted. No person may be present in the
18 vicinity of the counting and tabulation area, except that each new or recognized
19 political party may have not more than two observers in the area. When the
20 ballots are in the counting and tabulation area, the area shall not be left
21 unattended. There shall be a minimum of two (2) election officials at all times, in
22 addition to the two observers from each new or recognized political party.”

23 **Section 37. Amendment.** 1 CMC § 6704 is amended to read as follows:

24 “§ 6704. Unlawful Registration.

25 A person who signs an affidavit of registration knowing that he does not
26 qualify to vote or who knowingly registers with the intent to vote more than once
27 or who registers in an election district in which he does not reside or who
28 knowingly provides false information on an affidavit of registration or

1 questionnaires shall, upon conviction, be fined not more than \$2,000 or imprisoned
2 for not more than 2 years. A person who willfully causes, procures, or allows any
3 person to be registered as a voter, knowing that person is not to be entitled to
4 registration, shall upon conviction be fined not more than \$2,000 or imprisoned
5 for not more than 2 years.”

6 **Section 38. Amendment.** A new Chapter 8 to Public Law 12-18, as amended is
7 inserted to read as follows:

8 “§ 6801 Fees and Penalties Assessed.

9 There is hereby established a fund to be known as the “CEC Operations
10 Fund” which shall be maintained separate and apart from other funds of the
11 Commonwealth Government and independent records and accounts shall be
12 maintained in connection herewith.

13 (1) The Commission is authorized to assess a service fee of not
14 less than five dollars (\$5.00) and not more than ten dollars (\$10.00) for the
15 issuance of a document certifying that an individual was or is registered to
16 vote in the Commonwealth and all such fess shall be allotted and
17 transferred to the CEC Operations Fund.

18 (2) All fees paid pursuant to Chapter 3 of this Act, and all
19 penalties assessed and paid pursuant to § 6429 shall be allotted and
20 transferred to the CEC Operations Fund.

21 (3) The funds in the CEC Operations Fund shall be available
22 for expenditure without any further appropriation and shall have no fiscal
23 year limitation. The Commission may use such funds for improvements to
24 voter registration, for the conduct of elections or for administrative
25 expenses. The expenditure authority of all funds collected and deposited
26 into the CEC Operations Fund shall be the executive director, or his
27 designee.”

28 **Section 39. Amendment.** 1 CMC §§ 7401 (k) is amended to read as follows:

1 “(k) For the operation of the ~~Board of Elections~~ Commonwealth Election
2 Commission, the ~~chairman of the Board of Elections~~ executive director or an
3 authorized designee.”

4 **Section 40. Severability.** If any provisions of this Act or the application of any
5 such provision to any person or circumstance should be held invalid by a court of
6 competent jurisdiction, the remainder of this Act or the application of its provisions to
7 persons or circumstances other than those to which it is held invalid shall not be affected
8 thereby.

9 **Section 41. Savings Clause.** This Act and any amendment or repealer contained
10 herein shall not be construed as affecting any existing right acquired under contract or
11 acquired under statutes repealed or under any rule, regulation or order adopted under the
12 statutes. Repealers or amendments contained in this Act shall not affect any proceeding
13 instituted under or pursuant to prior law. The enactment of this Act shall not have the
14 effect of terminating, or in any way modifying, any liability, civil or criminal, which shall
15 already be in existence at the date this Act becomes effective.

16 **Section 42. Effective Date.** This Act shall take effect upon its approval by the
17 Governor, or it becoming law without such approval.

Prefiled: 2/28/06

Date: February 28, 2006

Introduced By: /s/ Rep. Justo S. Quitugua

Reviewed for Legal Sufficiency by:

/s/ Jose A. Bermudes
House Legal Counsel