

SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SESSION, 2008

H. B. NO. 16-112

A BILL FOR AN ACT

TO PROVIDE FOR THE ELECTION OF DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVES, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and purpose.** The Commonwealth Legislature finds that
2 Public Law 110-229 created a delegate to the United States House of Representatives for
3 the Commonwealth. The purpose of this Act is to establish procedures for the election of
4 the delegate.

5 **Section 2. N.M.I. Delegate to the U.S. House of Representatives.** A new
6 Chapter 3A is added to Part 1 of Division 6 of Title 1 of the Commonwealth Code to read
7 as follows:

8 **“Chapter 3A. Federal elections**

9 **Article 1. Delegate to the U.S. House of Representatives**

10 **§6360. Qualifications**

11 **§6361. Nominations**

12 **§6362. Election**

13 **§6363. Term**

14 **§6364. Vacancy**

15 **§6365. Special election**

16 **§6366. Procedures**

17 **§6367. Appropriation**

18 **§6368. Conflict of law**

19 **§6369-70. Reserved**

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§6360. Qualifications. To be eligible for the office of Delegate a person shall:

- (a) be at least 25 years of age on the date of the election;
- (b) have been a citizen of the United States for at least seven (7) years prior to the date of the election;
- (c) be a resident and domiciliary of the Commonwealth for at least seven (7) years prior to the date of election;
- (d) be qualified to vote in the Commonwealth on the date of election; and
- (e) not be, on the date of the election, a candidate for any other office.

§6361. Nominations. The nomination of candidates for the office of Delegate shall be made by the petition of any political party or by any independent candidate, and shall be made according to the procedures for political parties and independent candidates set forth in this division.

§6362. Election.

- (a) The Delegate shall be elected by the people qualified to vote for the popularly elected officials of the Commonwealth of the Northern Mariana Islands.
- (b) The election of Delegate shall be conducted at the federal general election on November 4, 2008, and at such general federal election every two years thereafter.
- (c) The Delegate shall be elected at-large and by a plurality of the votes cast for the office of Delegate.

§6363. Term. The term of the Delegate shall commence on the 3rd day of January following the date of election and shall expire upon the subsequent date of commencement of term two years thereafter.

§6364. Vacancy. In the case of a permanent vacancy in the office of Delegate, the office shall remain vacant until a successor is elected and qualified.

§6365. Special election.

- (a) In the case of a permanent vacancy in the office of Delegate, the Governor

1 shall call for a special election to be held within 90 days of the date of the call
2 for election; provided that in the event that a vacancy occurs within six
3 months of the next general federal election, no special election shall be called
4 and the office shall remain vacant.

5 (b) In the event of a tie vote for the office of Delegate, the tie shall be decided by
6 the drawing of lots, under the supervision of the CEC. Each candidate shall
7 be present at the drawing of lots along with two witnesses. The result of a
8 drawing of lots shall be final and shall not be contestable.

9 **§6366. Procedures.** Except as otherwise provided by federal law, the conduct of
10 the election of Delegate to the U.S. House of Representatives shall be according to
11 procedures set forth in this division.

12 **§6367. Appropriation.**

13 (a) Except as provided in subsection (b) of this section, the Legislature shall
14 appropriate funds necessary for the conduct of the Delegate election by
15 general or special appropriation act. The Commission shall be the expenditure
16 authority for appropriated funds.

17 (b) For the first Delegate election to be conducted on November 4, 2008, the sum
18 of \$60,000 is hereby appropriated to the Commonwealth Election
19 Commission (CEC). Notwithstanding any other provision of law, the
20 Commission may hire not more than 5 temporary employees to assist in the
21 conduct of the November 4, 2008, election.

22 **§6368. Conflict of law.** Any conflict between this article and federal law shall
23 be resolved in favor of the federal law.

24 **§6369-70. Reserved.**”

25 **Section 3. Conforming amendments.**

26 (a) Division 4 of Title 1 of the Commonwealth Code is repealed in its entirety.

27 (b) 1 CMC §6304 is repealed and reserved.

28 (c) 1 CMC §6341 is repealed and reserved.

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

6 **Section 5. Savings clause.** This Act and any repealer contained herein shall not
7 be construed as affecting any existing right acquired under contract or acquired under
8 statutes repealed or under any rule, regulation or order adopted under the statutes.
9 Repealers contained in this Act shall not affect any proceeding instituted under or
10 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,
11 or in any way modifying, any liability, civil or criminal, which shall already be in
12 existence on the date this Act becomes effective.


13 **Section 6. Effective date.** This Act shall take effect upon its approval by the
14 Governor or becoming law without such approval, except that Section 3 of this Act shall
15 take effect on January 3, 2009.

Prefiled:

Date: 5/29/08

Introduced By: 
Rep. Diego T. Benavente

Reviewed for Legal Sufficiency by:


House Legal Counsel