

RALPH DLG. TORRES  
Governor

ARNOLD I. PALACIOS  
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

April 18, 2020

The Honorable Victor B. Hocog  
Senate President  
The Senate  
Twenty-First Northern Marianas  
Commonwealth Legislature  
Capitol Hill  
Saipan, MP 96950

The Honorable Blas Jonathan "BJ" T. Attao  
Speaker  
House of Representatives  
Twenty-First Northern Marianas  
Commonwealth Legislature  
Capitol Hill  
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law **Senate Bill No. 21-31: SD1, HD1** entitled, "To amend 1 CMC §8245(i) to clarify the employer of a government employee who is certified to run for public office shall enforce the requirement to take a leave of absence until the election is over; and for other purposes." which was passed by the Senate and the House of Representatives of the Twenty-First Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 21-23**. Copies bearing my signature are forwarded for your reference.

Sincerely,

RALPH DLG. TORRES

cc: Lt. Governor; Press Secretary; Attorney General's Office; Commonwealth Election Commission; Office of Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review

HOUSE CLERK'S OFC  
via email  
RECEIVED BY [Signature]  
DATE 5/4/2020 1:09 pm



**THE SENATE**  
**TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

**SENATE BILL NO. 21-31, SD1, HD1**

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**AN ACT**

To amend 1 CMC § 8245(i) to clarify that the employer of a government employee who is certified to run for a public office shall enforce the requirement to take a personal leave of absence until the election is over; and for other purposes.

***SENATE ACTION***

**Offered by Senator(s):** Justo S. Quitugua

**Date:** May 06, 2019

**Referred to:** Committee on Judiciary, Government, Law and Federal Relations

**Standing Committee Report No.:** 21-34 adopted on 8/22/19

**Final Reading:** March 06, 2020

***HOUSE ACTION***

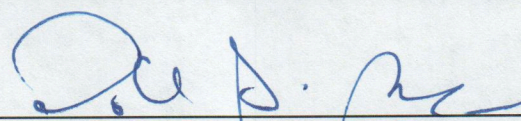
**Referred to:** Judiciary and Governmental Operations Committee

**Standing Committee Report No.:** 21-52 adopted on 02/07/20

**First and Final Reading:** February 07, 2020

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**DOLORES S. BERMUDES**  
**SENATE CLERK**



THE SENATE  
TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FOURTH REGULAR SESSION, 2019

S. B. NO. 21-31, SD1, HD1

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AN ACT

To amend 1 CMC § 8245(i) to clarify that the employer of a government employee who is certified to run for a public office shall enforce the requirement to take a personal leave of absence until the election is over; and for other purposes.

**BE IT ENACTED BY THE TWENTY-FIRST NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1           **Section 1. Findings and Purpose.** The Legislature finds that 1 CMC § 8245(i)  
2 requires government employees to take a personal leave of absence from their daily work  
3 when the Commonwealth Election Commission certifies that such employee is qualified to  
4 run for public office. The Legislature enacted 1 CMC § 8245(i) to protect the integrity of  
5 government offices and to prevent political activities at such offices. The Legislature  
6 further finds that 1 CMC § 8245(i) also gives the employee the opportunity to take an  
7 extended personal leave of absence to focus on the employee's campaign for public office  
8 without fear of losing his or her job before the election.

9           Notwithstanding the intent and purpose of 1 CMC § 8245(i), there was some  
10 confusion among certain government employers and employees prior to the 2018 CNMI  
11 elections as to who is responsible to enforce 1 CMC § 8245(i). Contrary to the  
12 Legislature's intent, one employer opined that it was not responsible to enforce 1 CMC §  
13 8245(i) and allowed its employee to continue working after the employee was certified to  
14 run for public office. Similarly, the Commonwealth Election Commission stated that it did  
15 not have the authority to enforce 1 CMC § 8245(i). Accordingly, the purpose of this  
16 legislation is to clarify that the government employer of government employees or the

1 governor for his or her cabinet members, respectively is responsible to enforce 1 CMC §  
2 8245(i). Once a government employee is certified by the Commonwealth Election  
3 Commission to run for public office, the employee is required to take a personal leave of  
4 absence from his or her daily work to focus on the employee's campaign and bid or public  
5 office. If the employee does not voluntarily take a personal leave of absence, the employer  
6 must mandate and ensure that the employee takes a leave of absence from work. After the  
7 election, the employee has several options: (1) return to the employee's daily work if the  
8 employee loses the election, (2) return to work until the employee's inauguration to public  
9 office if the employee wins, or (3) resign from work if the employee wins or loses and opts  
10 to do so.

11 **Section 2. Amendment.** 1 CMC § 8245(i) is hereby amended to read as follows:

12 “(i) Any Commonwealth government employee shall take a leave of  
13 absence from his or her Commonwealth government position immediately upon  
14 certification of his or her candidacy by the Commonwealth Election Commission  
15 until such time that he is no longer a candidate for public office. The employer of a  
16 government employee who is certified to run for public office shall be responsible  
17 to enforce the requirement that the employee take a leave of absence as required in  
18 this subsection. The Governor shall enforce this subsection and require members of  
19 his or her cabinet (principal executives of departments and agencies) who opt to run  
20 for elected office to take a leave of absence from office. For purposes of this  
21 section, Commonwealth government employee includes employees of its  
22 departments, branches, offices, autonomous agencies, regulatory agencies, public  
23 corporations, political subdivisions and instrumentalities. This section shall not  
24 apply to elected public officials.”

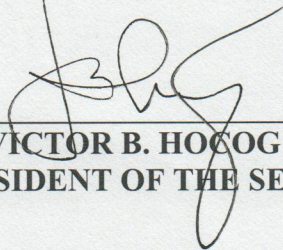
25 **Section 3. Severability.** If any provision of this Act or the application of any such  
26 provision to any person or circumstance should be held invalid by a court of competent  
27 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
28 circumstances other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

1           **Section 4. Savings Clause.** This Act and any repealer contained herein shall not  
2 be construed as affecting any existing right acquired under contract or acquired under  
3 statutes repealed or under any rule, regulation or order adopted under the statutes.  
4 Repealers contained in this Act shall not affect any proceeding instituted under or pursuant  
5 to prior law. The enactment of this Act shall not have the effect of terminating, or in any  
6 way modifying, any liability civil or criminal, which shall already be in existence at the  
7 date this Act becomes effective.

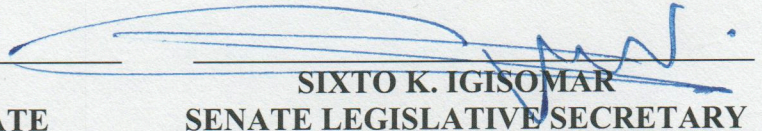
8           **Section 5. Effective Date.** This Act shall take effect upon its approval by the  
9 Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

**ATTESTED BY:**

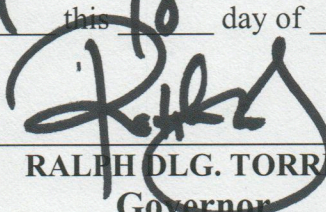


**VICTOR B. HOCO  
PRESIDENT OF THE SENATE**



**SIXTO K. IGISOMAR  
SENATE LEGISLATIVE SECRETARY**

Approved this 18<sup>th</sup> day of April, 2020



**RALPH DLG. TORRES  
Governor**

**Commonwealth of the Northern Mariana Islands**