

TITLE 1: GOVERNMENT
DIVISION 6: ELECTIONS

§ 6003. Definitions.

The following terms, whenever used or referred to in this part, shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(a) “Absentee Voter” means any voter casting a ballot in any way other than at the polling place.

(b) “Attorney General” means the Attorney General of the Commonwealth of the Northern Mariana Islands.

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

(d) “Commission” means the Commonwealth of the Northern Mariana Islands Election Commission.

(e) “Candidate” means a person who is either seeking a nomination or is proposed for a nomination by sponsors in accordance with the provisions of this part.

(f) “Commonwealth” means the Commonwealth of the Northern Mariana Islands.

(g) “Constitution” means the Constitution of the Commonwealth of the Northern Mariana Islands.

(h) “District” means an election district.

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

(j) “Elector” means any person who is entitled to register under the provisions of this part.

(k) “General Election” means an election held throughout the Commonwealth every two years on the first Tuesday after the first Monday in November on even number years.

(l) “Local Election” means a municipal, senatorial district, or nay election district election held in the Commonwealth.

(m) “Nominee” means a candidate who has become entitled under the provisions of this part to a place on the ballot.

(n) “Precinct” means the election district.

(o) “Recognized Political Party” means any political party, group, or organization untied for the purpose of promoting a common political end or carrying out a particular line of political policy and which:

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

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

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

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

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

(r) "Residence" means that place in which a person's habitation is fixed, and to which, whenever the person is absent, the person has the intention to return; however, a person who is temporarily out of the Commonwealth or the election district for reasons of business, education, government representation, military service, medical referral, medical reasons, natural disaster or environmental conditions, or employment by the Commonwealth, even for an extended period, shall be considered a resident of the Commonwealth and the election district if during that period, he maintains a domicile in the Commonwealth and election district.

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

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

Source: PL 12-18, § 2 (6003); (o)(3) amended by PL 13-57, § 2, modified; subsection (k) amended by PL 18-46 § 2 (Apr. 23, 2014).

Commission Comment: PL 13-57 was enacted on July 29, 2003. PL 13-57 contained the following findings:

Section 1. Findings. A dispute has arisen over the intent behind paragraph 3 of § 6001(o) of PL 12-18, to be codified at 1 CMC § 6003(o)(3). This subsection defines the term "recognized political party" which would have a right to a place on the ballot in any election and to have the names of its candidates identified accordingly. Paragraph 3 provides that a recognized political party, among other things, must have "received, at the most recent general election, in the event it had a candidate for each of the offices to be filled, not less than (10%) of the total votes cast therein; or in the event it had a lesser number of candidates than there were of-

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offices to be filled, each such party candidate received not less than ten percent (10%) of the total votes cast for the office to which the candidate sought election.” Section 6004 further provides that a recognized political party which fails to poll on any general election, the percentage of votes cast as required under paragraph 3 would lose recognition as a recognized political party and would be denied a place in the ballot unless it complies with paragraphs (1) and (2) of subsection (o).

A controversy has arisen regarding the interpretation of the final clause of paragraph (o). Specifically, in the last election each of the recognized political parties had a lesser number of candidates than there were offices to be filled. As a result, each party candidate had to receive at least “ten percent (10%) of the total votes cast for the office to which the candidate sought election.” The controversy involves whether any of the political parties complied with this provision in the last election and, thus continue to be recognized political parties for the next election without taking any additional actions.

The dispute specifically revolves around the Saipan representative precincts. For these precincts, there are three to six winning candidates. The Commonwealth Election Commission has taken the position that each candidate has run for the same office and therefore must secure ten percent of the total votes cast for all the candidates for all the seats in the precinct. The result of this interpretation is that none of the political parties recognized in the last election automatically qualify to be recognized in this upcoming election under paragraph (o).

Several political parties have taken the position that for the Saipan Representative precincts the term “office” refers to each seat that a winning candidate can secure. Thus, they maintain that each candidate must secure votes equal to ten percent of the total number of voters who voted in the precinct election. This is the correct interpretation and this Act amends the “Northern Mariana Islands Election Reform Act of 2000” to clarify that this construction is [the] Legislature’s original intent in including paragraph (3) in Public Law No. 12-18. Accordingly, under this interpretation, all of the political parties recognized in the last election would continue to be recognized in the next general election since their candidates garnered the requisite number of votes in the last election.

PL 18-46 (Apr. 23, 2014) contained, in addition to savings and severability clauses, the following Findings and Purpose section:

Section 1. Findings and Purpose. The Legislature finds that existing election laws need to be revised to incorporate recent changes. Amendments to existing language include amending the general election day to reflect Tuesday after the first Monday in November on even number years; ballots that shall contain the names of candidates for Attorney General; Qualifications for candidates seeking the Attorney General position; Nomination of the Attorney General; Runoff Election for the Attorney General; and etc. In addition, the Committee revised the provision to

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amend certain provisions of the election law to be consistent with the NMI Constitution, save costs and remove any inconsistencies with existing election law provisions. Furthermore, amendments were made to provide that the Office of the Public Auditor assist the Election Commission in monitoring the polling places to prevent and detect any fraud and any abuse at the polling places during special elections, early voting, and election day.

Accordingly, the purpose of this legislation is to revise existing election laws.