

TITLE 1: GOVERNMENT
DIVISION 6: ELECTIONS

§ 6004. Political Party: Rights.

In addition to any other rights accorded in this part to a political party, a recognized political party shall have the right to a place on the ballot, in any election, and to have the names of its candidates identified thereon with the party's name or other official designations. Any recognized political party which shall fail to poll on any general election, the percentage of total votes cast as required by Section 6003(o)(3) shall lose its recognition as a recognized political party, and shall be denied a place upon the ballot unless it complies with the provisions of Section 6005.

Source: PL 12-18, § 2 (6004); PL 14-87, § 2(a); amended by PL 15-7, § 2.

Commission Comment: PL 14-87 was enacted on September 19, 2005, and contained, in addition to an amendment to 1 CMC § 6303, findings and intent, applicability, and severability provisions. According to PL 14-87:

Section 1. Findings and Intent. The Legislature finds and declares that the republican form of government functions best, and the people of the Commonwealth are therefore best served, when legislators are popularly elected in spirited contests in which the people are free to choose from the widest range of qualified candidates.

The Legislature finds that the Election Law of the Commonwealth of the Northern Mariana Islands imposes upon candidates for the House of Representatives certain qualifying restrictions which are not imposed on senatorial or mayoral candidates.

The Legislature intends to remove certain qualifying restrictions which are imposed on candidates for the House of Representatives, and to make the new qualifications apply prospectively as well as apply retroactively to all persons who filed to have his or her candidacy for the November 5, 2005 general election certified by the Commonwealth of the Northern Mariana Islands Election Commission. The Legislature finds that this Act is necessary and is a proper use of the Legislative power.

...

Section 3. Applicability. The provisions of this Act shall apply prospectively and further apply retroactively to all persons who filed candidacy nomination petitions for the November 5, 2005 general election. Notwithstanding any other law, rule or regulation to the contrary, the Northern Mariana Islands Election Commission shall have two weeks from the effective date of this Act to reconsider its actions regarding the certification of the candidacies of people to whom this Act applies retroactively.

PL 15-7 was enacted on April 26, 2006, and contained the following findings and purpose provision in addition to a savings clause:

Section 1. Findings and Purpose. The Legislature finds in comparing the accuracy of valid votes between the 2003 and 2005 general elections, valid votes increased substantially in the 2005 general election. In races

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where there are multiple candidates, the number of over votes was substantially higher in the 2003 general election. For the House of Representatives in the First Election District, 18% of the votes had invalid markings and thus were not counted. For the same election district, for the six seats in the 2005 general election, 99.17% of all the votes were correctly marked. In the race for the sole senate seat for the Third Senatorial District in the 2003 general election, 21% of votes were over votes and thus were not counted. In the 2005 general election, for two senate seats for the Third Senatorial District, 99.27% of all markings were valid. The race for Resident Representative to the United States presents an even more impressive 99.83% valid votes and the race for governor and lieutenant governor was 99.52% valid votes.

The Legislature further finds that it is in the best interest of the public to follow the ballot design used in the 2005 general election because it promotes less confusion and results in greater percentage of valid votes.