

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIFTH SPECIAL SESSION, 2001

Public Law 12-70

H. B. NO. 12-421, SD2, HD1

AN ACT

To amend 1 CMC § 6213, subsections (a) and (h) of the Election Law of the CNMI; and for other purposes.

**BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

Section 1. Findings. As a result of the series of transmissions of the potentially deadly bacteria anthrax through the U. S. mail in the aftermath of the unprecedented attacks of September 11, 2001 on the United States, the United States Postal Service has undertaken heightened precautions to ensure the safety of its employees and the public. The Legislature finds that the delivery of mail to and from the Northern Mariana Islands may be delayed as a result of these precautionary measures. While extra precaution in the handling of United States Postal Service mail is necessary to ensure safety, the Legislature anticipates that these precautionary measures will result in delay in the forwarding and receipt of absentee ballots for the November 3, 2001 regular general election in the Northern Mariana Islands.

This legislation seeks to address that situation by enlarging the time within which the Election Commission must receive and tabulate ballots for registered voters who vote by absentee ballot from seven (7) to fourteen (14) days. This enlargement of time is intended to safeguard the election process.

Section 2. Amendment.

a. 1 CMC § 6213, subsection (a) is hereby amended to read as follows:

“§ 6213. Absentee Voting: Counting Ballots.

(a) To be counted, an absentee ballot shall be postmarked not later than the date of election and be received by the Commission not later than fourteen days after the date of election. If the

Commission is using a post office box for the receipt of absentee ballots, it shall remove all absentee ballots contained in the box on and no later than fourteen days after the election date and such ballots shall be deemed to have been received within the deadline.

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

(2) The reply envelopes shall not be opened but shall be marked as provided in subsection (b) and shall be deposited in a locked ballot box until processed by the Commission pursuant to subsections (c) through (h) fourteen days after the election.”

b. 1 CMC § 6213, subsection (h) is hereby amended to read as follows:

“(h) The returned envelopes marked ‘OK’, together with the application attached, shall be delivered by the Commission to the accounting and tabulation committee fourteen days after the day of the election, to be tabulated by the accounting and tabulation committee.”

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

Section 4. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____

BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

/s/ _____

EVELYN C. FLEMING
HOUSE CLERK

Approved this 2nd day of November, 2001

/s/ _____

PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS