

THIRTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SIXTH SPECIAL SESSION, 2003

PUBLIC LAW NO. 13-57
H. B. NO. 13-309

AN ACT

To amend 1 CMC § 6003(o)(3) as enacted by P.L. 12-18, as amended, the Election Law of the Commonwealth of the Northern Mariana Islands.

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

Section 1. Findings. A dispute has arisen over the intent behind paragraph 3 of § 6001(o) of P.L.12-18, to be codified at 1 CMC § 6003(0)(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 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 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.

Section 2. Amendment. Paragraph 3 of § 6003(0) of P.L. 12-18, as amended, to be codified at 1 CMC § 6003(o)(3), is hereby amended as follows:

"(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 (10%) 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 (10%) of the total number of voters who voted in the precinct election."

Section 3. Amendment. A new section 6007 is inserted into P.L. 12-18, as amended, as follows:

"§ 6007. Disclosure Requirement. Within fifty (50) days after an election, all political parties shall file.

(a) A statement with all the names and contributions of all persons, as defined in section 6421, contributing in cash or in-kind, except where the aggregate fair market value of an expense or contribution is less than five hundred dollars (\$500), and

(b) A detailed statement of campaign spending for expenditures in excess of \$100."

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

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
HEINZ S. HOFSCHEIDER
SPEAKER OF THE HOUSE

/s/ _____
EVELYN C. FLEMING
HOUSE CLERK

Approved this 29th day of July, 2003

/s/ _____
JUAN N. BABAUTA
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS