



HOUSE OF REPRESENTATIVES
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIFTH SPECIAL SESSION, 2008

Public Law 16-13
H. B. No. 16-112, HD2, SD2

AN ACT

TO PROVIDE FOR THE ELECTION OF DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVES ,AND
FOR OTHER PURPOSES.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:

1 **Section 1. Findings and Purpose.** The Commonwealth Legislature finds that Public
2 Law 110-229 created a delegate to the United States House of Representatives for the
3 Commonwealth. The purpose of this Act is to establish procedures for the election of the
4 delegate.

5 **Section 2. N.M.I. Delegate to the U.S. House of Representatives.** A new Chapter
6 **3A** is added to Part 1 of Division 6 of Title I of the Commonwealth Code to read as follows:

"Chapter 3A. Federal elections

Article 1. Delegate to the U.S. House of Representatives

7 § 6360. Qualifications

8 § 6361. Nominations

9 § 6362. Election

10 § 6363. Term

11 § 6364. Vacancy

12 § 6365. Special election

13 § 6366. Procedures

14 § 6367. Appropriation

15 § 6368. Conflict of law

16 § 6369-70. Reserved

17

18

1 § 6360. **Qualifications.** To be eligible for the office of Delegate a person
2 shall:

3 (a) be at least **25** years of age on the date of the election;

4 (b) have been a citizen of the United States for at least seven (**7**) years prior to
5 the date of the election;

6 (c) be a resident and domiciliary of the Commonwealth for at least seven (**7**)
7 years prior to the date of election;

8 (d) be qualified to vote in the Commonwealth on the date of election; and

9 (e) not be, on the date of the election, a candidate for any other office.

10 § 6361. **Nominations.** The nomination of candidates for the office of Delegate
11 shall be made by the petition of any political party or by any independent candidate,
12 and shall be made according to the procedures for political parties and independent
13 candidates set forth in this division.

14 § 6362. **Election.**

15 (a) The Delegate shall be elected by the people qualified to vote for the
16 popularly elected officials of the Commonwealth of the Northern Mariana **Islands.**

17 (b) The **election** of Delegate shall be conducted at the special election on
18 November 4, 2008, and at such elections every two years thereafter.

19 (c) The Delegate **shall** be elected at-large and by a plurality of the votes cast
20 for the office of Delegate.

21 § 6363. **Term.** The term of the Delegate shall commence on the **3rd** day of
22 January following the date of election and shall expire upon the subsequent date of
23 commencement of term two years thereafter.

24 § **6364.** **Vacancy.** In the case of a permanent vacancy in the office of
25 Delegate, the office shall remain vacant until a successor is elected and qualified.

26 § **6365.** **Special election.**

27 (a) In the case of a permanent vacancy in the office of Delegate, the Governor
28 shall call for a special election to be held within 90 days of the date of the call for
29 election; provided that in the event that a vacancy occurs within six months of the

1 next general federal election, no special election shall be called and the office shall
2 remain vacant.

3 (b) In the event of a tie vote for the office of Delegate, the tie shall be decided
4 by the drawing of lots, under the supervision of the CEC. Each candidate shall be
5 present at the drawing of lots along with two witnesses. The result of a drawing of
6 lots shall be final and shall not be contestable.

7 § 6366. Procedures. Except as otherwise provided by federal law, the conduct
8 of the election of Delegate to the U.S House of Representatives shall be according to
9 procedures set forth in this division.

10 § 6367. **Authorization for reprogramming.** Notwithstanding any provision
11 of law to the contrary, the Governor shall reprogram the sum of **\$60,000** from the
12 Office of the Resident Representative's Account to the Commonwealth Election
13 Commission (CEC) for the first Delegate election to be conducted on November 4,
14 2008. The Commission shall be the expenditure authority for the reprogrammed
15 funds.

16 § 6368. **Conflict of law.** Any conflict between this article and federal law
17 shall be resolved in favor of the federal law.

18 § 6369-70. Resewed."

19 **Section 3. Conforming Amendments.**

20 (a) Division 4 of Title I of the Commonwealth Code is repealed in its entirety.

21 (b) 1 CMC § 6304 is repealed and reserved.

22 (c) 1 CMC § 6341 is repealed and reserved.

23 Section 4. **Severability.** If any provision of this Act or the application of any such
24 provision to any person or circumstance should be held invalid by a court of competent
25 jurisdiction, the remainder of this Act or the application of its provisions to persons or
26 circumstances other than those to which it is held invalid shall not be affected thereby.

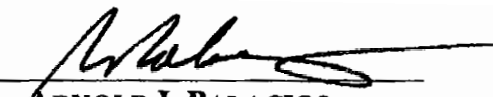
27 Section 5. **Savings Clause.** This Act and **any** repealer contained herein shall not be
28 construed as affecting any existing right acquired under contract or acquired **under** statutes
29 repealed or under any rule, regulation, or order adopted under the statutes. Repealers

1 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
2 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
3 any liability, civil or **criminal**, which shall already be in existence on the date this Act
4 becomes effective.

5 **Section 6. Effective Date.** This Act shall take effect upon its approval by the
6 Governor or becoming law without such approval, except that Section 3 of this Act shall take
7 effect on January 3, 2009.

CERTIFIED BY:

ATTESTED TO BY:

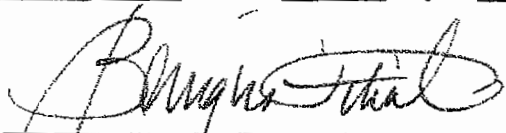


ARNOLD I. PALACIOS
SPEAKER OF THE HOUSE



EVELYN C. FLEMING
HOUSE CLERK

APPROVED on this 25th day of AUGUST, 2008



BENIGNO R. FITIAL
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS