



HOUSE OF REPRESENTATIVES
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
THIRD REGULAR SESSION, 2009

Public Law No. 16-43
H. B. No. 16-220, HS1, SD1, HD3, SD3

AN ACT

To amend the Northern Mariana Islands Election Law to provide for runoff election procedures and to allow for the counting of absentee ballots on election day; and for other purposes.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:

1 Section 1. Findings and Purpose. The Legislature finds that House Legislative
2 Initiative 15-16, SD1 was placed before the people for ratification during the 2007 general
3 election. This initiative proposed to amend Article III, Section 4 of the Constitution of the
4 Northern Mariana Islands to require a runoff election for governor and lieutenant governor if
5 no candidate receives a majority of the votes cast and counted for that office. Approximately
6 73% of total votes cast during the 2007 general election were in support of this initiative. As
7 a result, a runoff election for governor and lieutenant governor is required if no candidate
8 receives a majority of the votes cast and counted for that office. Additionally, runoff election
9 procedures shall be established by law. The Legislature therefore finds it necessary to
10 establish runoff election procedures as mandated by the ratification of House Legislative
11 Initiative 15-16, SD1.

12 The Legislature further finds that current election statutes provide a period of no later
13 than fourteen days after the election date for absentee ballots to arrive on Saipan and be
14 considered valid. The Commonwealth Election Commission shall then tabulate the absentee
15 ballots and subsequently certify the election results. If no candidate receives a majority of the
16 votes cast and counted for the office of governor and lieutenant governor, then a runoff
17 election shall be held on the fourteenth day thereafter. An additional fourteen days would
18 also be allotted for the arrival of absentee ballots for the runoff election. These additional

1 days drastically reduce the transitional period provided for the governor-elect and lieutenant
2 governor-elect to assume office. The Legislature therefore finds it necessary to mandate the
3 counting of absentee ballots received on or prior to election day to allow for more time for
4 the transitional period of the governor-elect and lieutenant governor-elect.

5 Section 2. Amendments.

6 (a) 1 CMC §§ 6211(b) and (c) are hereby amended to read as follows:

7 "[Section title shall remain as amended by PL 16-38.]

8 (b) Any registered voter, under the circumstances specified in
9 subsection (a)(1-9), inclusive, may make an application to the Commission for
10 an official ballot to be voted at such election. Such application if made by mail
11 or by facsimile or by other electronic means approved by the Commission
12 shall be made not more than seventy-five (75) days nor less than twenty-five
13 (25) days before the election, or if the application is made in person, not later
14 than during regular office hours of the day prior to the election. Any such
15 application shall be made in writing on a form furnished by the Commission
16 and shall indicate the applicant's name, social security number, the applicant's
17 election district, the reason for requesting an absentee ballot and the address to
18 which the applicant wishes the ballot forwarded if the applicant is not picking
19 up the ballot in person. An absentee ballot applied for and approved less than
20 11 days prior to an election shall not be mailed, but instead must be picked up
21 in person at the Commission office.

22 (c) Beginning not less than one week before the day of election, the
23 Commission shall establish a mailbox in each senatorial district at which a
24 voter eligible to cast an absentee ballot may, cast and deliver their ballot into
25 the custody of the Commission to be counted as provided by this Chapter."

26 (b) 1 CMC § 6213 (a) is hereby amended to read as follows:

27 "§ 6213. Absentee Voting: Counting Ballots.

28 (a) To be eligible to be counted, an absentee ballot shall be received
29 by the Commission not later than the date of election; provided that in the case

1 of a runoff election an absentee ballot shall be postmarked not later than the
2 day of the runoff election and shall be received by the Commission no later
3 than fourteen days after the date of the runoff election. If the Commission is
4 using a post office box for the receipt of absentee ballots, it shall remove all
5 absentee ballots contained in the post office box as follows for such ballots to
6 be deemed to have been received within the deadline:

7 (1) No less than two persons, one of whom shall be designated
8 by the Commission Chairperson and the other of whom shall be
9 designated by the Executive Director, shall go to the designated post
10 office in each senatorial district to collect absentee ballots on a daily
11 basis:

12 (A) Commencing with the date absentee ballots are first
13 mailed out until the official closing time of polling places on
14 the day of a general election; and

15 (B) Commencing on the date of a runoff election until
16 12:00 p.m. on the fourteenth day after a runoff election.

17 (2) The reply envelopes shall not be opened but shall be
18 marked as provided in subsection (b) and shall be deposited in a locked
19 ballot box until processed by the Commission pursuant to subsections
20 (c) through (i)."

21 (c) 1 CMC § 6213 (h) is hereby amended to read as follows:

22 "§ 6213. Absentee Voting: Counting Ballots.

23 (h) The returned envelopes marked 'OK', together with the application
24 attached, shall be delivered by the Commission to the accounting and
25 tabulation committee the day of general election, or in the case of a runoff
26 election absentee ballots shall be postmarked not later than the date of the
27 run-off election and be received by the Commission no later than fourteen
28 days following the runoff election date, to be tabulated by the accounting and
29 tabulation committee."

1 (d) 1 CMC § 6206 (a)(7) is hereby amended to read as follows:

2 "§ 6206. Removal of Names From Register; When; Re-Registration.

3 (a) The Commission shall remove the name of a registered voter from
4 the register in the following cases:

5 (7) If the person did not vote in the preceding general election,
6 provided however, that failure to vote in a general election that gives
7 rise to a run-off election shall not preclude the person from
8 participating in a run-off election related to that same general election;
9 A person who Yotes in a run-off election shall remain a registered Yoter
10 unless otherwise disqualified under 1 CMC §§ 6201 to 6214."

11 (e) Title 1, Division 6, Chapter 5 of the Commonwealth Code is hereby amended
12 to create a new section 6509 as follows:

13 "§ 6509. Runoff Elections for Governor and Lieutenant Governor.

14 (a) ~~If-in~~ an election for the offices of governor and lieutenant
15 governor-no candidate receives more than one-half (1/2) of the total Yotes
16 cast and counted, there shall be a runoff election fourteen (14) days after the
17 Commonwealth Election Commission has certified the results of the general
18 election consistent with Article III, Section 4 of the Constitution of the
19 Commonwealth of the Northern Mariana Islands. The Commission shall
20 certify the results of the general election not later than ten days after the date
21 of the general election.

22 (b) The candidates who received the highest and second highest
23 number of votes cast and counted in the general election shall compete in the
24 runoff election. The candidates who receive more than half of the votes cast
25 and counted in the runoff shall be declared the winner.

26 (c) The Commonwealth Election Commission shall carry out the
27 runoff election in the same manner as provided in 1 CMC § 6208, except that
28 the distribution deadlines for eligible Yoter lists and specimen ballots in

1 § 6208(a) and § 6208(b) for the runoff election shall be not less than seven (7)
2 days before the day of the runoff election.

3 (d) The Commission shall mail absentee ballots, other than absentee
4 ballots that are picked up in person, not less than ten days before the runoff
5 election date. All other matters pertaining to runoff election absentee ballots
6 shall be as provided in chapter 2 of this part.

7 (e) The Commonwealth Election Commission shall make reasonable
8 rules and regulations, not inconsistent with the constitution and laws of the
9 Commonwealth, as may be necessary to carry out the provisions of this
10 Chapter including, but not limited, to the timing, manner and method in which
11 runoff absentee ballots are to be distributed, collected and counted."

12 (f) 1 CMC § 6524(c) is hereby amended to read as follows:

13 "§ 6524. Tabulation of Votes.

14 "(c) Any candidate for Commonwealth Delegate to the United States
15 House of Representatives, mayor, senator, representative, municipal council,
16 or board of education, who receives the highest number of votes cast for that
17 office in any elections shall be declared the winning candidate. In the case of
18 any office where more than one (1) candidate is to be elected, the candidates
19 receiving the highest number of votes, from greatest to least, shall be declared
20 the winning candidates."

21 (g) 1 CMC § 6213(i), enacted pursuant to PL 16-38, is amended as follows:

22 "(i) Absentee ballots in the possession of the Commission on a runoff
23 election day shall be processed, counted and tabulated on Election day, and
24 reported pursuant to 1 CMC § 6524. Other runoff election absentee ballots
25 shall be postmarked, received and counted as provided in this section."

26 (h) 1 CMC § 6524(d), enacted pursuant to PL 16-38, is amended as follows:

27 "(d) Votes cast for Senator, Representative, Municipal Council and
28 Mayor, as well as for any local initiative or any other matter for which only

1 voters registered in one senatorial district may determine the outcome must
2 be:

3 (1) placed on ballots to be known as 'local ballots', separate from any
4 contest decided by voters from more than one senatorial district; and

5 (2) preliminarily counted, tabulated, and published in the senatorial
6 district in which they were cast prior to shipment to the Third Senatorial
7 District for any final counting, tabulation, or publication deemed necessary by
8 the Commission.

9 Provided that in the case of counting ballots by hand the Commission may
10 waive the requirements of subsection (d)(1) if compliance to subsection (d)(1) would
11 unduly delay a preliminary counting under subsection (d)(2). Hand counting of local
12 ballots is acceptable, as is counting by electronic or mechanical means. This
13 preliminary count may be conducted by one Commission Member in the presence of
14 one representative from the Office of the Public Auditor and one assistant attorney
15 general. If a senatorial district has access within the district to electronic or
16 mechanical means of counting similar to those utilized by election officials in the
17 Third Senatorial District, the requirements of this subsection may be waived."

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


22 Section 4. Savings Clause. This Act and any repealer contained herein shall not be
23 construed as affecting any existing right acquired under contract or acquired under statutes
24 repealed or under any rule, regulation or order adopted under the statutes. Repealers
25 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
26 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
27 any liability, civil or criminal, which shall already be in existence on the date this Act
28 becomes effective.

1 Section 5. Effective Date. This Act shall take effect upon its approval by the
2 Governor or becoming law without such approval.

CERTIFIED BY:



ATTESTED TO BY:


EVELYN C. FLEMING
HOUSE CLERK

APPROVED on is 24th day of JULY, 2009



BENIGNO R. FITIAL
GOVERNOR

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS