



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Eloy S. Inos**  
Governor

**Jude U. Hofschneider**  
Lieutenant Governor

**23 APR 2014**

Honorable Joseph P. Deleon Guerrero  
Speaker, House of Representatives  
Eighteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Honorable Ralph DLG. Torres  
Senate President, The Senate  
Eighteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 18-107, HD1, SS1, CCD1, entitled, "To amend 1 CMC, Division 6, Elections, and to authorize the election of the Attorney General; and for other purposes;" which was passed by the House of Representatives and the Senate of the Eighteenth Northern Marianas Commonwealth Legislature.

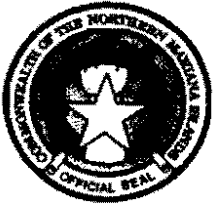
This bill becomes **Public Law No. 18-46**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Eloy S. Inos", with a vertical line extending upwards from the end of the signature.

ELOY S. INOS

cc: Lt. Governor; Lt. Governor's Legal Counsel; Attorney General's Office; Press Secretary; Commonwealth Election Commission; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



*House of Representatives*  
18<sup>th</sup> NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
P.O. BOX 500586  
SAIPAN, MP 96950

April 2, 2014

The Honorable Eloy S. Inos  
Governor  
Commonwealth of the Northern  
Mariana Islands  
Capitol Hill  
Saipan, MP 96950

Dear Governor Inos:

I have the honor of transmitting herewith for your action **H. B. No. 18-107, HD1, SS1, CCD1**, entitled: "To amend 1 CMC, Division 6, Elections, and to authorize the election of the Attorney General; and for other purposes.", which was passed by the House of Representatives and the Senate of the Eighteenth Northern Mariana Commonwealth Legislature.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Linda B. Muña".

Linda B. Muña  
House Clerk

Attachment



*Eighteenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

**Sixth Special Session**

**July 26, 2013**

Representative Christopher D. Leon Guerrero, of Saipan, Precinct 4 (*for himself*, Representatives Antonio R. Agulto, and John Paul P. Sablan) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. No.18-107, HD1, SS1, CCD1**

**AN ACT**

**TO AMEND 1 CMC, DIVISION 6, ELECTIONS, AND TO  
AUTHORIZE THE ELECTION OF THE ATTORNEY GENERAL;  
AND FOR OTHER PURPOSES.**

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 18-65; adopted October 24, 2013.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, NOVEMBER 6, 2013;**  
*with amendments* in the form of H. B. 18-107, HD1 and transmitted to the  
**THE SENATE.**

The Bill was not referred to a Senate Committee.  
**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, DECEMBER 20, 2013;**  
*with amendments* in the form of H. B. 18-107, SS1.

**H. B. 18-107, HD1, SS1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON  
DECEMBER 23, 2013.**

The House of Representatives rejected the Senate amendments and the Bill was sent to Conference, which submitted Conference Committee Report 18-4.

**THE BILL WAS FINALLY PASSED ON MARCH 26, 2014.**

A handwritten signature in black ink, appearing to be "L. Muña", written over a horizontal line.

**Linda B. Muña, House Clerk**



*Eighteenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

**Eighth Day, Third Regular Session**

**March 26, 2014**

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**H. B. 18-107, HD1, SS1, CCD1**

**AN ACT**

**TO AMEND 1 CMC, DIVISION 6, ELECTIONS, AND TO AUTHORIZE THE  
ELECTION OF THE ATTORNEY GENERAL; AND FOR OTHER  
PURPOSES.**

**Be it enacted by the Eighteenth Northern Marianas Commonwealth  
Legislature:**

1           **Section 1. Findings and Purpose.** The Legislature finds that existing election laws  
2 need to be revised to incorporate recent changes. Amendments to existing language include  
3 amending the general election day to reflect Tuesday after the first Monday in November on  
4 even number years; ballots that shall contain the names of candidates for Attorney General;  
5 Qualifications for candidates seeking the Attorney General position; Nomination of the  
6 Attorney General; Runoff Election for the Attorney General; and etc. In addition, the  
7 Committee revised the provision to amend certain provisions of the election law to be  
8 consistent with the NMI Constitution, save costs and remove any inconsistencies with  
9 existing election law provisions. Furthermore, amendments were made to provide that the  
10 Office of the Public Auditor assist the Election Commission in monitoring the polling places  
11 to prevent and detect any fraud and any abuse at the polling places during special elections,  
12 early voting, and election day.

HOUSE BILL 18-107, HD1, SS1, CCD1

1 Accordingly, the purpose of this legislation is to revise existing election laws.

2 **Section 2. Amendment.** Title 1 § 6003 (k) of the Commonwealth Code is hereby  
3 amended to read as follows:

4 “(k) “General Election” means an election held throughout the  
5 Commonwealth every two years on the first Tuesday after the first Monday in  
6 November on even number years.”

7 **Section 3. Amendments.**

8 a. Title 1 § 6109 (d) of the Commonwealth Code is hereby amended to read as  
9 follows:

10 “(d) The executive director shall employ poll workers and poll supervisors  
11 necessary to conduct elections and administer the commissions other duties and  
12 responsibilities. Such employees shall be hired from lists of individuals recommended  
13 by the recognized political parties in such a manner as to ensure a fair representation  
14 of all recognized political parties in the total cohort. All such employees shall receive  
15 training and certification in procedures, ethics, tasks, and responsibilities prior to  
16 being assigned to any duties.”

17 b. Title 1 § 6208 (c) of the Commonwealth Code is hereby amended to read as  
18 follows:

19 “(c) A ballot shall contain the names of candidates in an order identifying  
20 party affiliation or nonpartisanship for Attorney General, Board of Education and  
21 municipal council, as established by the Commission, and the office to be sought.”

22 c. Title 1 § 6212 (a) of the Commonwealth Code is hereby amended to read as  
23 follows:

24 “(a) The Commission shall provide to any registered voter entitled to vote by  
25 absentee ballot and who applied for one, an official ballot, a ballot envelope, an  
26 affidavit prescribed by the Commission, and a reply envelope. The absentee voter  
27 shall mark the ballot in the usual manner provided by law and in a manner such that  
28 no other person can know how the ballot is marked. The absentee voter shall then  
29 deposit the ballot in the ballot envelope and securely seal it. The absentee voter shall

**HOUSE BILL 18-107, HD1, SS1, CCD1**

1 then complete and execute the affidavit. The ballot envelope and the affidavit shall  
2 then be enclosed and sealed in the covering reply envelope and mailed via standard  
3 U.S. First Class Mail only or sent by commercial courier service to the commission  
4 at the expense of the voter. Such ballots and affidavits will not be counted by the  
5 Commission unless mailed. For the purpose of this part, the word mailed includes  
6 ballots and affidavits sent through the postal or courier services.”

7 d. Title 1 § 6213 (a) (1) (i) and (ii) of the Commonwealth Code are hereby amended  
8 to read as follows:

9 “(a) (1) (i) once in the morning prior to 11:00 a.m. and once prior to the  
10 closure of the post office on the day of the election; and

11 (a) (1) (ii) prior to the closure of the post office on the fourteenth day after a  
12 runoff election.”

13 e. Title 1 § 6215 (e) of the Commonwealth Code is hereby amended to read as  
14 follows:

15 “(e) This Appeal will be heard by a panel of three consisting of the Chair or a  
16 Commissioner of the Commonwealth Election Commission designated by the Chair  
17 from an island other than the challenged voter’s island, the Public Auditor, and  
18 another Commissioner of the Commonwealth Election Commission designated by the  
19 Chair from an island other than the challenged voter’s island. This appeal must be  
20 heard within five calendar days of the election, at which point both the appellant and  
21 appellee may provide evidence to prove their case. The appellant and appellee may  
22 be represented by counsel. During all portions of the appeal to include any  
23 discussions the panel may have about each case the panel will not enter into executive  
24 session. The panel will issue a decision within two calendar days. A party to the  
25 appeal may appeal the panel’s ruling within five calendar days to the Commonwealth  
26 Superior Court which will review the panel’s legal conclusions de novo but will  
27 overturn the Commission’s factual determinations only upon a showing of clear  
28 error.”

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1 f. Title 1 § 6222 (a) and (b) of the Commonwealth Code are hereby amended to read  
2 as follows:

3 “(a) The period for early voting by personal appearance begins the 7<sup>th</sup> day  
4 preceding an election and extends through the last day before election day; provided  
5 that the period for early voting for the Northern Islands begins on the 46<sup>th</sup> day  
6 preceding the election and extends through the last day before the election at 4:00  
7 p.m.

8 (b) A permanent polling place for early voting must remain open during the  
9 hours of 8:30 a.m. to 4:00 p.m. on weekdays and 8:30 a.m. to 4:00 p.m. on  
10 Saturdays, Sundays, and holidays; except that the Commission may extend the  
11 voting hours as necessary to accommodate emergency early voting.”

12 g. Title 1, Division 6, Part 1, Chapter 3, Article 1 of the Commonwealth Code is  
13 hereby amended to add a new § 6308 to read as follows:

14 “§ 6308. Attorney General.

15 A candidate for the Attorney General shall be at least 35 years of age, a U.S.  
16 Citizen and a resident and domiciliary of the Commonwealth for at least 5 years  
17 immediately preceding the date on which the Attorney General takes office. Must be  
18 an active member in good standing of the Commonwealth Bar Association for at least  
19 5 years preceding the date the attorney general takes office and have not been  
20 suspended from practice of law in any jurisdiction of the United States for violation of  
21 ethics rules governing the practice of attorneys. No person convicted of a felony or a  
22 crime of moral turpitude in the Commonwealth or any other area under the  
23 jurisdiction of the United States may be eligible for this office.”

24 h. Title 1, Division 6, Part 1, Chapter 3, Article 4 of the Commonwealth Code is  
25 hereby amended to add a new § 6346 to read as follows:

26 “§ 6346. Nominations: Attorney General.

27 (a) Candidates for Attorney General shall be nominated by petition  
28 designating the person seeking nomination and the office sought, containing the  
29 signatures, printed names, residences and mailing addresses of not less than at least

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1 two-hundred (200) signatures, printed names, residences and mailing addresses  
2 registered in the Commonwealth for each nonpartisan candidate for Attorney General.  
3 Each petition shall be accompanied by the signature of the person nominated, which  
4 shall constitute the nominees assent to be a candidate.

5 (b) The procedures and requirements for independent nomination for  
6 Governor and Lieutenant Governor set forth in this Chapter shall apply with respect  
7 to the nomination of nonpartisan candidates, as consistent with this section, ~~except~~ that  
8 the filing fee shall be five-hundred (\$500) filing fee for each Attorney General  
9 candidate.”

10 i. Title 1, Division 6, Chapter 5, Article 1, § 6509 is hereby amended by inserting a  
11 new (b) to read as follows and the existing (b) and all remaining sub-subsections shall be  
12 renumbered accordingly:

13 “§ 6509. Runoff Elections for Governor and Lieutenant Governor and  
14 Attorney General.

15 “(b) If in an election for Attorney General no candidate receives more than  
16 one-half (1/2) of the total votes cast, there shall be a runoff election fourteen (14)  
17 days after the Commonwealth Election Commission has certified the results of the  
18 general election consistent with Article III, Section 11 (e) of the Constitution of the  
19 Commonwealth of the Northern Mariana Islands. The Commission shall certify the  
20 results of the general election not later than twenty (20) days after the date of the  
21 general election.”

22 j. Title 1, § 6528 (b) and (c) of the Commonwealth Code is hereby amended to read as  
23 follows:

24 “(b) Election officials shall visibly mark the post in a conspicuous place, prior  
25 to the opening of the polls, an area of three hundred-feet from the perimeter of the  
26 polling place and its appurtenances. For the purposes of this section, a polling place  
27 and its appurtenances shall include:

- 28 (1) The building in which the polling place is located;



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1 (2) Any parking lot adjacent to the building and routinely used for  
2 parking at that building;

3 (3) The routes of access between the building and any parking lot; and

4 (4) Any route of access between any public thoroughfare (right of  
5 way) and the polling place to ensure an open and accessible ingress and  
6 egress to and from the polling place for voters.

7 (c) Law enforcement officers shall assist election commissioners in  
8 preserving order, enforcing election laws, and protecting election officials from  
9 interference with the performance of their duties. Designated police officers shall  
10 assist the Commission for the entire election process until the official results are  
11 certified including monitoring the polls during special election, early voting, and  
12 election day.”

13 k. To add a new Section 6529 to Title 1, Chapter 5, Article 2, to read as follows:

14 “§ 6529. Public Auditor Assistance.

15 The Office of the Public Auditor shall assist the Election Commission for the  
16 entire election process to prevent and detect fraud and any abuse in the election  
17 process until the official results are certified including monitoring the polls during  
18 special election, early voting, and election day.”

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

23 **Section 5. Savings clause.** This Act and any repealer contained herein shall not be  
24 construed as affecting any existing right acquired under contract or acquired under statutes  
25 repealed or under any rule, regulation or order adopted under the statutes. Repealers  
26 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
27 The enactment of the Act shall not have the effect of terminating, or in any way modifying,  
28 any liability, civil or criminal, which shall already be in existence on the date this Act  
29 becomes effective.

**HOUSE BILL 18-107, HD1, SS1, CCD1**

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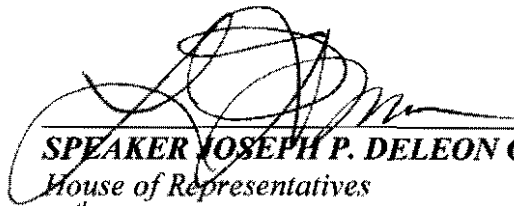
**Section 6. Effective date.** This Act shall take effect upon its approval by the Governor or becoming law without such approval.

Attested to by:



**Linda B. Muña, House Clerk**

Certified by:



**SPEAKER JOSEPH P. DELEON GUERRERO**  
House of Representatives  
18<sup>th</sup> Northern Marianas Commonwealth Legislature

APPROVED this 23<sup>RD</sup> day of APRIL, 2014



**ELOY S. INOS**  
Governor  
Commonwealth of the Northern Mariana Islands