



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

COMMONWEALTH ELECTION COMMISSION

**ELECTION COMMISSION
REGULATION**

CHAPTER 30-10

TITLE 30 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS ELECTION COMMISSION

CHAPTER 30-10 ELECTION COMMISSION REGULATIONS

Chapter Authority: 1 CMC 6105.

Chapter History: Amdts Adopted 27 Com. Reg. 24119 (Mar. 17, 2005); Amdts Proposed 27 Com. Reg. 23977 (Feb. 17, 2005); Amdts Adopted 27 Com. Reg. 24121 (Mar. 17, 2005); Amdts Proposed 27 Com. Reg. 23967 (Feb. 17, 2005); Amdts Adopted 27 Com. Reg. 24084 (Feb. 17, 2005); Amdts Proposed 27 Com. Reg. 23813 (Jan. 17, 2005); Amdts Adopted 26 Com. Reg. 23118 (Aug. 26, 2004); Amdts Proposed 26 Com. Reg. 22671 (June 24, 2004); Amdts Emergency 25 Com. Reg. 21062 (Sept. 18, 2003) (effective for 120 days from Sept. 15, 2003); Amdts Emergency 25 Com. Reg. 21059 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003); Amdts Emergency 25 Com. Reg. 20241 (July 15, 2003) (effective for 120 days from July 15, 2003); Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com. Reg. 18244 (Aug. 16, 2001); Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001); Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001) (repealing and superceding all existing regulations).

Commission Comment: Title 1, division 6 of the Commonwealth Code, 1 CMC 6001-6910, governs elections in the Commonwealth. Until September 2000, this division created a Board of Elections and authorized the board to implement its provisions. See former 1 CMC 6101 and 6104 (1999).

PL 12-18 (effective Sept. 14, 2000), The Northern Mariana Islands Election Reform Act of 2000, codified as amended at 1 CMC 6001-6706, repealed and reenacted the election law of the Commonwealth (1 CMC, division 6, part 1). See PL 12-18 2. The act establishes the Commonwealth of the Northern Mariana Island Election Commission and authorizes the Commission to implement its provisions. 1 CMC 6101 and 6105.

In May 2001, the Commonwealth Election Commission promulgated Commonwealth of the Northern Mariana Islands Election Commission Regulations that repealed and replaced the existing Election Rules and Regulations promulgated by the Board of Elections in 1979. The history of the Board of Elections rules and regulations prior to 2001 is as follows:

Amdts Adopted 21 Com. Reg. 16807 (June 23, 1999); Amdts Proposed 21 Com. Reg. 16788 (May 19, 1999); Adopted 1 Com. Reg. 307 (June 16, 1979); Proposed 1 Com. Reg. 220 (May 16, 1979).

On June 16, 1979, the Board of Elections published a public notice regarding re-registration of certain voters for the November 4, 1979 general election. See 1 Com. Reg. 326 (June 16, 1979).

In 1989, the Board of Elections published emergency regulations to establish procedures for the certification of signatures for proposed constitutional amendments by popular initiative. See 11 Com. Reg. 6273 (July 15, 1989) (effective for 120 days from June 19, 1989).

On July 15, 2005, the Commonwealth Election Commission issued a declaratory ruling that interpreted 1 CMC 6303. The Commission found that 1 CMC 6303 requires a candidate for the House of Representatives to be registered to vote in the election district where he or she is a candidate for at least two years immediately preceding the date of election. See 27 Com. Reg. 24687 (July 20, 2005). PL 14-87 (effective Sept. 19, 2005) amended 1 CMC 6303 to remove this requirement.

Part 001 -General Provisions

30-10-001 Authority

The authority for the adoption and promulgation of the Commonwealth of the Northern Mariana Islands Election Commission Rules and Regulations codified in this chapter is by virtue of the authority and directions set forth in 1 CMC 6000, et seq. and the Commonwealth Administrative Procedure Act, 1 CMC 9101, et seq.

Modified, 1 CMC 3806(d).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-005 Purpose and Scope

The purpose of the rules and regulations in this chapter is to provide for a fair and impartial treatment of all qualified voters and to ensure the orderly and efficient conduct of all elections in the Commonwealth. These revised regulations replace and supersede existing regulations of the previous Commonwealth of the Northern Mariana Islands Board of Elections as published in the Commonwealth Register no. 1 volume 8, page 220, May 16, 1979, as amended.

Modified, 1 CMC 3806(d), (f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-010 Definitions

Unless the context clearly requires a different interpretation, the following terms shall have the following meanings. In addition any term that is defined in the elections law pursuant to 1 CMC 6003, shall have the same definition:

- (a) Affidavit means the affidavit of registration form as created by the Election Commission and is duly executed by the person entitled to register under the election laws of the Commonwealth.
- (b) Ballot box means a secure receptacle located in each polling place on election day that a voter deposits their completed ballot into.
- (c) Citizen means a person who is a United States citizen by birth or naturalization as defined in the Commonwealth Constitution.
- (d) Commission means the Commonwealth of the Northern Mariana Islands Election Commission.
- (e) Election means an election held throughout the Commonwealth every two years on the first Saturday in November. It may also include a special election called pursuant to a proclamation issued by the Governor of the Commonwealth of the Northern Mariana Islands.
- (f) Eligible voter means a person who is qualified and duly registered to vote. A voter is not qualified to vote if after registration there is a change in their status such as they are convicted of a felony, declared of unsound mind or are no longer a resident and domiciliary of the Commonwealth.
- (g) Observer means a designate, representative, partisan or other authorized person who is allowed access inside the polling place area for purposes of observing the election process on behalf of their candidate.
- (h) Person means a human being or individual.
- (i) Team means one pair of candidates who are running for Governor and Lieutenant Governor under the same political party or as independent candidates for those offices.
- (j) Temporary means transitory, impermanent, or of the moment.

Modified, 1 CMC 3806(f), (g).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: In subsection (f), the Commission corrected the spelling of domiciliary.

30-10-015 Definitions

Unless the context clearly requires a different interpretation, the following terms shall have the following meanings:

- (a) Aggregate means the cumulative total fair market value of contributions received from one contributor or supporter, or the cumulative total fair market value of expenses and campaign spending for a particular type of expenditure.
- (b) Campaign spending means all payments, obligations, or transfer of anything of value by a supporter, contributor, candidate, potential candidate, or anyone or anything in support of a campaign.
- (c) Cash means currency, coins, checks, credit or debit card charges, money orders, travelers checks, cashier's check, bonds, stock certificates or any other form of monetary instrument commonly accepted in trade or business for the transaction of business or repayment of legal debts.
- (d) Contributed property includes, but is not limited to, goods, tangible items, equipment, supplies, livestock, vehicles, objects or other items donated to a campaign, candidate, potential candidate, or committee with the intent to transfer ownership, and which once transferred will not be returned to the contributor or supporter after the campaign.
- (e) Contributor means any individual, corporation, political party, association, family trust, business, partnership, foreign national, political action committee, candidate, organization, group, committee, elected official, citizen, non-resident worker, or any other entity that provides money, property, advertising, independent expenditures expendable goods or services, or anything else of value to a candidate, potential candidate, for that candidates campaign.
- (f) Detailed financial statement of account is the campaign statement of account (as defined by 1 CMC 6421(a)), including all necessary supporting details which relate to the candidates campaign financial activity.
- (g) Expenditures for the operation of a permanent political party headquarters include expenditures such as rent, utilities, telephone service, furniture and furnishings, equipment and supplies, and salaries of political party headquarters staff.
- (h) Fair market value means the value of goods and/or services received or expended by a candidate, potential candidate, measured by reasonable local community standards.
- (i) Fund-raising event means any gathering, party, event, meeting, outing, raffle or other occasion intended or designed to encourage contributors and supports to attend and make contributions for the benefit of a campaign, by buying tickets or otherwise making contributions which support a candidate, potential candidate, or their campaign.
- (j) Independent expenditure means any payment, service, advertising, expense, expendable good or service, or anything else of value that any contributor or supporter directly incurs and pays for on behalf of a candidate, potential candidate, for purposes of benefitting or promoting that candidates campaign.
- (k) In-kind contributions include, but are not limited to:
 - (1) Expendable items: such as food, drinks, t-shirts, print-ads, banners, posters, lumber, construction materials, supplies or the like.
 - (2) The reasonable value of donated services such as: advertising, trucking, transportation, entertainment, tents or lodging, catering, or the like.
 - (3) The reasonable rental value of real or personal property loaned out or used for free, such as the use of buildings, computers, tents and canopies.
- (l) Personal use means a use that primarily furthers individual or family purposes not connected with the performance or activities as a candidate for or holder of a public

- office, and includes the personal use of an asset purchased with the contribution, and the personal use of any interest or other income or benefit earned from a contribution.
- (m) Reasonable diligence means such a measure of prudence, activity or assiduity, as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent person under the particular circumstances.
- (n) Supporters include any individual, corporation, political party, association, family trust, business, partnership, foreign national, political action committee, candidate, organization, group, committee, elected official, citizen, non-resident worker, or any other entity that provides money, property, advertising, independent expenditures, expendable goods or services, or anything else of value to a candidate or potential candidate, for that candidates campaign. Supporters can also be individuals who advocate the election of one or more candidates or approval or rejection of an issue on the ballot or otherwise support a campaign, but do not make a contribution.

Modified, 1 CMC 3806(f).

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: The August 2001 amendments contained authority and purpose and scope sections as follows:

Section 1.1a Authority. The authority for the adoption and promulgation of the Commonwealth of the Northern Mariana Islands Election Commission Rules and Regulations is by virtue of the authority and directions set forth in 1 CMC 6000 et. seq. and the Commonwealth Administrative Procedures Act, 1 CMC 9101 et. seq.

Section 1.2a Purpose and Scope. The purpose of these amendments is to further develop and clarify the Election Reform Act of 2000 by adopting rules and procedures regarding political campaign finance and spending disclosure. These amendments relate to the CNMI Election Commission Regulations, as published in the Commonwealth Register Vol. 23 No. 3, page 17724, March 22, 2001 and adopted Volume 23, No. 5, page 17854, May 24, 2001.

23 Com. Reg. at 17943 (June 19, 2001).

Part 100 -Formation of New Political Parties

30-10-101 General

Pursuant to 1 CMC 6005, a new political party may be formed prior to an election, pursuant to uniform rules and regulations as adopted by the Election Commission. This part will develop those requirements and rules in order for a new political party to be formed, and for that party to have an opportunity to place its candidates on the ballot for any of the available offices for that election.

Modified, 1 CMC 3806(d), (f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-105 Name of Party

The new political party must have a name and the name cannot be the same or identical of another recognized political party in the Commonwealth. The name must not create confusion with an existing political party. An example of a confusing similar name would be as follows: The XY Party of the CNMI, and The CNMI XY Party. Only one of

these names would be allowed as it would create confusion on the ballot. The name of the new political party must be clearly identified on the petition sheet.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-110 Petition Signatures

In order for a new political party to be formed it must present to the Election Commission valid signatures of any number of qualified and registered voters in the Commonwealth. The Election Commission staff, as directed by the Executive Director shall inspect each and every signature submitted to determine that the person is in fact a qualified and registered voter, and that the signature is authentic. Those petitions must swear or affirm that the signatories desire the creation of a new political party in the Commonwealth.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-115 Party Officers

- (a) All new political parties must have a chairman, secretary and treasurer who are duly elected to those offices by members of the party and who signed the petition creating the political party.
- (b) No person may hold more than one of those offices within that political party and no person elected as an officer of a new political party may currently hold an office in another recognized political party.

Modified, 1 CMC 3806(f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).
Commission Comment: The original paragraphs of this section were not designated. The Commission designated subsections (a) and (b).

30-10-120 Election of Officers

At the same time that the new political party submits its petition signatures it must also submit to the Commission, duly authorized minutes of the election of its officers, that will reflect where the voting occurred, the date and time the voting occurred, who presided over the elections, who was elected to the officer positions of the party, and who was in attendance at the vote and lawfully voted for the officer positions. It is not necessary that all who signed the petition participate in the vote for officers.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-125 Publication of the Election of Officers

A new political party shall publicize in advance the date, time and location of its officer elections in a newspaper of general circulation in the Commonwealth.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: The Commission changed the word Publicization in the title of this section to Publication to correct a manifest error.

30-10-130 Submission of Signatures and Minutes

A new political party shall submit its signatures, list of officers and minutes of their election to the Commission no less than 120 days prior to a general election and no less than 45 days prior to any special election. The submission of signatures and documents shall be accompanied by a fee of \$500.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: On July 15, 2003, the Commonwealth Election Commission promulgated an emergency amendment to this section reducing the 120-day requirement to 90 days. See 25 Com. Reg. 20241 (July 15, 2003). The emergency provision expired 120 days after promulgation on November 12, 2003.

30-10-135 Certification

- (a) Parties could only be allowed to be recognized Commonwealth-wide. Any party presently recognized with a status less than Commonwealth-wide is automatically deemed to have Commonwealth-wide recognition status. If it appears to the satisfaction of the Commission, on the recommendation of the Commission staff that a new political party has met the above requirements, then the Commission shall certify that a new political party has been formed within the Commonwealth and shall be allowed a place on the ballot with candidates for any offices it seeks, provided each candidate meets the statutory requirements for inclusion on the ballot as a candidate. A new political party must be certified prior to its submission of nomination papers for its candidates.
- (b) After submitting the documents for the formation of a new political party to the Commission for formal certification, if the Commission fails to act within 30 days of that submission then the new political party shall be considered certified. The decision for the certification of a new political party shall occur at a formal publicly noticed meeting of the Commission.
- (c) After a general or special election a new political party must meet the requirements of 1 CMC 6003(o) (3) in order to be a recognized political party and maintain a position on future ballots published by the Commission pursuant to law.

Modified, 1 CMC 3806(f).

History: Amdts Adopted 26 Com. Reg. 23118 (Aug. 26, 2004); Amdts Proposed 26 Com. Reg. 22671 (June 24, 2004); Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

The 2004 amendments amended subsection (a).

30-10-140 Corporate Charter

Nothing in this part shall prevent a new or recognized political party from seeking a charter as a non-profit or for-profit corporation through the Registrar of Corporations, but such status shall be irrelevant in determining whether such party qualifies as a political party in the Commonwealth of the Northern Mariana Islands, as only the Commission shall determine, in accordance with this chapter and the Commonwealth of the Northern Mariana Islands Election law, whether a political party qualifies as a new or recognized political party.

Modified, 1 CMC 3806(d), (f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Part 200 -Registration

30-10-201 General Registration Procedures

The primary method of voter registration shall be in person before a duly authorized registration clerk, a Commission staff person or a Commission member. Any qualified and eligible voter may register at the Commission office in Saipan, at their residence or such other places that the Commission allows for the registration of voters.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-205 Registration Affidavit

A voter registers to vote by completing the affidavit, as attached and incorporated herein as exhibit A to this chapter and providing all of the information as required by law, and executing same under the penalty of perjury.

Modified, 1 CMC 3806(f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-210 Mail Registration

- (a) A person otherwise qualified to vote may submit his registration affidavit by mail so long as the registration affidavit is signed and notarized by a commissioned notary public licensed by the state or jurisdiction that the voter resides in or for those eligible voters who are serving in a branch of the United States Armed Forces, to include their eligible voter spouses and eligible voter children, by a commissioned officer of the United States authorized to administer an oath. Upon signing and where appropriate notarizing the affidavit, the voter must mail the registration affidavit via either first class, priority mail or express mail to the following address:

Commonwealth of the Northern Mariana Islands
Election Commission
PO Box 500470
Saipan, MP 96950

- (b) A registration affidavit by mail must be postmarked no later than the date required for registration of all Commonwealth voters in order to vote in a general or special election. In the event the eligible voter mails the affidavit from such a locale that does not properly affix a postmark, such as a ship or submarine, then the date on the affidavit shall be presumed to be the day that the affidavit was mailed by the eligible voter. If that date is on or before the date the affidavit is due, then the voter shall be presumed to be registered if the Commission satisfactorily determines that the voter is eligible.

Modified, 1 CMC 3806(f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

30-10-215 Mail Registration Requirements

As required by law, a person who desires to register by mail must not be physically present in the Commonwealth, and the registration clerk who receives the registration affidavit by mail must check the post mark or other such evidence to insure that the individual who submitted the application did not mail it from a location inside the Commonwealth.

Modified, 1 CMC 3806(f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-220 Residency and Domiciliary Requirements

Any person who is otherwise qualified to register by mail must meet residency and domiciliary requirements pursuant to law, as executed on the affidavit of registration.

Modified, 1 CMC 3806(g).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: The Commission corrected the spelling of domiciliary in the title and in the body of this section.

30-10-225 Public Record Information of Voter Registration

It is understood that nothing in the Commonwealth Election Code or the Open Government Act as both are presently worded protects the privacy of the information contained in the affidavit of registration. Therefore any person may request information about a voter that is provided on the voter registration affidavit. Only the social security number which is protected by federal law shall remain private. Therefore it is the decision of the Commission that the affidavit information shall remain a public record. Nothing in this section can prevent the Commission from changing this requirement should there be a change in either of these laws that declare this information private.

Modified, 1 CMC 3806(f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-230 Registration Clerks

Registration clerks shall be all duly employed staff members of the Commission, and any Commission member or any other person who is properly designated by the Commission. Upon receipt of the duly executed affidavit, a registration clerk shall promptly transmit the affidavits to the Commissions offices on Saipan via first-class mail in a sealed envelope to the same address identified in 30-10-210 or immediately via personal delivery so that the voters names shall appear on the register. The Commission shall ensure registration clerks have enough voter registration affidavits.

Modified, 1 CMC 3806(c), (f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-235 No Refusal Right

No registration clerk shall refuse to register a person seeking to register to vote even if the clerk believes that the person is not qualified to register to vote. Instead the registration clerk shall allow the voter to fill out the affidavit, but shall immediately inform the Executive Director or a Commission staff person that the person attempting to register to vote might not be eligible to vote in the Commonwealth. The Commission shall then follow the hearing procedures on all such registrations pursuant to 30-10-240.

Modified, 1 CMC 3806(c), (f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-240 Hearings on Challenges of Registrations

- (a) As authorized by law, the Commission shall hold hearings on all challenged registrations where it appears that the proposed voter does not meet the qualifications required by statute to register to vote in the Commonwealth. The hearings shall occur no more than 30 days after the voter submitted their registration affidavit. If the Commission fails to hold a hearing on the challenged registration within the 30-day time period then the challenged registrant will be automatically presumed registered to vote. As allowed by law the hearings will be informal in nature. A quorum of the Commission shall be necessary to conduct a hearing. Due to the informal nature of the hearing, and where necessary, a Commission member may participate at the hearing through the telephone. Pursuant to the law, the quorum must consist of at least 5 members provided that there is at least one representative from each senatorial district. It is not necessary that the hearing be noticed publicly, but the challenged registrant shall be given reasonable advance notice and opportunity to be heard at the hearing.
- (b) The challenged registrant shall be allowed to offer any oral or documentary evidence as to why he should be registered to vote. The challenged registrant may be represented by counsel of his own choosing and at his own expense. Any person shall be allowed to offer any oral or documentary evidence as to why the person should or should not be registered to vote. The challenged registrant may also participate at the hearing by being physically present or through the telephone.
- (c) The decision denying the challenged registrant the right to be registered to vote shall be decided by a 3/4 majority of the Commission members present at the hearing, including those participating through the telephone. In all other cases where less than 3/4 of the Commission members present vote to deny the registrant the right to be registered to vote, then it shall be presumed that the registrant is qualified to register to vote. No Commission member who does not participate by being present (either physically or through the telephone) in a challenge hearing shall be allowed to vote on whether or not the registrant can register to vote. The Commission shall announce its decision in writing to the challenged registrant as well as make it available to the public no later than three days after the conclusion of the hearing.
- (d) The decision of the Commission shall be final; however the judicial review petition procedures of the Commonwealth Administrative Procedure Act [1 CMC 9101, et seq.] shall also govern the Commission's decision, as being an agency action.

Modified, 1 CMC 3806(e), (f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

Part 300 -Polling Places

30-10-301 Locations

The Commission shall choose polling places for each election no less than 60 days prior to the date of the election. Public schools and public buildings, whenever possible, shall be utilized as polling places during elections and the Commission shall insure that polling places are located in prominent locations or central portions of precincts or in the heaviest most populated areas of the precinct to make the polling locations as easily accessible to all voters.

Modified, 1 CMC 3806(f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-305 Accessibility

All polling places must be accessible to voters with disabilities, and no polling place shall be chosen that is unable to accommodate a voter with a disability.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-310 Announcement

The polling place locations shall be published in the newspapers of general circulation in the Commonwealth at least 15 days prior to the election. In addition the Commission shall make available to any voter who so requests the list of polling places for each precinct.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-315 Further Publication

Nothing in this section shall limit the Commission in announcing the polling locations through other additional mediums such as television, the internet, or official posting boards within government offices. The Commission should strive for maximum notification of the polling place locations.

Modified, 1 CMC 3806(f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Part 400 -Voting Procedures

30-10-401 Voting Ballot

(a) The Commonwealth of the Northern Mariana Islands currently uses a paper ballot method of voting. Prior to the election, the Commission shall print a ballot for each

- voting precinct on paper which shall list all candidates who have met the requirements to be listed on the ballot. In addition to the names of the candidates, the candidates' political party affiliation, if any, shall be listed on the ballot as well as the office that each candidate seeks. In the case of offices such as Municipal Council and Board of Education, or independently nominated candidates for any office no political party affiliation shall be listed, as those offices or candidates are by their very nature considered non-partisan. No independently nominated candidate who previously had a political affiliation may use that affiliation unless he is nominated for that office by that political party.
- (b) All candidate names shall be printed with a sufficient font size for all voters to read, but no candidate shall have a different font size than any other candidate. The ballot shall be organized by race or offices wherein the names of candidates for a particular office or offices shall be placed together identified as candidates for a particular office and the name of the candidates political party or independent candidacy shall be placed immediately under the candidates name on the ballot.

Modified, 1 CMC 3806(f).

History: Amdts Adopted 27 Com. Reg. 24121 (Mar. 17, 2005); Amdts Proposed 27 Com. Reg. 23967 (Feb. 17, 2005); Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com. Reg. 18244 (Aug. 16, 2001); Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The October 2001 and March 2005 amendments amended subsections (a) and (b). The October 2001 amendments contained authority and purpose and scope provisions as follows:

Section 1.1 Authority. The authority for the adoption and promulgation of the Commonwealth of the Northern Mariana Islands Election Commission Rules and Regulations is by virtue of the authority and directions set forth in 1 CMC 6000 et. seq. and the Commonwealth Administrative Procedures Act, 1 CMC 9101 et. seq.

Section 1.2 Purpose and Scope. The purpose of these regulations is to provide rules and guidelines on voting procedures for use with the E S & S Model 150 Central Ballot Scanner. These amendments relate to the CNMI Election Commission Regulations, as published in the Commonwealth Register Vol. 23 No. 3, page 17724, March 22, 2001 and adopted Volume 23, No. 5, page 17854, May 24, 2001. 23 Com. Reg. at 18248 (Aug. 16, 2001).

On September 2, 2003, the Commonwealth Election Commission promulgated an emergency amendment to the Election Commission Regulations adding a new 5.28, entitled Secret Ballot. See 25 Com. Reg. 21059 (Sept. 18, 2003). The emergency provision expired 120 days after promulgation on December 31, 2003.

30-10-402 Design and Non-contestability of Ballot

- (a) The staff of the Commission shall have the primary responsibility for the design of the ballot. The Election Commission shall have final approval over the design of the ballot. After the Election Commission publishes the ballot a specimen copy of the ballot shall be made available in Saipan, Tinian and Rota for public viewing upon reasonable request. The design of the ballot as approved by the Election Commission shall be final and non-contestable in any Commonwealth court or United States court.
- (b) Prior to the final publication of the ballot the candidate locations (position or row) on the ballot for the various offices shall be designated by a number corresponding to their location (position or row). On a date designated by the executive director a representative of the candidates (or their representatives) will select random numbers

(corresponding to those ballot location numbers) out of a paper bag or hat in such a manner that the person choosing the number has no way of knowing which number they are choosing. The executive director shall conduct these drawings. The drawing will be for the individual candidate locations (position or row) on the ballot where there are multiple (at least two) candidates for a particular race or office or offices. Any person can act as a representative of more than one candidate, for instance the Chairman of a new or recognized political party may act as the representative for all of their party's candidates.

Modified, 1 CMC 3806(f).

History: Amdts Adopted 27 Com. Reg. 24121 (Mar. 17, 2005); Amdts Proposed 27

Com. Reg. 23967 (Feb. 17, 2005); Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The March 2005 amendments amended subsection (b). The March 2005 adopted regulations did not include Example B, Sample General Election Ballot, published with the proposed regulations. See 27 Com. Reg. at 23976 (Feb. 17, 2005).

30-10-404 Number of Ballots

The Commission shall insure that enough ballots are to be printed in excess of the number of registered voters within the Commonwealth. Each polling place shall have a sufficient supply of ballots, in case a voter damages or incorrectly marks his ballot. A voter shall receive another ballot upon surrender of the damaged or incorrectly marked ballot to the precinct official. Voters who spoil or damage a ballot are entitled to receive a replacement but not to exceed more than a maximum of three totals.

Modified, 1 CMC 3806(e), (f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-406 Ballot Instructions

Each ballot shall have instructions for the voters on how to properly mark their ballot. The instructions shall state the voter is to blacken the corresponding oval next to the candidates name that the voter intends to vote for. If applicable, the instructions shall also state the voter may choose only as many candidates for the number of offices available in each precinct. The following marks are defined as proper, marginal and improper. No vote on a ballot with an improper mark may be counted.

(a) Example of a proper mark:

[Click to view image](#)

(b) Examples of marginal marks are:

[Click to view image](#)

(c) Examples of improper marks are:

[Click to view image](#)

History: Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com.

Reg. 18244 (Aug. 16, 2001); Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-408 Ballot Marks

The following markings are not proper and will result in the voters vote for that particular office not being counted:

- (a) Circling the candidate's name.
- (b) Writing the word yes next to the candidate's name.
- (c) Drawing a line from the candidates name to the oval.
- (d) Drawing a from the candidates name to the oval.
- (e) Puncturing a hole in the oval.
- (f) Underlining the candidate's name.

History: Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com.

Reg. 18244 (Aug. 16, 2001); Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: The October 2001 amendments deleted former subsections (b), (d), (g) and (j). The Commission redesignated the remaining subsections accordingly.

30-10-410 Initiatives and Referendums

Any election that has a duly qualified initiative or referendum placed on the ballot shall clearly state the exact wording of the question, proposition or initiative that was certified on the ballot. Below the wording of the question, initiative or referendum shall be the words yes and no, as well as corresponding boxes to those responses. Any voter who desires to vote on a particular question, initiative or referendum shall mark the box of their choice using the same methods that are allowed for voting for candidates. Any voter who makes a mark that was prohibited in 30-10-408 shall not have their vote counted for that particular issue.

Modified, 1 CMC 3806(c).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-412 Absentee Voting

Nothing in the section regarding voting procedures shall prevent an eligible voter to vote by absentee ballot if they qualify for such a ballot as provided for by law. The same rules and requirements for marking the polling place or Election Day ballot shall be applicable to absentee ballots.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-414 Ballot Language

The ballot and any accompanying instructions shall be printed in the English language.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-416 Voter Assistance

If a voter at a polling place states that they cannot read or write, then they shall state such to the polling place supervisors who shall render such assistance to the voter as necessary so that the voter will be able to vote. If the voter has any other disability which shall prevent him from voting, then the polling place supervisors shall render such voter assistance in order to insure that each voter who desires to vote shall be able to. In no other instance shall a person ask another person at a polling place as to which candidate he intends to vote for or which candidate he voted for.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-418 Polling Place Privacy

Except as allowed for and is necessary to carry out the mandate of 30-10-416, the polling place booth where the voter marks their ballot shall remain private. No person may enter such booth at any time a voter is inside the booth in the process of voting.

Modified, 1 CMC 3806(c).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-420 Ballot Privacy

Upon completing their selections on the ballot, the voter shall fold the ballot in such a way that their choices remain private, and shall promptly deposit their ballot into the ballot box. If the Commission provides the voter with a secrecy sleeve as part of the Commonwealth ballot, then the voter shall place their ballot in the secrecy sleeve prior to exiting the voting booth, instead of folding the ballot.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-422 Proof of Voting

The polling place workers shall cross off the name of each voter on their list after that voter has received their ballot.

History: Amdts Adopted 27 Com. Reg. 24119 (Mar. 17, 2005); Amdts Proposed 27 Com. Reg. 23977 (Feb. 17, 2005); Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-424 Write-in Votes

A write-in vote shall not be allowed. The only votes allowed are for candidates who have qualified for the ballot as provided for by law. Nor shall a voter write in a name of a candidate whose name has already been printed on the ballot and has a box next to their name. Any write-in votes will not be counted for any candidate that should receive such votes, and will automatically disqualify any valid votes on that ballot for that particular office.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-426 Voter Challenges

Each qualified voter whose name appears on the register has a right to vote and shall not be denied a ballot. Any person who wishes to challenge a registered and eligible voters residency or qualification to vote during an election may seek such relief in the Superior Court of the Commonwealth. The Commission shall not hear any challenges to a registered or eligible voter at any time. If the challenge to a voter is such that a person complains that the challenged voter(s) vote changed the outcome of the election, then the complaint must also satisfy the procedural and substantive requirements of an election contest pursuant to law. Nothing in this section shall prevent the Commission from conducting hearings on voter registration affidavits, pursuant to 30-10-240 of this chapter.

Modified, 1 CMC 3806(c), (d).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-428 Polling Place Observers

- (a) Any new or recognized political party may have at least one observer per senatorial district, except that no more than two observers per new and recognized political parties may be present at any polling place or tabulating location at any one time. Any candidate not affiliated with a new or recognized political party or proponent or opponent of an issue or referendum may have one observer per senatorial district, election district or municipality depending on the office sought or the issue being supported or opposed. The observers shall be allowed to be present at any time a polling place is open. The observers may not wear any buttons, t-shirts or other identifying items that reveal the candidate or issue they support. Any observer who attempts to campaign on their candidate or issues behalf shall be removed by the polling place supervisor and will not be allowed to return to that polling place. Campaigning is defined as:
- (1) Making oral statements to voters to vote for a candidate or support an issue, initiative or referendum.
 - (2) Making oral statements to voters to support a candidate, issue, initiative or referendum.
 - (3) Wearing, displaying or handing out any materials that reflect which candidate, issue, initiative or referendum they are supporting.
- (b) The observers are not in any way to disrupt the voting process in any polling place. Observers may not be a candidate for any office that is appearing on the ballot. Any such observer will be asked to leave the polling place area immediately by the polling place supervisor.

History: Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com. Reg. 18244 (Aug. 16, 2001); Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The October 2001 amendments amended subsection (a).

On September 15, 2003, the Commonwealth Election Commission promulgated an emergency amendment to this section amending subsections (a)(1), (a)(2), (a)(3) and (b). See 25 Com. Reg. 21062 (Sept. 18, 2003). The emergency provision expired 120 days after promulgation on January 13, 2004.

30-10-430 Voter Behavior within 100 feet of Polling Place

No voter or other person shall engage in any activity that is prohibited pursuant to 30-10-428 of this chapter. Commonwealth law provides that campaign activity ceases on Election Day from 7:00 a.m.-7:00 p.m. within 100 feet of a polling place. Any voter who engages in such proscribed activity within 100 feet of a polling place which interrupts and interferes with the orderly procedure at the polling place can be removed from the polling place.

Modified, 1 CMC 3806(c).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-432 Use of Police Officers

If available, the Commission may use the services of the Department of Public Safety sworn police officers to maintain order and security at polling place locations, and to safely and securely transport the ballots for tabulation and counting.

Modified, 1 CMC 3806(f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-434 Removal of Ballots from Polling Places

Unless otherwise authorized by the Commission, no person may remove any ballot from any polling place at any time while the polls are still open.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-436 Accounting for Ballots

Poll supervisors shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up when added to the number of official ballots cast and the number of spoiled ballots returned, the number of ballots charged. The Commission upon receiving returned ballots shall require such an accounting.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-438 Unused Ballots

When the polls close the election officials shall deface all unused ballots. This will occur before the marked ballot(s) leave the polling place. Three authorized polling place workers shall witness the defacing of the ballots. The poll workers will deface the ballots by drawing an X on the face of the ballot. All defaced ballots (including spoiled or damaged ballots) will be placed into a sealed envelope. The majority of the election officials of a polling place shall sign their names on the envelope. The envelope shall indicate the polling place. The locked ballot boxes and all other election materials shall be delivered to the Commission for counting and tabulation.

Modified, 1 CMC 3806(e).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-440 Voting Procedure at the Polls for Central Ballot Scanner Votes

A demonstration of the proper method to use in marking the ballot shall be available to all voters at the polling place. A card or poster of instruction detailing the method of marking ballots and voting shall be posted outside the polling place and in each voting booth. After the voter receives the ballot, the voter shall proceed into the voting booth and shall properly mark the ballot as prescribed in the card or poster of instruction. Within the voting booth the voter shall designate each choice by completely filling in the left hand block or blocks next to the name of the candidate for whom the voter desires to vote or the question on the ballot for which the voter desires to vote.

History: Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com. Reg. 18244 (Aug. 16, 2001).

30-10-442 Counting Center Procedures (Authorized Persons)

The tabulating and counting of ballots shall be observed in accordance with 30-10-428. The official observers shall observe the processes within the counting center, and shall report any changes or deviations from the rules or procedures to the Chairman or members of the Election Commission. No person shall be permitted into the counting center without an official badge to be provided by the Election Commission.

Modified, 1 CMC 3806(c).

History: Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com. Reg. 18244 (Aug. 16, 2001).

30-10-444 Counting Center Procedures (Receipt of Ballots)

Assigned staff or commissioners of the Election Commission at the counting center shall receive and sign for the sealed ballot boxes for each precinct polling location. The ballot boxes shall be unsealed and opened in such a fashion to guarantee the integrity and sanctity of the election process. The ballots in the ballot boxes shall be placed in containers with appropriate district and precinct identification.

Modified, 1 CMC 3806(f).

History: Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com. Reg. 18244 (Aug. 16, 2001).

30-10-446 Counting Method (Primary and Alternate)

The primary method of tabulating and counting ballots shall be through the E S & S Model 150 Central Ballot Scanner. The alternate method shall be by hand count. If the Election Commission decides that under the circumstances the primary method cannot be used, and they decide that the alternate method must be used then all ballots in the Commonwealth shall be hand counted. Nothing in this section will prevent the Commission from inspecting a ballot rejected by the machine to determine if there is a legal vote on that ballot.

History: Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com. Reg. 18244 (Aug. 16, 2001).

30-10-448 Counting Center Procedures (Inspection and Preparation of Ballots)

Each election districts ballots shall be segregated from each other election district and there shall be no intermingling of the ballots among districts. Once the ballot box is opened and the districts ballots are retrieved from the box the ballots shall be processed through the central ballot scanner for tabulation, in accordance with proper procedures for that machine. This will include placing the ballots through the ballot jogger for final preparation before being placed in the central ballot scanner.

Modified, 1 CMC 3806(f), (g).

History: Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com. Reg. 18244 (Aug. 16, 2001).

Commission Comment: The Commission changed districts to districts to correct a manifest error.

30-10-450 Rejected Machine Ballots, Overvote Ballots and Undervote Ballots

If the central ballot scanner should reject any ballot in part or in its entirety, or record an overvote, or record an undervote then the ballot may be referred to the Election Commission for final determination of the vote. If the election commission finds that the voter marked their ballot with either a proper mark or a marginal mark as defined by 30-10-406, then the voter's ballot shall be counted. If the voter marked the ballot with an improper mark as defined by 30-10-406 then the vote shall not be counted. In other circumstances if a ballot is rejected by the central ballot scanner and upon further review the Election Commission finds that no part of the voters mark was inside the oval next to the candidate's name, then no vote from that ballot shall be recorded for that candidate[s].

Overvote ballots may be examined by the Commission to determine if the voter voted for more candidates than are allowed for a particular office. If smudges or marks of some kind are identified clearly as unintentional, but had the effect of registering too many votes for an office then the Election Commission may reproduce the exact duplicate ballot. The Commission in the alternative may place an Avery-0-806 removable label over the unintentional mark and re-feed the ballot through the central ballot scanner. In all situations where the machine either rejects a ballot, records an overvote, records an undervote or a ballot is damaged or spoiled and the machine cannot read the ballot or record a vote, then the Election Commission may make an exact duplicate ballot that reflects the clear choice of the voter, and that ballot shall be re-submitted through the machine. The Commission may also hand count the subject ballot to determine the clear choice of the voter and such hand count totals will be added to the machine count totals for the final count.

Modified, 1 CMC 3806(c), (f).

History: Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com. Reg. 18244 (Aug. 16, 2001).

30-10-452 Counted Ballots (Post-tabulation Procedures)

Once the ballots have been counted for each particular precinct, then they are to remain segregated and identified as counted ballots from that precinct. The ballots must be segregated in a portion of the counting center, and they are to be guarded by at least two people, while the tabulating of ballots is ongoing. The Election Commission must retain the actual ballots for 16 months from the date of the election. After 16 months passed then the Commission may permanently dispose of the ballots.

Modified, 1 CMC 3806(f), (g).

History: Amdts Adopted 27 Com. Reg. 24084 (Feb. 17, 2005); Amdts Proposed 27 Com. Reg. 23813 (Jan. 17, 2005); Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com. Reg. 18244 (Aug. 16, 2001).

Commission Comment: On September 2, 2003, the Commonwealth Election Commission promulgated an emergency amendment to the Election Commission Regulations adding a new 5.28, entitled Secret Ballot. See 25 Com. Reg. 21059 (Sept. 18, 2003). The emergency provision expired 120 days after promulgation on December 31, 2003.

The Commission changed dispose the ballots to dispose of the ballots to correct a manifest error.

Part 500 -Procedures for Complaints of Election Irregularities

30-10-501 Receipt of Complaint

Upon the receipt of a complaint either in writing or made orally, the Executive Director or Chairman of the Commission shall immediately review the substance of the complaint, to determine the nature of alleged election irregularity.

Modified, 1 CMC 3806(f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-505 Consultation with Attorney General's Office

The Director shall immediately consult with the Attorney General or any Assistant Attorney General to determine how the complaint of election irregularity shall be investigated. Upon recommendation and advice, the Director shall then seek the assistance of the Attorney Generals Investigative Unit or the Department of Public Safety where the allegation appears to be the violation of a law.

Modified, 1 CMC 3806(f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-510 Referral to the Public Auditor

Where the allegation of election irregularity appears to be a violation of the Government Ethics Code, 1 CMC 8501, et seq., then the Director shall refer the matter to the Public Auditor for investigation.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-515 Confidentiality

All complaints of election irregularity and violation of laws are to remain strictly confidential. The Executive Director, Commission staff person, or the Commission itself must not reveal the identity of the person making the complaint to any outside person.

The subject matter or nature of the complaint is also to remain confidential. Where appropriate the results of the investigation may be released if approved by the Attorney General's Office.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-520 Time Is of the Essence

All such election irregularity complaints shall be treated as extremely time sensitive. The Executive Director or Commission must take the steps as outlined in this section immediately in order to properly investigate and prevent irregularities. This is regardless if the complaint is made before or after an election has taken place.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

30-10-525 Outcome of Election

Any complaint made to the Commission, the Department of Public Safety, the Attorney General's Office or the Public Auditor shall not satisfy the requirement of filing an election contest as provided by law. Any complaint of election irregularity that seeks to change the outcome of the election must be properly filed with the Superior Court and comply with the election contest provisions of the Election Law.

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Part 600 -Tabulation, Poll and Election Officials

30-10-601 Appointments

The Commission is authorized to appoint and employ such officials as may be required to supervise Commonwealth elections. The Commission shall not employ or appoint a person who is a candidate for public office or who holds an elected position, or who is a convicted felon still on parole. Any person who is appointed shall take and subscribe to an oath of office, a copy of which is attached to this chapter as exhibit B.

Modified, 1 CMC 3806(d), (f), (g).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: The Commission changed exh. to exhibit.

Part 700 -Campaign Financial Disclosure

30-10-701 Campaign Committee Designations

Pursuant to 1 CMC 6424 all candidates who are officially nominated are required to file campaign finance and spending disclosure statements with the Office of the Public Auditor. In past elections there have been numerous occurrences of candidates failing to file these forms. Consequently the Office of Public Auditor frequently contacts the Commission staff for contact information on the candidates who fail to file their forms on time. Therefore it shall be required for all candidates upon their submission of nomination papers to also submit a campaign committee statement that identifies a chairman, secretary and treasurer of their committee. The form shall also provide postal addresses and telephone numbers for each of these people. Upon request of the Office of Public Auditor, and for purposes of enforcing this provision the Commission shall provide contact information to the Office of Public Auditor upon reasonable request.

Modified, 1 CMC 3806(f).

History: Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: The title of this part was changed in the notice of adoption of the August 2001 amendments. See 23 Com. Reg. 18258 (Aug. 16, 2001).

30-10-705 Duties and Obligations of Candidates

Accurate, full and detailed campaign financial disclosure is ultimately the responsibility of the candidate for office. The candidate shall appoint a treasurer who may assist the candidate in order to fully comply with the law. The candidate shall keep a written record of all contributions from contributors and supporters, and all campaign expenses paid to insure full accountability of all campaign financial activity. This duty to keep a written record of all contributions and expenses begins at the time the first contribution is received or the first expenditure is made in furtherance of a potential candidates campaign, no matter how far back in time that goes. The candidate shall insure that an accurate and detailed record of all contributor and supporter names and campaign expense details is maintained in order to comply with reporting requirements.

Modified, 1 3806(b).

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: The May 2001 Election Commission Regulations 8, entitled Campaign Finance Disclosure, contained only 30-10-701. See 23 Com. Reg. at 17740 (Mar. 22, 2001). The August 2001 amendments added 11, entitled Campaign Financial Disclosure, which is codified in sections 30-10-705 through 30-10-795. See 23 Com. Reg. at 17945-50 (June 19, 2001). The Commission moved the original May 2001 Election Commission Regulations 9 and 10 after this part for clarity.

Public Law 15-6 (effective April 26, 2006) amended the definition of campaign statement of account to read: Campaign Statement of Account means an itemized statement prepared by a candidate or potential candidate showing the specific source, names of contributors and amount of contributions and expenses, including the names of persons receiving such expense, except where the aggregate fair market value of an expense or contribution is less than five hundred dollars. 1 CMC 6421(a).

30-10-710 Names and Identities of Contributors, Supporters and Expenses

A candidate shall disclose the names and identities of all contributors and supporters who contribute in the aggregate \$100 or more in cash or fair market value of property to a candidate, potential candidate, campaign or committee. A candidate or potential candidate is required to keep a written record of all contributions since a contributor or supporter may contribute less than a \$100 at one time, but make multiple contributions at different periods which, in the aggregate, may total \$100 or more.

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

30-10-715 Anonymous Contributions Prohibited

Since candidates are required to identify the names of all contributors and supporters who contribute \$100 or more, acceptance of anonymous contributions of any amount is not allowed. Any such anonymous contribution must be immediately returned to the contributor or supporter. If the candidate receives a contribution that is non-traceable or non-identifiable, a candidate must immediately forward the contribution to the Commonwealth Treasurer for deposit to the Commonwealth general fund.

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

30-10-720 All Contributions Are Reportable

All contributions are required to be reported on the candidate's campaign statement of account. If a candidate receives a contribution of less than \$100 from a contributor or supporter, then the amount of that contribution is required to be reported regardless of the amount, even though the name of the contributor need not be disclosed. The candidate must identify any contributor who has contributed \$100 or more in the aggregate. For example, if a contributor bought five \$20 raffle tickets at several fund raising events, the candidate must identify and report the name of the contributor in the campaign statement of account. However, if such contributor bought less than \$100 in tickets during the campaign, the candidate would not be required to identify the contributor in the campaign statement of account, but must still account for the contribution and post the amount received.

Modified, 1 CMC 3806(f).

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

30-10-725 Classifying Contributions

To assist in preparing the suggested forms and schedules, it is recommended that a candidate and the candidate's treasurer collect all contributions and place them in the following categories:

- (a) Gross proceeds from fund-raising events such as lunches, dinners, raffles, and similar fund-raising events.
- (b) Other monetary contributions received as direct monetary donations rather than as receipts generated from the sale of fund-raising tickets, lunches, dinners, etc.
- (c) In-kind contributions include:
 - (1) Expendable items, such as food, drinks, t-shirts, print-ads, banners, posters, lumber, construction materials, and the like
 - (2) Reasonable value of donated services, i.e., advertising, trucking, transportation, entertainment, tents, lodging, catering, and the like.
 - (3) Reasonable rental value of real or personal property loaned out or used for free, such as use of computers, tents, canopies, and the like.
- (d) Contributed property, such as computers, components and accessories, furniture, vehicles, tools, equipment, and the like given to a candidate with the intent of transferring the ownership to the candidate and allowing the candidate to retain or keep the property after the election.

Modified, 1 CMC 3806(f).

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

30-10-730 Classifying Expenses

To assist in preparing the suggested forms and schedules, it is recommended that a candidate and the candidate's treasurer collect all expenses and place them in the following categories:

- (a) Fund-raising expenditures (monetary) directly related to fund-raising events, such as the cost of food and drinks, printing of tickets, advertising, and the like.
- (b) In-kind expenditures, such as the fair market value of donated goods and services (shown as deductions from contributions received).
- (c) Multi-candidate expenses - expenses which have been allocated to various candidates and/or committees.
- (d) Contributions to other candidates or committees, such as transfer of campaign funds or property assets.
- (e) General expenditures - all other expenses not falling under the above classifications.

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

30-10-735 Contributions Are for Election Campaigns Only

All contributions from supporters are to be used for campaigns and election purposes only. Contributions are not to be used for personal use. If a candidate has campaign funds remaining after an election, he or she may retain those funds for a future election campaign, or return the funds to their contributors and supporters. If the remaining funds are retained for a future election campaign, the candidate shall report the carried-over funds on the future election campaign statement of account. Nothing in this section shall prevent a candidate from using campaign funds for having one or more post-election meetings, rallies or parties within a reasonable time after the election. If the candidate returns the funds to their contributors or supporters, or if they are used for post election meetings, rallies, or parties, or a combination thereof, the candidate shall file an original and two copies of an amended campaign statement of account with the Public Auditor, and provide a copy to the Election Commission (bearing the OPA stamp), within fifteen days after the return and/or use of such funds. Should the candidate, in good faith, elect to retain remaining campaign funds for a future election, and is later unable or unwilling to run for election, he or she may either return the funds to their original contributors or supporters, or donate the funds to a legally organized charity of their choice. In such case, the candidate shall file an original and two copies of an amended campaign statement of account (bearing the OPA stamp), within fifteen days after the return or donation of such funds.

Modified, 1 CMC 3806(e), (f).

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: The notice of adoption of the August 2001 amendments changed the proposed language of this section. See 23 Com. Reg. at 18258-59 (Aug. 16, 2001); see also the comment to 30-10-705.

30-10-740 Campaign Statement of Account

All candidates are required to file an original and two copies of a campaign statement of account with the Public Auditor, and provide a copy to the Election Commission (bearing the OPA stamp), within 50 days after the election. The campaign statement of account may be delivered by certified mail as long as it is postmarked no later than the 50th day after the election. The campaign statement of account shall be verified under oath by both the candidate and the candidate's treasurer. Such verification shall attest that the candidate and treasurer have used all reasonable diligence in the preparation of the statement and all supporting documents, and that the statement is true, full and explicit.

[Attached as exhibit C to this chapter is the required campaign statement of account form that candidates must use.] This form will be available at both the Public Auditors office and the Election Commission office. The statement shall include the names and contributions of contributors and supporters who make cash or in-kind contributions, consistent with the requirements of 30-10-720 above. It must also include a detailed statement of campaign spending. For campaign financial disclosure filing purposes only, candidates for Governor and Lt. Governor are considered one candidate, and are only required to file a single statement of account to be signed and verified by both individuals and their treasurer.

Modified, 1 CMC 3806(c), (d), (f).

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: The Commission changed exhibit A to exhibit C to accommodate exhibits A and B attached to the May 2001 Election Commission Regulations and referenced in 30-10-205 and 30-10-601; see also the comment to 30-10-705.

30-10-745 Suggested Schedules and Reporting

In order to comply with the law, there is additional information that a candidate is required to report and disclose. Unlike the campaign statement of account form, the law does not mandate particular forms to report and disclose this additional information. In order to assist candidates, the Public Auditor and the Commission will make available suggested schedules and reports to enable filers to comply with all other statutorily required reporting requirements. [Attached as exhibit D are copies of the suggested schedules and reports].

Modified, 1 CMC 3806(f).

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: The Commission changed exhibit B to exhibit D to accommodate exhibits A and B attached to the May 2001 Election Commission Regulations and referenced in 30-10-205 and 30-10-601; see also the comment to 30-10-705.

30-10-750 Fund-raising Activity Reporting

A candidate shall submit an itemized report for all fund-raising activities, which shall list the gross proceeds from fund-raising events; in-kind contributions received and contributed property. It shall also list fund-raising expenses, and allow for an adjustment of all in-kind contributions received. All candidates shall be required to report total receipts and total disbursements for all fund-raising activities.

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

30-10-755 Contributions and Expenses From Fund-raising Events

Receipts or contributions from fund-raising events are reported on a gross basis. For example, in fund-raising events where tickets are sold, contributions would be reflected at their sales value rather than at the net proceeds of the event. Fund-raising expenses are those expenses incurred at a fund-raising event that are directly related to the event, such as the cost of food and drinks, printing of tickets, advertising, and the like.

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

30-10-760 Multi-candidate Apportionment and Reporting

A candidate must report contributions that are made for the benefit of more than one candidate. Where contributions and/or expenditures are made to benefit more than one candidate, each candidate benefitting shall report his or her equal and/or agreed upon share. For example, if a candidate's name and photo are advertised in a newspaper as part of a group, then each candidate shall report the contribution or independent expenditure as an equal or agreed upon share of the cost of the advertisement. The requirements for multi-candidate apportionment are applicable to all groups of more than one candidate for expenses, independent expenditures, fund-raising events, rallies, meeting, gatherings, parties or any other event where expenses are incurred, and more than one candidate benefits from the event.

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

30-10-765 General Contribution and Expense Reporting

All candidates are required to report all contributions, expenses and independent expenditures that are otherwise not related to fund-raising. These contributions and expenses must be listed separate and apart from the fund-raising event report. A candidate must report all receipts of general contributions to include monetary contributions from non-fund-raising events, in-kind contributions and contributed property received from their contributors and supporters. A candidate shall also report all expenses and independent expenditures such as general expenditures, contributions to other candidates and an adjustment for in-kind contributions received. All candidates are required to report total receipts and total disbursements that are not related to fund-raising.

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

30-10-770 Contributed Property

Property contributions are reported at the fair market value of the contributions.

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

30-10-775 Contributions to Other Candidates

A candidate is required to report all contributions, either cash, in-kind or donated property that they make to other candidates, regardless of whether they use their own personal funds or campaign committee funds.

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: The notice of adoption of the August 2001 amendments changed the proposed language of this section. See 23 Com. Reg. at 18259 (Aug. 16, 2001); see also the comment to 30-10-705.

30-10-780 Loan Forgiveness

A candidate who received a loan from any contributor or supporter for the purpose of benefitting their election campaign shall report that loan as a contribution, if the loan was forgiven or otherwise not repaid in full by the date that the candidate is required to file his or her campaign statement of account. If a partial payment has been made then the net amount forgiven shall be the value of the reported contribution.

Modified, 1 CMC 3806(f).

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

30-10-785 Interest Free Loans

A candidate shall report the value of the fair market interest rate on all interest free loans as a contribution, regardless of whether the loan has been repaid on the date that the candidate is required to file his or her campaign statement of account.

Modified, 1 CMC 3806(f).

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

30-10-790 Extension of Deadline

A candidate may request a 15-day extension of time to file the campaign statement of account, however a candidate will be fined a non-waivable \$100 penalty by the Commission for each day the financial report is late unless the candidate has his or her

deadline extension request approved by the Commission by the filing due date of the campaign statement of account.

Modified, 1 CMC 3806(f).

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

30-10-795 Acts to Establish All Reasonable Diligence

A candidate is required to use all reasonable diligence to discover and report all multi-candidate expenses and independent expenditures made directly by supporters and political parties on their behalf, or on behalf of multi-candidates, where the expense shall be apportioned. The following will establish all reasonable diligence:

- (a) Writing a letter of request to the supporter or political party.
- (b) Asking the supporter or political party in that letter what expenses were multi-candidate apportioned or what independent expenditures were made on his or her behalf.
- (c) If the supporter or political party responds, then the candidate must report what the supporter or political party expended on their behalf, and what portion was attributable to them where such independent expenditures were multi-candidate apportionments.
- (d) If no response is received from the letter, then either a telephone call or personal visit to the supporter or political party who made the multi-candidate apportionment or independent expenditure should be attempted.
- (e) If still no response is received, then after a reasonable time has elapsed, the candidate shall have met their reasonable diligence requirement so long as the information was requested within a reasonable time prior to the filing deadline. A candidate shall be required to provide a good faith estimate of all known multi-candidate expenses and independent expenditures, which shall clearly state that it is a good faith estimate. If the candidate subsequently becomes aware of the accurate multi-candidate expense or independent expenditure information after the filing deadline, the candidate must promptly, within 10 days, file an amended campaign statement of account. Upon a showing of good cause by the candidate, no penalty will be assessed for an amended campaign statement of account filed after the deadline and in accordance with this provision.

Modified, 1 CMC 3806(f).

History: Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001).

Commission Comment: See the comment to 30-10-705.

Part 800 -Miscellaneous Provisions

30-10-801 Severability

If any provision of the regulations in this chapter shall be held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations in this chapter shall not be affected thereby.

Modified, 1 3806(b), (d).

History: Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com. Reg. 18244 (Aug. 16, 2001); Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001); Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: For clarity, the Commission moved the original May 2001 Election Commission Regulations 9, entitled Severability, after the August 2001 amendments 11, entitled Campaign Financial Disclosure, which is codified in 30-10-705 through 30-10-795. See 23 Com. Reg. at 17740 (Mar. 22, 2001). The October 2001 amendments and the August 2001 amendments contained identical severability sections. See 23 Com. Reg. at 17950 (June 19, 2001); 23 Com. Reg. at 18253 (Aug. 16, 2001).

30-10-805 Effective Date

The regulations in this chapter shall take effect upon the notice of adoption and upon final publication in the Commonwealth Register.

Modified, 1 3806(b), (d), (f).

History: Amdts Adopted 23 Com. Reg. 18420 (Oct. 19, 2001); Amdts Proposed 23 Com. Reg. 18244 (Aug. 16, 2001); Amdts Adopted 23 Com. Reg. 18258 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17939 (June 19, 2001); Adopted 23 Com. Reg. 17854 (May 24, 2001); Proposed 23 Com. Reg. 17724 (Mar. 22, 2001).

Commission Comment: For clarity, the Commission moved the original May 2001 Election Commission Regulations 10, entitled Effective Date, after the August 2001 amendments 11, entitled Campaign Financial Disclosure, which is codified in 30-10-705 through 30-10-795. See 23 Com. Reg. at 17740 (Mar. 22, 2001). The October 2001 amendments and the August 2001 amendments contained identical effective date sections. See 23 Com. Reg. at 17950 (June 19, 2001); 23 Com. Reg. at 18253 (Aug. 16, 2001).