COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
COMMONWEALTH ELECTION COMMISSION

Clarification of the Commonwealth Election Commission's Enforcement Authority Regarding Ballot Photography

The Commonwealth Election Commission is responsible for ensuring that every qualified voter has the opportunity to cast their ballot privately, independently, and free from intimidation or outside interference.

In fulfilling this responsibility, CEC provides designated, fully enclosed voting booths in accordance with 1 CMC § 6521(a), thereby protecting each voter's right to ballot secrecy.

However, CEC's enforcement authority must remain within the boundaries established by the CNMI Election Law and applicable administrative regulations.

While CEC has the authority and responsibility to maintain order at polling places, protect ballot secrecy, prevent voter intimidation, and address conduct that interferes with the orderly administration of an election, the Commission must exercise its authority strictly within the limits of applicable law. CEC cannot impose penalties or disciplinary measures without an established statutory or regulatory basis.

Regarding a voter who voluntarily photographs or records a video of their own marked ballot inside an enclosed voting booth, CEC has not identified a specific provision under the current CNMI Election Law or CEC regulations that expressly prohibits this conduct or establishes a corresponding penalty.

Accordingly, CEC cannot automatically classify a voter's voluntary decision to photograph or record their own ballot as an election violation.

However, if any individual or organization requests, pressures, or requires voters to provide photographs or videos of their marked ballots to verify whom they voted for, the Commission considers this a serious matter. Such conduct may raise concerns involving voter intimidation, coercion, vote buying, or interference with ballot secrecy.

In such circumstances, CEC will refer the matter to the Office of the Attorney General for appropriate investigation and consideration of potential criminal or civil action, as warranted under applicable law.

This distinction is important. A voter voluntarily choosing to photograph their own ballot is different from an individual or organization attempting to obtain proof of how a voter cast their ballot.

The Commission's responsibility is to provide a private voting environment, safeguard the integrity of the electoral process, and enforce only those restrictions for which it has lawful authority.

CEC remains committed to administering elections fairly, impartially, and in strict accordance with the laws of the Commonwealth.

P.O. Box 500470, Saipan, M P 96950-0470
Tel: (670) 235-8683(VOTE) Fax: (670) 664-8689
Web Page: http:www.votecnmi.gov.mp/