

19
5

UNCLASSIFIED

January 22, 1975

OMSN

Capt. Scott

Status LNO Saipan

Status LNO 12

Attached is a copy of Section 175 of the
Marianas District Election Law.

Alf E. Bergesen

UNCLASSIFIED

STATUS LNO

03 - 023421

Community Development Projects Fund. (Amended by District Law 3-113)

D. ELECTIONS

Section 175. District Election Law.

(1) Secret Ballot. All elections of members of the Mariana Islands District Legislature shall be by secret ballot. At each polling place, there shall be a space or a booth wherein each voter can mark his ballot in complete privacy.

(2) Time of Election. The General Election of members of the Mariana Islands District Legislature shall be held throughout the Mariana Islands District on the first Sunday in November, and every four (4) years thereafter. The polling places shall be opened on election day from 7:00 a.m. to 5:00 p.m., provided, however, that if at the hour of closing there are any voters in the polling place, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open any sufficient time to allow them to vote; provided, however, that if all voters appearing on a registered voting list for any polling place have voted, such polling place may close irrespective of the time of day. (Amended by District Law 2-99)

(3) Election Commissioner: Duties and Powers. The District Administrator is hereby designated an Election Commissioner, hereinafter, referred to as "Election Commissioner", and empowered to appoint such representatives as may be necessary for the orderly conduct of the election.

The Election Commissioner shall have the overall supervision and administration of the election and shall perform such duties as are prescribed by law. Such duties shall include but be not limited to the following.

a. Provided for poll workers and other election officers as may be necessary for the orderly conduct of the election;

b. Furnish in each polling place printed ballots, tally sheets and any other such material as may be required or necessary to successfully conduct the election. All ballots shall be sealed prior to being issued to election officers. The ballots shall list in alphabetical order and in vertical columns the names of all candidates in each electoral precinct who shall qualify to run for office in

accordance with Section 6 of this Act. Provided; however, that candidates endorsed or sponsored by any registered political party shall be entitled to have the name of such political party printed directly below their respective names;

c. To prepare, in coordination with the chief executive of each municipality, a complete list of eligible voters within each electoral precinct, not less than 20 days prior to the date set for the election and to issue such instructions and announcements as may be necessary for the registration of all qualified voters;

d. To designate, announce and publish, not later than fifteen (15) days before the election, the designated polling places within each electoral precinct;

e. To prepare rules, regulations and instructions including rules, regulations and instructions for absentee ballots for the conduct of the election.

(4) a. Election Committee. There is hereby established an Election Committee of not less than four (4) members, and composed of at least one (1) member from each electoral precinct, as provided by Section 3, Article I, of the Charter of the Mariana Islands District Legislature. The Election Commissioner shall appoint the members of the Election Committee; shall publish the list of names and addresses of those who he has appointed as Election Committee members; shall mail or deliver to each appointee a notice of such appointment, stating the position and electoral precinct to which he has been appointed and such other proper matters as the Election Commissioner may determine.

b. Election Committee: Powers and Duties. Each member of the Election Committee in each electoral precinct shall respectively have power to pass on all problems of registration of voters and to receive, investigate, and decide complaints concerning election irregularities. The decision of the committee members shall be final, except that this cannot be construed to deny the voter an appeal to the district court from the decisions of such a committee member denying registration of said voter. The members of the Election Committee shall perform such other duties as provided by law or rules promulgated by the Election Commissioner pursuant thereto.

(5) Persons Entitled to Vote. The Election Commissioner, or his duly authorized representative, shall register or cause to be registered persons eligible to vote

within each electoral precinct. Qualifications of electors shall be as follows:

Each elector shall be eighteen (18) years of age or over; be a citizen of the Trust Territory of the Pacific Islands and resident of his electoral precinct for a period of at least one (1) year immediately preceding the election; and not be serving a criminal sentence at the time of the election and be of sound mind.

The Election Commissioner shall establish the closing day of registration, except that all registration shall cease five (5) days before election. (Last paragraph amended by District Law 3-151)

(6) Nomination. Nomination of candidates may be made by petition or by political parties as follows:

a. Nomination of Candidates by Petition. Nomination of candidates for office may be made by petition initiated by a candidate or any five (5) citizens who are eligible to vote. Nominating petitions shall be signed by the initiators and by not less than twenty-five (25) additional citizens eligible to vote.

b. Nomination of Candidates by Political Parties. Recognized political parties may nominate candidates for office. Provided, however, that no political party shall nominate more than one (1) candidate for any one (1) seat in the Legislature.

c. Filing of Petitions and Nominations. The Election Commissioner, or his authorized representative, shall be responsible for receiving all nominating petitions and nominations made by registered political parties. The Election Commissioner, or his authorized representative, shall verify the signatures on nominating petitions and determine the eligibility of the nominated candidates for election, and if found to be eligible, the candidate's name shall be placed on the ballot.

d. Time for Filing. Nominating petitions and the names of candidates nominated by registered political parties and as otherwise provided herein, shall be filed with the Election Commissioner or his authorized representative on or before the third (3rd) Monday in October of the election year.

(7) Absentee Voting. The Election Commissioner shall, under such terms and conditions as he may prescribe, permit a qualified person to register and vote by absentee ballot when, in the conduct of his business or due to other necessary travel, the voter expects to be absent on election day, or when, through illness or physical disability, he expects to be prevented from personally going to the polls and voting on election day.

(8) Campaigning. Campaigning shall not be permitted during election day. Names, pictures and/or other campaigning materials or candidates cannot be posted within 100 feet of polling places.

(9) Conduct of Elections.

a. Except as provided herein, the Election Commissioner shall establish polling places at designated locations within each electoral precinct and shall insure that each polling place is adequately supervised on election day. A poll supervisor, appointed by the Election Commissioner, shall be present at each polling place during the hours of election, and shall have a complete list of the eligible and registered voters of the electoral precinct.

b. Counting of Ballots. The Election Commissioner shall establish a Counting and Tabulation Committee for each electoral precinct composed of not less than five (5) persons. When the voting has been completed and polls closed, all ballots boxes in each electoral precinct shall be assembled in a central and public locations to be designated by the Election Commissioner within the electoral precinct. The ballot boxes shall be opened publicly, the ballots read aloud and counted. Each candidate, or his authorized representative, shall be entitled to be present when the ballots are being counted. The Election Commissioner, or his designated representative, shall determine the acceptability of the individual ballots.

c. Certification of Election Results. Upon completion of the election, the election results of each electoral precinct shall be certified by the Counting and Tabulation Committee and transmitted to the Election Commissioner through the member of the Election Committee in that electoral precinct. When the Election Commissioner is satisfied that the election has been conducted in accordance with the provisions of this Act and rules and regulations applicable thereto, he shall declare the winning candidates from each electoral precinct.

(10) Tied Elections. After all votes have been tabulated and certified as above provided, if two (2) or more candidates shall have received an equal number of votes, such tie shall be resolved by the Election Commissioner by the drawing of lots between the tied candidates, or between their designated representatives, should such candidates desire to be present or represented.

(11) Election Expenses. All expenses authorized and necessarily incurred in the preparation or the conducting of elections, except logistic support, shall be paid from appropriations by the Mariana Islands District Legislature.

(12) Violations. Any person who shall vote or attempt to vote more than one time, or who interferes with the orderly process of the election, or who shall forcibly restrain any person from casting his vote, shall upon conviction be punished by a fine not to exceed Two Hundred Dollars (\$200.00), or imprisoned for not more than Sixty (60) days, or both.

(13) Special Elections. Special elections, as provided for by Section 7, Article I, of the Charter of the Mariana Islands District Legislature, shall be governed insofar as practicable by the provision of this Act.

E. JUDICIAL PROCEEDINGS

Section 190. Jury Trials in Criminal Cases.

(1) Pursuant to Section 1 of Public Law No. 1-7 of the Trust Territory of the Pacific Islands, here is hereby adopted Sections 1 through 12, entitled: "Trial by Jury in Certain Criminal Cases", of the said public law.

(2) After February 1, 1966, all trials in the Mariana Islands District, subject to the terms of Sections 1 through 12 of Public Law No. 1-7 of the Trust Territory of the Pacific Islands, shall be governed thereby.

(3) In order to provide funds for expenditures made prior to July 1, 1966, pursuant to Sections 1 through 12 of the Trust Territory Public Law No. 1-7, as it applies to the Mariana Islands District, there is hereby authorized to be appropriated a sum not to exceed \$1,000.00 as a grant-in-aid to the Government of the Trust Territory.