

Attachment to Report.

Possible Criteria for Determining Domicile  
and Residence for Voting Purposes

In order to be domiciled in the Northern Mariana Islands for voting purposes, a person must maintain a residence in the Northern Mariana Islands with the intention of continuing such residence for an unlimited or indefinite period, and to which such person has the intention of returning whenever absent, even for an extended period. A person can have only one domicile. A domicile cannot be lost until a new one has been acquired.

The intention to continue a residence in the Northern Mariana Islands shall be presumed not to exist if any of the following criteria are met:

- a) maintenance of a permanent residence or place of abode outside of the Northern Mariana Islands;
- b) maintenance of a current registration or qualification to vote in a place other than the Northern Mariana Islands;
- c) presence in the Northern Mariana Islands solely as the result of employment;
- d) presence in the Northern Mariana Islands solely as the result of employment of a spouse, relative or other person upon whom the prospective voter is economically dependent;
- e) support of a spouse or family in a place other than the Northern Mariana Islands;
- f) payment of taxes imposed by reason of residence in a place other than the Northern Mariana Islands;
- g) maintenance of a motor vehicle registration, driver's license or boat license in a place other than the Northern Mariana Islands.

October 22, 1976

REPORT TO THE COMMITTEE OF THE WHOLE  
OF THE COMMITTEE ON PERSONAL RIGHTS  
AND NATURAL RESOURCES

Subject: COMMITTEE RECOMMENDATION NO. 2:  
Elections and Election Procedures

The Committee on Personal Rights and Natural Resources recommends that the Committee of the Whole adopt in principle the attached Constitutional provision with respect to elections and election procedures.

The Committee recommends that a separate article of the Constitution be devoted to elections and election procedures and that this article have four sections that cover general elections, other elections, election procedures and taking office after elections.

The reasons for the Committee's recommendations are set out below.

Section 1: General Elections. The Committee recommends that there be one regular general election throughout the Commonwealth and that this election be held on the first Sunday in November. The Committee further recommends that all Commonwealth officers be elected at this general election. This would include all the elected officials from the executive branch, the legislative branch, the Washington Representative, and any other officials whose election is provided for in the Constitution.

The Committee has three reasons for this recommendation. First, consolidating the election of all

Commonwealth officers into one general election is less costly than conducting several separate elections. Second, voter interest and attention would be concentrated on the important Commonwealth election contests. Third, not all Commonwealth officers would be standing for election every year and the number of offices to be filled at the general election in any given year, therefore, will not be so great as to cause voter confusion.

Section 2: Other Elections. The Committee recommends that the legislature be given the responsibility of providing for other elections. This would include local government elections and special elections not provided for by the Constitution. This provision is intended to permit the legislature to make a judgment whether it would be useful to consolidate local elections with the regular general elections or to hold them separately at different times. This provision would also permit the legislature to delegate the responsibility for providing for local elections to the local government units themselves.

Section 3: Election procedures. This provision delegates to the legislature the responsibility of providing for the details of election procedures. The Committee makes this recommendation because it believes these matters are more appropriately governed by statute. Election procedures often need to be modified and these modifications should not require a constitutional amendment.

Under this provision the legislature may provide for such things as the resolution of contested elections, voting protections (protecting voters from arrest, service of process or jury duty during the time they are voting), absentee voting, secrecy in voting, language aid to voters who do not speak English, Chamorro or Carolinian, definitions of and penalties for election fraud, election holidays, method of voting (ballot, punch card, or voting machine), party voting, ballot format, methods of counting votes, methods of supervising voting places, selection of election officials, voter registration, primary elections and other nominating procedures.

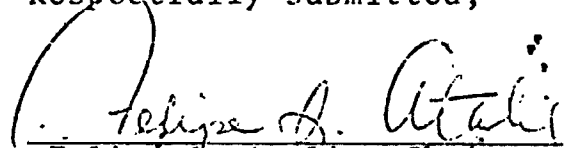
These matters are currently within the jurisdiction of the legislature and the Committee believes that this system should be continued.

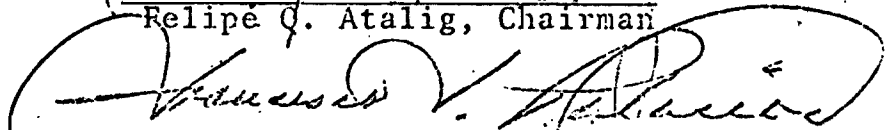
Section 4: Taking Office After Elections

The Committee recommends that there be a uniform provision with respect to taking office after election. The Committee's proposed constitutional provision requires that all Commonwealth officers elected at the regular general election in November take office on the second Monday of January of the following year. This would also apply to any local government or other officials elected at the general election if that were specified by the legislature.


The Committee believes that it is important to have an orderly succession to office. This provision leaves approximately two months, between the first Sunday in November and the second Monday in January, for the transition from one office holder to another to be completed. The Committee believes that this is sufficient time to provide for orderly transition while not leaving hold-over officers in office too long after they have been defeated at the polls. The Committee considered designating the first day of January but decided that the date on which officers would take office should not fall on a holiday.

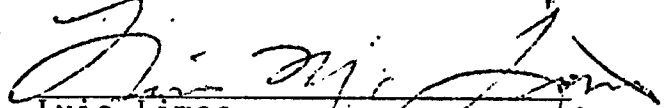
Respectfully submitted,

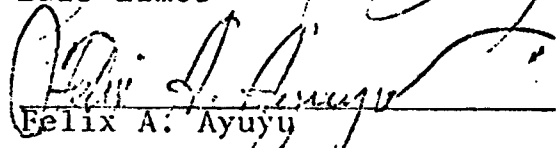
  
Felipe Q. Atalig, Chairman

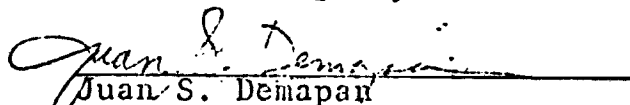
  
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