

**TITLE 1: GOVERNMENT**  
**DIVISION 6: ELECTIONS**

**§ 6209. Absentee Voting.**

(a) Subject to the procedures set forth in this chapter, any registered voter at any election may request and cast an absentee ballot with the Commission. The Commission shall compile and keep immediately current a list of persons requesting an absentee ballot pursuant to 1 CMC §§ 6210 and 6211, including the date such request was made; shall make and keep immediately current a list of persons to whom an absentee ballot was personally delivered or mailed, including the dates the ballots were delivered or mailed; and shall make each list immediately available for public inspection:

(1) At one government building in each senatorial district which maintains regular business hours; and

(2) On a website accessible without requiring user registration or the use of a password.

(b) For the purposes of this section, “keep immediately current” and “make each list immediately available” mean the information is updated and published to the public as soon as practical after the information is received, and in no case later than 48 hours after the receipt of the information.

(c) If on the day of the election, the registered absentee voter is within the Commonwealth and has not received his or her ballot, he or she may vote at a polling place designated by the Commonwealth Election Commission where his or her ballot will be treated as an absentee ballot, until it can be confirmed that another ballot was not received for him or her.

**Source:** DL 5-19, § 8, modified; repealed and reenacted by PL 12-18, § 2 (6209); amended by PL 16-38, § 7; (c) added by PL 17-11 § 7 (August 12, 2010), modified.

**Commission Comment:** The Commission modified this section pursuant to 1 CMC § 3806(f). Public Law 16-38 was enacted on April 29, 2009. PL 16-38 contained severability and savings clause provisions and the following:

Section 1. Findings and Purpose. The Legislature finds that the Northern Mariana Islands Election Law, as amended, requires further amendments to establish a clear policy governing elections in the Northern Mariana Islands and to set forth procedures that would allow the Commonwealth Election Commission to more effectively and efficiently administer absentee voting, and other matters.

The Legislature finds that, currently the election law of the CNMI requires voters to proffer an excuse to vote by absentee ballot. This requirement is outdated and an unnecessary barrier to the exercise of the franchise. Thirty one (31) states allow no-excuse pre-Election Day in-person voting – either early voting on a voting machine or in-person absentee voting. Twenty nine (29) states allow no-excuse absentee voting by mail. The Legislature finds that the Commonwealth should join this majority of jurisdictions who have removed impediments such that more people are likely to exercise their rights to vote.

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The Legislature further finds that other amendments proposed in this Act serve to establish uniformity in the processing of absentee voting and to further clarify ambiguities in the Northern Mariana Islands Election Law. For example, voters have noted disparate treatment when they wish to obtain absentee ballots because they will be within the CNMI but outside the senatorial district in which they are to vote on election day. The Legislature finds that, to the greatest extent possible, voters exercising the franchise by absentee ballot should be treated similarly. Absentee ballots in the possession of the Commission on election day should be counted on election day; so doing will remove a great deal of uncertainty regarding the outcome of elections and allows for a speedy transition of powers between outgoing and incoming officeholders. This Act amends current election law to the benefit of the voters wishing to participate in the political process. This Act is intended to promote fair, honest, and transparent elections in the Commonwealth, and is therefore necessary and a proper use of the legislative power granted by Section 1 of Article II of the Commonwealth Constitution.