

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

§ 6213. Absentee Voting: Counting Ballots.

(a) To be eligible to be counted, an absentee ballot shall be received by the Commission not later than the date of election; provided that in the case of a runoff election an absentee ballot shall be postmarked not later than the day of the runoff election and shall be received by the Commission no later than fourteen days after the date of the runoff election. If the Commission is using a post office box for the receipt of absentee ballots, it shall remove all absentee ballots contained in the post office box as follows for such ballots to be deemed to have been received within the deadline:

(1) No less than two persons, one of whom shall be designated by the Commission Chairperson and the other of whom shall be designated by the Executive Director, shall go to the designated post office in each senatorial district to collect absentee ballots on the day they are to be counted:

(i) once in the morning prior to 11:00 a.m. and once prior to the closure of the post office on the day of the election; and

(ii) prior to the closure of the post office on the fourteenth day after a runoff election.

(2) The reply envelopes shall not be opened but shall be postmarked as provided in subsection (b) and shall be deposited in a locked ballot box until processed by the Commission pursuant to subsection (c) through (i).

(b) The date and time of receipt shall be noted on each return envelope.

(c) The Commission shall compare this signature of the voter on the application for absentee ballot with that on the affidavit and the registration. If the signatures appear to be by the same person, if the affidavit is properly completed, and if the envelope is sealed and it does not appear to have been tampered with, the notation OK shall be placed on the return envelope and shall be initialed by no less than five members of the Commission.

(d) An absentee ballot may be rejected if:

(1) After comparing the signature of the voter on the application for absentee ballot with that on the affidavit and registration, it appears the signatures were not made by the same person; or

(2) The affidavit is not properly completed; or

(3) The return envelope is not sealed; or

(4) The seal appears to have been tampered with; or

(5) The Commission has already received an absentee ballot from that person; or

(6) The absentee voter has died or has otherwise become ineligible to vote on the election day; or

(7) The ballot has been received after the deadline; or

(8) The voter has not complied with [1 CMC § 6212](#) of this part.

(e) If any of the conditions in subsection (d) of this section apply, then the word rejected shall be printed on the return envelope along with a short statement of the reason for rejection. Five signatures of the Commission members

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constitute a verification of the discrepancy noted as the cause for rejection. The rejected ballot may not be delivered to the accounting and tabulation committee, but shall be maintained in a secure place by the Commission for at least six months after the election.

(f) The application for absentee ballot shall be attached to the corresponding ballot envelope and the envelope shall not be opened.

(g) A duplicate list shall be prepared in each election district of the names and addresses of the absentee voters as shown on return envelopes. The Commission shall maintain one copy of the list for at least one year from the election date.

(h) The returned envelopes marked "OK," together with the application attached shall be delivered by the Commission to the accounting and tabulation committee the day of the general election, or in the case of a runoff election absentee ballots shall be postmarked no later than the date of the run off election and be received by the Commission no later than fourteen days following the runoff election date, to be tabulated by the accounting and tabulation committee.

(i) Absentee ballots in the possession of the Commission on a runoff election day shall be processed, counted and tabulated on election day, and reported pursuant to [1 CMC § 6524](#). Other runoff election absentee ballots shall be postmarked, received and counted as provided in this section.

Source: [PL 12-18](#), § 2 (6213), modified; subsections (a) and (h) amended by [PL 12-70](#), §§ 2(a) and (b), respectively; (a)(2) amended and (i) added by [PL 16-38](#), § 5-6; subsections (a), (h) and (i) amended by [PL 16-43](#), § 2(b),(c) and (g), respectively; amended by [PL 17-11](#) § 9 (Aug. 12, 2010), modified; subsections (a)(1)(i) and (a)(1)(ii) amended by [PL 18-46](#) § 3(d) (Apr. 23, 2014); temporarily suspended by [PL 19-70](#) § 2-3 (Oct. 28, 2016).

Commission Comment: The Commission modified this section pursuant to [1 CMC § 3806 \(c\), \(f\) and \(e\)](#). Section 6213 is similar to the former § 6211 (source: DL 5-19, § 8, modified). [PL 12-70](#), which took effect November 2, 2001, contained findings and severability provisions. According to [PL 12-70](#):

Section 1. Findings. As a result of the series of transmissions of the potentially deadly bacteria anthrax through the U. S. mail in the aftermath of the unprecedented attacks of September 11, 2001 on the United States, the United States Postal Service has undertaken heightened precautions to ensure the safety of its employees and the public. The Legislature finds that the delivery of mail to and from the Northern Mariana Islands may be delayed as a result of these precautionary measures. While extra precaution in the handling of United States Postal Service mail is necessary to ensure safety, the Legislature anticipates that these precautionary measures will result in delay in the forwarding and receipt of absentee ballots for the November 3, 2001 regular general election in the Northern Mariana Islands.

This legislation seeks to address that situation by enlarging the time within which the Election Commission must receive and tabulate ballots for registered voters who vote by absentee ballot from seven (7) to

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fourteen (14) days. This enlargement of time is intended to safeguard the election process.

On October 28, 2016, [1 CMC § 6213](#) was suspended by [PL 19-70](#) § 2 which provided for procedures and deadlines for the November 8, 2016 election. Pursuant to [PL 19-70](#) § 3, the provisions of [PL 19-70](#) § 2 automatically expire on November 23, 2016.