

TITLE 1: GOVERNMENT
DIVISION 6: ELECTIONS

§ 6208. Voting Procedures.

(a) The Commission shall distribute to each polling place a list of the eligible voters for that polling place. Not less than 15 days before the day of election, a copy of the list shall be posted at the office of the Commission and Mayors for examination by the public. Only those voters whose names appear on the list may vote at that polling place. Any name which does not appear on the list due to an error may be inserted by the Commission any time prior to the closing of the polls.

(b) All elections held in accordance with this part shall be held by official ballot. The Commission shall print copies of each official ballot for each polling place. The Commission shall also print a specimen ballot to be posted conspicuously near the entrance to each polling place where it may be easily seen by the voters prior to voting and in the office of the Commission at least seven days before the election for viewing by the general public. Further samples may be made available to the public.

(c) A ballot shall contain the names of candidates in an order identifying party affiliation or nonpartisanship for Attorney General, Board of Education, and municipal council, as established by the Commission, and the office to be sought.

(d) If a voter indicates the choice of more candidates than there are offices to be filled or if for any reason it is impossible to determine the voter's choice for any office, the ballot shall not be counted for that office or offices. The rest of the ballot, if properly marked, shall be counted.

(e) The ballot may include questions concerning proposed Commonwealth constitutional amendments or proposed initiative or referendum issues. When such matters are to be printed on the ballot, the question shall be phrased as simply and as clearly as possible to address the issue and require a yes or no response by the voter, yes to be in favor of the question and no to be against.

(f) The Commission shall establish a method of marking and identifying each person who has completed voting.

(g) Each voter shall be required to show photo identification at the poll in order to receive a ballot; if the voter does not have or refuses to produce photo identification, the voter shall fill out an affidavit that includes their name, address and their signature swearing under penalty of perjury as to the truth of the affidavit.

(h) If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in the election, but the name of the individual does not appear on the official list of eligible voters for the polling place, such individual shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

TITLE 1: GOVERNMENT
DIVISION 6: ELECTIONS

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of an affidavit under penalty of perjury by the individual before an election official at the polling place stating that the individual is:

- (i) a registered voter in the jurisdiction in which the individual desires to vote; and
- (ii) eligible to vote in that election.

(3) An election official at the polling place shall seal the ballot cast by the individual and the voter information the ballot cast by the individual and the voter information and transmit it to the Commission for prompt verification/disposition.

(4) The Commission shall review all provisional ballots cast information to determine the validity of such ballot and render a decision no later than five calendar days after the date of election.

(5) If the Commission determines that the individual is eligible to vote, the individual's provisional ballot shall be counted in that election.

(6) At the time that an individual casts a provisional ballot, the election official shall give the individual written information that states that any individual who casts a provisional ballot will be notified whether their ballot was counted and if their ballot was not counted, the reason that the ballot was not counted.

Source: DL 5-19, § 7, modified; repealed and reenacted by PL 12-18, § 2 (6208); amended by PL 17-11 § 6 (August 12, 2010); subsection (c) amended by PL 18-46 § 3(b) (Apr. 23, 2014), modified.

Commission Comment: The Commission removed figures that repeated words pursuant to 1 CMC § 3806(e). The Commission inserted a comma after the word "Education" in subsection (c) pursuant to 1 CMC § 3806(g).