

TITLE 1: GOVERNMENT
DIVISION 6: ELECTIONS

§ 6524. Tabulation of Votes.

(a) Except as provided in subsection (d), the Commission shall establish an accounting and tabulation committee composed of not less than five members. The accounting and tabulation committee shall count and tally all votes cast and determine the acceptability thereof.

(1) The accounting of ballots shall begin after all the polls in each election district are closed and shall continue in any tabulating location specified by the Commission until all votes are counted. No person may be present in the vicinity of the counting and tabulation area, except that each political party may have not more than two observers in the area, and each candidate for partisan office not affiliated with a political party may have one observer in the area. When the ballots are in the counting and tabulation area, the area shall not be left unattended. There shall be a minimum of two election officials at all times, in addition to the two observers from each political party and the observers, if any, representing the independent candidate(s) standing for election to partisan office. For the purpose of this sub-subsection, "partisan office" includes Governor or Lieutenant Governor, Senator, Representative, Delegate to the United States, or Mayor.

(2) Upon the completion of the counting and tabulation of all votes cast in the Commonwealth or local elective office, an official public announcement shall be made by the Commission, except that no official announcement of the results may be made for those offices in which a proceeding affecting ballots or the election results has been initiated until the legality of such issues raised in such proceeding affecting ballots or election results have been determined. As soon as is practicable after the tabulation of ballots is completed, the Commission shall issue certificates of election to the winning candidates for those Commonwealth or local elective offices in which no proceeding affecting ballots or election results has been initiated. The Commission may make periodic announcements of results during tabulating and counting.

(3) If precincts are established, the Board of Election must publish the unofficial precinct results as soon as is practicable after the tabulation of the ballots is completed. If sub-precincts are established, the Board of Election must publish the sub-precinct results as soon as is practicable after the tabulation of the ballots is completed.

(b) In any election where it is impossible to declare a winner because two or more persons receive an equal number of votes for any office, there shall be a run-off to determine the winning candidate or candidates.

(c) Any candidate for Commonwealth Delegate to the United States House of Representatives, mayor, senator, representative, municipal council, or board of education, who receives the highest number of votes cast for that office in any elections shall be declared the winning candidate. In the case of any office where more than one candidate is to be elected, the candidates receiving the highest number of votes, from greatest to least, shall be declared the winning candidates.

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DIVISION 6: ELECTIONS

(d) Votes physically cast in each Senatorial District's polling place(s), for Senator, Representative, Municipal Council and Mayor, as well as for any local initiative or any other matter for which only voters registered in one senatorial district may determine the outcome must be preliminarily counted, tabulated, and published in the senatorial district in which they were cast prior to shipment to the Third Senatorial District for the official count.

This preliminary count maybe conducted by one Commission Member in the presence of one representative from the Office of the Public Auditor and one assistant attorney general. Any rejected ballots during the preliminary count either by electronic, mechanical or hand, shall be set aside and sent to the Third Senatorial District for disposition by the Commission during the official count.

Source: PL 12-18, § 2 (6524); amended by PL 16-38, § 8, (d) added by PL 16-38, § 9; (c) and (d) amended by PL 16-43 § 2(f) and (h), respectively, modified; (d) amended by PL 17-11 § 18 (August 12, 2010).

Commission Comment: The Commission modified this section pursuant to 1 CMC § 3806(e) (f), and (g). The Commission removed a period before the semi-colon in subsection (d)(1) to correct a manifest error.