

TITLE 1: GOVERNMENT
DIVISION 6: ELECTIONS

§ 6528. Polling Places: Three-hundred Foot Radius Prohibition of Campaign Activity.

(a) It shall be unlawful for any person, between the hours of 7:00 a.m. to 7:00 p.m. on the day of the election and during early voting to perform or cause to be performed any of the following acts within a three-hundred foot radius of the polling place:

(1) To solicit in any manner or by any means whatsoever any other person to vote for or against any candidate or proposition being voted on in such election;

(2) To remain within any polling place or within three-hundred feet of the entrance of any polling place, except when exercising the right to vote, after having been directed by an election official to leave the premises;

(3) To hand out, place, or display campaign cards, pictures, stickers, or other campaign literature of any kind or description.

(b) Election officials shall visibly mark the post in a conspicuous place, prior to the opening of the polls, an area of three hundred feet from the perimeter of the polling place and its appurtenances. For the purposes of this section, a polling place and its appurtenances shall include:

(1) The building in which the polling place is located;

(2) Any parking lot adjacent to the building and routinely used for parking at that building;

(3) The routes of access between the building and any parking lot; and

(4) Any route of access between any public thoroughfare (right of way) and the polling place to ensure an open and accessible ingress and egress to and from the polling place for voters.

(c) Law enforcement officers shall assist election commissioners in preserving order, enforcing election laws, and protecting election officials from interference with the performance of their duties. Designated police officers shall assist the Commission for the entire election process until the official results are certified including monitoring the polls during special election, early voting, and election day.

(d) Any voter who displays campaign material in the polling place shall remove or cover that material before entering the polling place.

(e) Section 6528(a) shall not apply to activities conducted on private property.

(f) Any person who violates any provision of this section shall be fined not more than five-hundred dollars or be imprisoned for not more than six months, or both. On a second offense or any succeeding offense, the penalty shall be a fine of not more than one-thousand dollars or imprisonment for not more than one year, or both.

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Source: PL 15-52, § 2, modified; (a) amended by PL 17-16 § 2 (September 24, 2010); subsections (b) and (c) amended by PL 18-46 § 3(j) (Apr. 23, 2014), modified.

Commission Comment: The Commission designated a different section number than that specified in the original text of PL 15-52 because the specified section was already assigned, and also changed “Section 6523(a)” to “Section 6528(a)” in subsection (e) above to reflect the proper section number pursuant to the authority granted by 1 CMC § 3806. The Commission struck an extraneous dash from subsection (b) pursuant to 1 CMC § 3806(g). PL 15-52 was enacted on April 11, 2007, and contained a repealer, severability, and savings clause provisions in addition to the following findings and purpose:

Section 1. Findings and Purpose. The Legislature finds there have been many complaints by voters that they feel harassed or pressured by political party supporters upon entering the polling sites. Some voters have expressed that they often will try to find alternate entries to polling places to avoid political party supporters or even have opted not to vote altogether simply to avoid the ordeal of entering the polling place. Further, overzealous supporters have risked their safety and the safety of others by impeding the flow of traffic. This has resulted in police officers being called in to clear the streets. The Legislature finds that this is unacceptable as it infringes upon the fundamental right of citizens to cast a ballot in an election, free from the taint of intimidation and fraud.

The purpose of this Act is to prohibit political activity within a three hundred foot radius of polling places on election day. The Legislature further finds that many states have enacted similar legislation to: 1) provide for the orderly conduct of elections; 2) maintain integrity in elections; and 3) ensure no interference with voters; therefore, the Legislature finally finds that the CNMI should do no less for its citizens.

See comment to 1 CMC § 6205 for more information regarding PL 17-16.