

RALPH DLG. TORRES
Governor



ARNOLD I. PALACIOS
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

22 SEP 2020

The Honorable Victor B. Hocog
Senate President, The Senate
Twenty-First Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

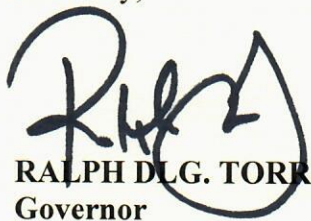
The Honorable Blas Jonathan "BJ" T. Attao
Speaker, House of Representatives
Twenty-First Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law **Senate Bill No. 21-68, SD2, HS1**, entitled, "To suspend certain CNMI election laws for the CNMI 2020 General Election to mitigate the public health risks due to the Covid-19 Pandemic; To adjust the early voting time and add more polling places; To extend the hours of operations for early voting and election day; To authorize curbside voting and procedures; To authorize the CEC to collect absentee ballots 7 days before the general election and 14 days after; To give the CEC flexibility to make changes to the election procedures if necessary to mitigate the public health risks due to the Covid-19 Pandemic; and for other purposes,," which was passed by the Senate and the House of Representatives of the Twenty-First Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 21-34**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES
Governor

cc: Lt. Governor; Press Secretary; Secretary of Finance; Commonwealth Election Commission; Commonwealth Healthcare Corporation; Homeland Security Emergency Management; Law Revision Commission; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



THE SENATE
Twenty-First Northern Marianas Commonwealth Legislature
P. O. Box 500129
Saipan, MP 96950

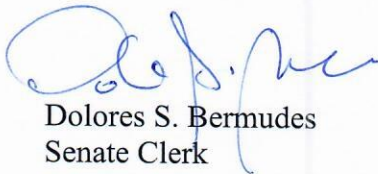
September 18, 2020

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern Mariana Islands
Capital Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action Senate Bill No. 21-68, SD1, HS1, entitled: "To suspend certain CNMI election laws for the CNMI 2020 General Election to mitigate the public health risks due to the Covid-19 Pandemic; To adjust the early voting time and add more polling places; To extend the hours of operations for early voting and election day; To authorize curbside voting and procedures; To authorize the CEC to collect absentee ballots 7 days before the general election and 14 days after; To give the CEC flexibility to make changes to the election procedures if necessary to mitigate the public health risks due to the Covid-19 Pandemic; and for other purposes.," which was passed by the Senate and the House of Representatives of the Twenty-First Northern Marianas Commonwealth Legislature.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dolores S. Bermudes".

Dolores S. Bermudes
Senate Clerk

Attachments



THE SENATE
TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 21-68, SD2, HS1

AN ACT

To suspend certain CNMI election laws for the CNMI 2020 General Election to mitigate the public health risks due to the Covid-19 Pandemic; To adjust the early voting time and add more polling places; To extend the hours of operations for early voting and election day; To authorize curbside voting and procedures; To authorize the CEC to collect absentee ballots 7 days before the general election and 14 days after; To give the CEC flexibility to make changes to the election procedures if necessary to mitigate the public health risks due to the Covid-19 Pandemic; and for other purposes.

SENATE ACTION

Offered by Senator(s): Sixto K. Igisomar

Date: August 04, 2020

Referred to: None

Standing Committee Report No.: None

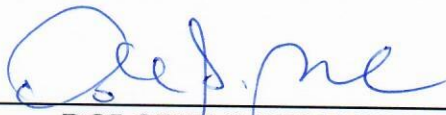
Final Reading: September 18, 2020 Accepted HS1

HOUSE ACTION

Referred to: None

Standing Committee Report No.: None

First and Final Reading: September 08, 2020


DOLORES S. BERMUDES
SENATE CLERK



THE SENATE
TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FOURTH REGULAR SESSION, 2020

S. B. NO. 21-68, SD2, HS1

AN ACT

To suspend certain CNMI election laws for the CNMI 2020 General Election to mitigate the public health risks due to the Covid-19 Pandemic; To adjust the early voting time and add more polling places; To extend the hours of operations for early voting and election day; To authorize curbside voting and procedures; To authorize the CEC to collect absentee ballots 7 days before the general election and 14 days after; To give the CEC flexibility to make changes to the election procedures if necessary to mitigate the public health risks due to the Covid-19 Pandemic; and for other purposes.

BE IT ENACTED BY THE TWENTY-FIRST NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and Purpose.** The Legislature finds that the Coronavirus
2 disease 2019 (Covid-19) is an infectious disease that causes severe acute respiratory
3 illness. It was first detected in Wuhan, Hubei Province, People's Republic of China in
4 December of 2019. As of August 4, 2020, more than 17.6 million confirmed cases of
5 Covid-19 have been reported in more than 216 countries, areas and territories, with major
6 outbreaks in Brazil, Europe, Afghanistan, South Africa, Russia, India, and the United
7 States among others. More than 680,000 people have died from the virus. Covid-19 is a
8 highly contagious disease that can lead to serious illness and death, especially for the
9 elderly and people who have underlying medical conditions. There is no confirmed
10 treatment for Covid-19 other than quarantine, isolation and containment. The potential
11 pandemic impact of Covid-19 cannot be understated. Action is necessary to protect the
12 health and safety of our children, our senior citizens, businesses, and all other CNMI

SENATE BILL NO. 21-68, SD2, HS1

1 residents and visitors.

2 The Legislature finds that on January 29, 2020, Governor Torres executed
3 Executive Order 2020-01 declaring a state of significant emergency regarding the Covid-
4 19 outbreak that ordered the Commonwealth Healthcare Corporation to implement
5 quarantine and preventive containment measures and directed the Secretary of Finance and
6 Special Assistant for Management and Budget to assess the fiscal impact of the outbreak
7 on the government's budget. On January 31, 2020, the U.S. Secretary of Health & Human
8 Services, Alex M. Azar II, declared a public health emergency for the United States to aid
9 the nation's healthcare community in responding to Covid-19. On the same day, the
10 President of the United States, Donald J. Trump, issued a proclamation suspending entry
11 into the United States, including the CNMI, of all aliens, immigrants or nonimmigrants,
12 who were physically present within the People's Republic of China, excluding the Special
13 Administrative Regions of Hong Kong and Macau, during the 14-day period preceding
14 their entry or attempted entry into the United States, subject to certain exceptions.

15 The Legislature further finds that on March 13, 2020, President Donald J. Trump
16 declared a national emergency over the Covid-19 outbreak in the continental United States.
17 On March 16, 2020, Governor Torres signed Executive Order 2020-04, as amended,
18 declaring a State of Public Health Emergency and a continued Declaration of a State of
19 Significant Emergency establishing response, quarantine, and preventive containment
20 measures concerning Covid-19. On March 28, 2020, the Governor's Covid-19 Task Force
21 and the Commonwealth Healthcare Corporation (CHCC) announced that individuals on
22 Saipan were confirmed positive for Covid-19 infection. Since that date, a total of 46
23 individuals have been confirmed positive with Covid-19. Of those individuals, two have
24 died. In response to the Covid-19 pandemic, Governor Torres has implemented public
25 health directives for the people and community to adhere to including daily curfew, small
26 gatherings in a small space, six feet social distancing, wearing face masks, as well as
27 prohibiting events that would encourage large gatherings.

28 The Legislature finds that Covid-19 continues to pose a significant and imminent
29 threat of harm to the community, environment and people of the CNMI and thus

SENATE BILL NO. 21-68, SD2, HS1

1 emergency declarations are necessary to respond, quarantine and ensure the prevention of
2 or containment of Covid-19 in the CNMI. The Covid-19 pandemic has greatly impacted
3 our homes, work place, the government, the community, business establishments as well as
4 our environment. Covid-19 impacted our community in many ways including voting. The
5 upcoming 2020 CNMI Election is set for November 3, 2020 and changes need to be made
6 to mitigate the public health threat of the Covid-19 pandemic.

7 The Legislature finds that many voters are apprehensive about the upcoming
8 election. For some voters, it is the difficulty to find childcare on the same day that
9 caregivers will also need to vote. For other voters who were not furloughed due to Covid-
10 19, it is worrying about the security of their jobs if they request to take time off from work
11 to vote on the same day that their colleagues will be requesting time off to do the same. For
12 some voters, it is being more vulnerable physically or having underlying illnesses,
13 therefore they may not be able to stand or wait in long lines at polling places, which may
14 put them at greater risk. And, for other voters especially those vulnerable to Covid-19, it is
15 the worry and the stress of being potentially exposed to sick people and conditions that
16 would spread Covid-19.

17 The Legislature also finds that the Centers for Disease Control and Prevention
18 (CDC) stated that the more an individual interacts with others, and the longer that
19 interaction, the higher the risk of COVID-19 spread. Elections with only in-person voting
20 on a single day are higher risk for COVID-19 spread because there will be larger crowds
21 and longer wait times. CDC further stated that lower risk election polling settings include
22 those with: a wide variety of voting options, longer voting periods (more days and/or more
23 hours), and any other feasible options for reducing the number of voters who congregate
24 indoors in polling locations at the same time. The virus that causes COVID-19, is mostly
25 spread by respiratory droplets released when people talk, cough, or sneeze. It may be
26 possible that a person can get COVID-19 by touching a surface or object that has the virus
27 on it and then touching their own mouth, nose, or possibly their eyes. Personal prevention
28 practices (such as handwashing, staying home when sick) and environmental cleaning and
29 disinfection are important actions election officials, poll workers, and voters can take to

SENATE BILL NO. 21-68, SD2, HS1

1 help lower the risk of COVID-19 spread.

2 The Legislature finds that in response to the Covid-19 Pandemic and in
3 consideration of the CDC recommendations and guidelines, many U.S. States have enacted
4 legislation to delay primary elections, extend absentee voting and mail voting, provide
5 alternative voting methods as well as adjust in person voting. Therefore, it is the intent of
6 this Legislature to suspend certain CNMI election laws for the 2020 CNMI General
7 Election in order to adhere to the CDC recommendations and guidelines to protect the
8 voters, election officials, poll workers and the community.

9 Accordingly, the purpose of this legislation is to protect the right to vote while also
10 protecting the health and well-being of CNMI voters, election officials, poll workers, and
11 the community by suspending certain CNMI election laws for the CNMI 2020 General
12 Election to mitigate the public health risks due to the Covid-19 Pandemic including
13 adjusting the early voting time and adding more polling places, extending the hours of
14 operations for early voting and election day, authorizing curbside voting and procedures,
15 authorizing the CEC to collect absentee ballots commencing on the 7th day before the
16 general election and ending on the 14th day after the election, and giving the CEC
17 flexibility to make changes to the election procedures as set forth in this Act if necessary to
18 mitigate the public health risks due to the Covid-19 Pandemic during the 2020 CNMI
19 General Election.

20 **Section 2. Early Voting; Authorize All Early Voting; Add Polling Places;**
21 **Extend Time Period; Extend Operation Hours.**

22 1 CMC Section 6222 titled Early Voting: Period for Early Voting; Hours is hereby
23 suspended for the 2020 CNMI General Election. In accordance with the suspension of 1
24 CMC Section 6222, the following provisions shall apply to early voting in the 2020 CNMI
25 General Election:

26 (a) Any registered voter in the Commonwealth or CNMI may vote early at the
27 general election to mitigate the public health risks due to the Covid-19 pandemic.

28 (b) A registered voter that is confined to a home or hospital due to illness or
29 physical disability and is unable to go to the polls may vote early at the general election.

SENATE BILL NO. 21-68, SD2, HS1

1 The person or member of his or her immediate family or guardian may make a written
2 request, on a form furnished by the Commission, for an absentee ballot during the early
3 voting period between 8:00 a.m. and 5:00 p.m. The Commission shall provide absentee
4 ballots and conduct early voting for qualified confined voters.

5 (c) The Commonwealth Election Commission may establish permanent and
6 temporary polling places for early voting by personal appearance at locations throughout
7 the Commonwealth; provided that there are at least three polling places in Saipan for early
8 voting. Any person entitled to vote early by personal appearance may do so at their
9 assigned polling place established for early voting.

10 (d) For Saipan and the Northern Islands, the period for early voting by personal
11 appearance begins the 21st day preceding an election and extends through the last day
12 before election day up to 5:00 p.m. For Rota and Tinian, the period for early voting by
13 personal appearance begins the 7th day preceding an election and extends through the last
14 day before election day up to 5:00pm.

15 (e) A permanent or temporary polling place for early voting must remain open
16 during the hours of 8:00 a.m. to 5:00 p.m. on Monday to Saturday; provided that 8:00 a.m.
17 to 9:00 a.m. each day shall be restricted to early voting for persons 55 years old or older
18 and the disabled voters at all polling places.

19 (f) The collection and tabulation of ballots during early voting shall be consistent
20 with existing CNMI law and regulations.

21 **Section 3. Absentee Voting: Counting Ballots.**

22 1 CMC Section 6213 titled Absentee Voting: Counting Ballots is hereby suspended
23 for the 2020 CNMI General Election. The following provisions shall apply to absentee
24 voting in the 2020 CNMI General Election:

25 (a) To be eligible to be counted, an absentee ballot shall be postmarked on or before
26 the day of the 2020 CNMI General Election and received by the Commission not later than
27 14 days after the date of election; provided that in the case of a runoff election an absentee
28 ballot shall be postmarked not later than the day of the runoff election and shall be received
29 by the Commission no later than fourteen days after the date of the runoff election. If the

SENATE BILL NO. 21-68, SD2, HS1

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) The Commonwealth Election Commission shall designate two persons, to be accompanied by an observer from the Office of the Public Auditor, to go to the designated post office to collect and process the absentee ballots commencing on the 7th day before the general election and ending on the 14th day after the election. The inside envelope containing the actual ballot shall not be opened and shall be processed in accordance with subsection (b) of this section.

(2) The absentee ballots shall not be counted or tabulated until the closure of the general election. The absentee ballots shall be locked in a ballot box and the keys will be kept at the Office of the Public Auditor in Saipan.

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

(4) Two designees of the Commission shall compare the 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 the two designees.

(b) 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

SENATE BILL NO. 21-68, SD2, HS1

1 on the election day; or

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

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

4 (c) If any of the conditions in subsection (b) of this section apply, then the word
5 rejected shall be printed on the return envelope along with a short statement of the reason
6 for rejection. The signatures of two designees of the Commission constitute a verification
7 of the discrepancy noted as the cause for rejection. The rejected ballot may not be
8 delivered to the accounting and tabulation committee, but shall be maintained in a secure
9 place by the Commission for at least six months after the election.

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

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

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

21 (g) Absentee ballots in the possession of the Commission on a runoff election day
22 shall be processed, counted and tabulated on election day, and reported pursuant to 1 CMC
23 § 6524. Other runoff election absentee ballots shall be postmarked, received and counted
24 as provided in this section.

25 **Section 4. Curbside Voting; Authorization; Process.**

26 (a) Notwithstanding any law or regulation to the contrary, the Commonwealth
27 Election Commission shall establish curbside voting polling places for early voting of the
28 2020 CNMI General Election to mitigate the public health risks of the Covid-19 Pandemic.

29 (b) Any registered voter in the CNMI may vote at a designated curbside polling

SENATE BILL NO. 21-68, SD2, HS1

1 place during early voting to diminish or reduce the voter's exposure to the Covid-19 public
2 health threat.

3 (c) Curbside polling places shall have signage indicating curbside voting. Two
4 election officials will bring a ballot and conduct voting at the voter's vehicle. The election
5 officials will obtain the voter's name, address and photo identification. Before a ballot is
6 issued to a curbside voter, the voter must sign an early voting application. When a voter is
7 finished voting, the election officials and the voter or the voter's authorized representative
8 will take the voter's ballot and put it in the ballot box.

9 (d) If there is more than one person in a vehicle for curbside voting, all persons 18
10 years old or older must exit the vehicle to allow for voting privacy.

11 (e) The collection and tabulation of ballots during curbside voting shall be
12 consistent with ballots collected at other polling places.

13 (f) The Commission is authorized to established the process and procedures
14 necessary to conduct curbside voting.

15 **Section 5. 2020 CNMI General Election Day.**

16 Notwithstanding any law or regulation to the contrary, the following provisions
17 shall apply on the election day of the 2020 CNMI General Election:

18 (a) All polling places on election day must remain open during the hours of 7:00
19 a.m. to 7:00 p.m.; provided that 7:00 a.m. to 8:00 a.m. on election day shall be restricted to
20 in person voting for persons 55 years or older and the disabled voters at all polling places.

21 (b) The Commission may increase the number of polling places to adhere to the six
22 feet social distancing protocols during the Covid-19 pandemic.

23 **Section 6. Commonwealth Election Commission; 2020 CNMI General**
24 **Election.**

25 Notwithstanding any law or regulation to the contrary, the following provisions
26 shall apply to the 2020 CNMI General Election:

27 (a) In the event that Commission does not have a quorum to finalize the polling
28 places for the general election, the Executive Director of the Commission shall have the
29 authority to make such determinations.

SENATE BILL NO. 21-68, SD2, HS1

(b) In the event of a Covid-19 surge of positive cases or other health and safety predicament caused by Covid-19 pandemic, the Commonwealth Election Commission ("Commission") is authorized to change the election procedures set forth in this Act, including but not limited to curbside voting on election day, as necessary to mitigate any Covid-19 public health and safety threat or complications.

(c) The Commission shall coordinate with the Covid-19 Task Force to implement public health and safety protocols necessary to mitigate the threat and spread of the Covid-19 pandemic during the 2020 CNMI General Election; provided that the Commission, its staff and poll workers shall all wear face masks and personal protective equipment during the general election.

(d) The Commission shall extensively educate and train its staff and poll workers on the provisions of this Act. The Commission shall further conduct extensive public education at all senatorial districts on the provisions of this Act on all media platforms including its website, the newspapers, the radio, television, social media, and posting posters at public buildings and private establishments.

(e) The Commission shall adhere to all NMI election laws and regulations for absentee voting, early voting, and voting on election day that are not inconsistent with the provisions of this Act.

Section 7. Sunset Provision. The provisions under Sections 2, 3, 4, 5, and 6 of this Act shall automatically expire on November 18, 2020 or after the certification of the CNMI 2020 General Election Results, whichever is later.

Section 8. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

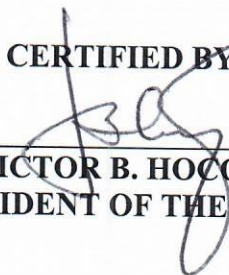
Section 9. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant

SENATE BILL NO. 21-68, SD2, HS1

1 to prior law. The enactment of the Act shall not have the effect of terminating, or in any
2 way modifying, any liability, civil or criminal, which shall already be in existence on the
3 date this Act becomes effective.

4 **Section 10. Effective Date.** This Act shall take effect upon its approval by the
5 Governor or becoming law without such approval.

CERTIFIED BY:


VICTOR B. HOCOG
PRESIDENT OF THE SENATE

ATTESTED BY:


SIXTO K. IGISOMAR
SENATE LEGISLATIVE SECRETARY

Approved this *22nd* day of *September*, 2020


RALPH DLG. TORRES
Governor

Commonwealth of the Northern Mariana Islands