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A BILL FOR AN ACT

To provide for the creation of a Plebiscite Commission to assist the States of the Federated States of Micronesia in conducting a public information program and plebiscite on the proposed Compact of Free Association; to establish procedures for the ratification and approval of the Compact under section 4 of article IX of the Constitution of the Federated States of Micronesia; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 CHAPTER 1

2 FINDINGS AND DEFINITIONS

3 Section 101. Findings. The Congress of the Federated States of
4 Micronesia finds that:

- 5 (1) On October 1, 1982, the Commission on Future Political Status
6 and Transition, consistent with its mandate under section 101 of title 8 of
7 the Code of the Federated States of Micronesia executed a proposed Compact
8 of Free Association and certain subsidiary agreements with the Government
9 of the United States;
- 10 (2) Section 411 of the proposed Compact of Free Association
11 provides that the Compact shall come into effect upon mutual agreement between
12 the Government of the United States and the Government of the Federated States
13 of Micronesia, subsequent to approval of the Compact by the Federated States
14 of Micronesia in accordance with its constitutional processes, approval of
15 the Compact by the citizens of the Federated States of Micronesia in a
16 plebiscite, and approval of the Compact by the Government of the United States
17 in accordance with its constitutional processes;
- 18 (3) Section 412 of the proposed Compact of Free Association provides
19 that the plebiscite shall be conducted in such a manner as to represent a free
20 and voluntary choice by the citizens of the Federated States of Micronesia of
21 their future political status through informed and democratic processes;
- 22 (4) Section 412 of the proposed Compact of Free Association further
23 provides that the date of the plebiscite shall be fixed by the Administering
24 Authority of the Trust Territory of the Pacific Islands, after consultation
25 with the Government of the Federated States of Micronesia;

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1 (5) Section 412 of the proposed Compact of Free Association further
2 provides that the plebiscite shall be called jointly by the Administering
3 Authority of the Trust Territory of the Pacific Islands and the Federated
4 States of Micronesia;

5 (6) Section 412 of the proposed Compact of Free Association further
6 provides that a plebiscite should be conducted simultaneously in the Republic
7 of Palau, the Republic of the Marshall Islands, and the Federated States of
8 Micronesia under uniform, fair, and equitable standards;

9 (7) Section 412 of the proposed Compact of Free Association
10 further provides that the results of the plebiscite shall be determined by
11 a majority of the valid ballots cast in the Federated States of Micronesia;

12 (8) Section 4 of article IX of the Constitution of the Federated
13 States of Micronesia requires that the Compact, as a treaty delegating major
14 powers of government of the Federated States of Micronesia to another government,
15 be ratified by two-thirds of the Members of the Congress of the Federated States
16 of Micronesia and be approved by a majority vote in the legislatures of two-
17 thirds of the States of the Federated States of Micronesia;

18 (9) The citizens of the Federated States of Micronesia, as an
19 exercise of their sovereignty and inherent right to self-determination, have
20 established a constitutional government, the authority and responsibilities
21 of which have been recognized by the Government of the United States in the
22 proposed Compact of Free Association and Secretarial Order No. 3039,
23 promulgated by the U.S. Secretary of the Interior;

24 (10) It is now appropriate for the citizens of the Federated States
25 of Micronesia, through a plebiscite, to make a voluntary and freely expressed

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1 choice as to their future political status and relationship with the
2 Government of the United States;

3 (11) An extensive public information program must be conducted
4 prior to the plebiscite, so that the citizens of the Federated States of
5 Micronesia can make a truly informed decision as to their future political
6 status and relationship with the Government of the United States; and

7 (12) Pursuant to the authority and responsibilities vested in
8 the Government of the Federated States of Micronesia by the Constitution of
9 the Federated States of Micronesia, because of the unique culture, traditions,
10 customs, geography, and needs of the Federated States of Micronesia, and
11 consistent with articles 73 and 76 of the United Nations Charter, article 6
12 of the Trusteeship Agreement for the Former Japanese Mandated Islands, and
13 section 2 of Secretarial Order No. 3039, promulgated by the U.S. Secretary of
14 the Interior, it is appropriate for the Government of the Federated States of
15 Micronesia to independently determine the nature, extent, and duration of the
16 public information program preceding the plebiscite, independently determine
17 the organization, standards, and procedures for the plebiscite, and independently
18 conduct such public information program and plebiscite.

19 Section 102. Definitions. As used in chapters 2, 3, 4, and 5 of this act,
20 unless the context clearly requires otherwise:

21 (1) "Compact" means the following documents signed by the
22 representatives of the Governments of the Federated States of Micronesia and
23 the United States of America on October 1, 1982, subject to such modifications
24 as may be approved and certified by the Commission on Future Political Status
25 and Transition to the Plebiscite Commission subsequent to that date:

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- 1 (a) "Compact of Free Association";
- 2 (b) "Agreement Regarding the Operation of Telecommunication
- 3 Services of the Government of the United States in Palau, the Marshall Islands
- 4 and the Federated States of Micronesia Concluded Pursuant to Section 132 of
- 5 the Compact of Free Association";
- 6 (c) "Agreement Regarding the Provision of Telecommunication
- 7 Services by the Government of the United States to Palau and the Federated
- 8 States of Micronesia Concluded Pursuant to Section 131 of the Compact of Free
- 9 Association";
- 10 (d) "Agreement Between the Government of United States of
- 11 America and the Government of the Federated States of Micronesia regarding
- 12 Aspects of the Marine Sovereignty and Jurisdiction of the Federated States
- 13 of Micronesia";
- 14 (e) "Agreement on Extradition, Mutual Assistance in Law
- 15 Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175 of
- 16 the Compact of Free Association ";
- 17 (f) "Federal Programs and Services Agreement Concluded
- 18 Pursuant to Article II of Title Two and Section 232 of the Compact of
- 19 Free Association ";
- 20 (g) "Agreement Concluded Pursuant to Section 234 of the
- 21 Compact of Free Association ";
- 22 (h) "Agreement Between the Government of the United States
- 23 and the Government of the Federated States of Micronesia Regarding
- 24 Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321
- 25 and 323 of the Compact of Free Association ";

1 (i) "Agreement Regarding the Military Use and Operating Rights
2 of the Government of the United States in the Federated States of Micronesia
3 Concluded Pursuant to Sections 227, 321, and 323 of the Compact of Free
4 Association";

5 (j) "Status of Forces Agreement Concluded Pursuant to Section
6 323 of the Compact of Free Association."

7 (2) "Commission on Future Political Status and Transition" means the
8 Commission created by section 101 of title 8 of the Code of the Federated
9 States of Micronesia."

10 CHAPTER 2

11 PLEBISCITE ORGANIZATION

12 Subchapter I

13 Plebiscite Commission

14 Section 201. Creation of Commission. There is hereby created a
15 Plebiscite Commission.

16 Section 202. Appointment, qualifications, and terms of members.

17 (1) The Plebiscite Commission shall consist of the following six
18 members:

19 (a) The Vice President of the Federated States of Micronesia,
20 ex officio;

21 (b) The Vice Speaker of the Congress of the Federated
22 States of Micronesia, ex officio; and

23 (c) One member representing each of the four States of
24 the Federated States of Micronesia to be appointed by the President of the
25 Federated States of Micronesia, upon the recommendation of the Governor of

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1 each State; PROVIDED that members appointed pursuant to this paragraph may be
2 the Governor or other elected officials of their respective States.

3 (2) Members of the Plebiscite Commission appointed pursuant to
4 subsection (1)(c) are designated as the plebiscite commissioners of their
5 respective States.

6 (3) Members of the Plebiscite Commission appointed pursuant to
7 subsection (1)(c) shall be citizens of the Federated States of Micronesia,
8 shall be bona fide residents or domiciliaries of the State they are appointed
9 to represent and shall meet the requirements set forth in section 311 of this
10 act with respect to eligibility to vote in the plebiscite.

11 (4) The Plebiscite Commission shall remain in existence until the
12 Commission submits its final report pursuant to section 209 of this chapter.

13 (5) Members of the Commission shall serve until the Commission is
14 terminated pursuant to subsection (4) of this section; PROVIDED that an
15 individual appointed to serve as a member of the Commission pursuant to
16 subsection (1)(c) of this section shall serve at the pleasure of the President
17 of the Federated States of Micronesia; and PROVIDED FURTHER, that prior to
18 revoking the appointment of any such member, the President of the Federated
19 States of Micronesia shall obtain the concurrence of the Governor of the
20 State that the member was appointed to represent. In the event that a vacancy
21 on the Commission occurs as the result of the death, incapacity, resignation,
22 or revocation of appointment of a member, the vacancy shall be filled forthwith
23 in the same manner as the original appointment.

24 Section 203. Officers; Meetings; Quorum.

25 (1) The Commission shall elect a chairman and such other officers

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1 as it deems appropriate.

2 (2) The time and place of the first meeting of the Commission shall
3 be designated by the Vice President of the Federated States of Micronesia,
4 after appointment of the four members provided for in section 202(1)(c)
5 of this chapter.

6 (3) The Commission shall meet as often and at such places and
7 times as may be determined by its chairman or by the Commission itself.

8 (4) A quorum of the Commission shall consist of four members of
9 the Commission for all purposes, and a decision of the Commission shall
10 require the approval of a majority of those members present and voting.

11 Section 204. Duties and responsibilities of the Commission.

12 (1) The Plebiscite Commission shall be responsible for:

13 (a) Planning and coordinating the implementation of an
14 official public information program in preparation for the plebiscite on the
15 future political status of the Federated States of Micronesia and its relationship
16 with the United States of America; and

17 (b) Planning and the overall supervision and administration of
18 the plebiscite throughout the Federated States of Micronesia.

19 (2) The objective of the plebiscite public information program
20 shall be to provide the citizens of the Federated States of Micronesia with
21 all relevant facts and information concerning the proposed Compact and other
22 political status options, so that they will know and understand the advantages,
23 disadvantages, viability, and other implications of the Compact and other
24 political status options and can make a truly free and informed decision on
25 their future political status. The plebiscite public information program

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1 shall be conducted in an objective, impartial, and factual manner.

2 (3) The Plebiscite Commission shall perform such duties and
3 responsibilities as are prescribed by this act, which shall include, but
4 not be limited to, the following:

5 (a) Determination of the schedule and content of the plebiscite
6 public information program;

7 (b) Translation of the Compact into each of the eight major
8 indigenous languages of the Federated States of Micronesia;

9 (c) Preparation of summaries and analyses of the Compact
10 and announcements concerning the date and procedures for voting in the plebiscite,
11 and translation of such summaries, analyses, and announcements into each of
12 the eight major indigenous languages of the Federated States of Micronesia,
13 to the extent the Commission deems such translation necessary;

14 (d) Recommendation to the plebiscite commissioner of each
15 State of appropriate and effective methods for disseminating relevant facts
16 and information concerning the proposed Compact, other political status options,
17 and the plebiscite, including community meetings, seminars and workshops,
18 public debates and utilization of newspaper, television broadcast, radio
19 broadcast, and other media facilities;

20 (e) Printing and distribution of an adequate number of copies of
21 Compacts, summaries, analyses, announcements, and other materials to the chief
22 plebiscite commissioner of each State;

23 (f) Training of State public information program coordinators
24 and task force members through workshops and other appropriate methods;

25 (g) Observation and evaluation of the public information

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1 programs in each of the four States of the Federated States of Micronesia, to the
2 extent feasible and necessary to ensure that the objectives of the public
3 information program are met;

4 (h) Investigation of complaints and other matters bearing
5 upon the impartiality, objectivity, and accuracy of the public information
6 program and, if in the opinion of the Commission evidence of improprieties
7 or irregularities with respect to the dissemination of facts and information
8 exist, taking of appropriate action to resolve such problems;

9 (i) Extension of the public information program to citizens
10 residing outside of the territory of the Federated States of Micronesia, to the
11 extent feasible;

12 (j) Printing and distribution of official ballots to the
13 plebiscite commissioner of each State and determination, printing, and
14 distribution to the plebiscite commissioner of each State of the forms of all
15 blanks, cards of instructions, pollbooks, tally sheets, and all forms and blanks
16 required by the provisions of this act for use by boards, committees, and voters;

17 (k) Requirement of such reports from the plebiscite commissioners
18 of each State as may be required by this act, or regulations of the Plebiscite
19 Commission, or as it may deem necessary;

20 (l) Provision of administrative, technical, and staff assistance
21 to the plebiscite commissioner of each State, to the extent feasible within
22 the availability of appropriations;

23 (m) Observation and evaluation of the preparations for and
24 conduct of the plebiscite in each of the four States of the Federated States
25 of Micronesia, to the extent feasible and necessary;

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1 (n) Promulgation of regulations with respect to the internal
2 procedures of the Commission, the public information program, and the plebiscite,
3 not inconsistent with the provisions of this act; PROVIDED that all regulations
4 promulgated by the Plebiscite Commission shall be deemed emergency regulations
5 within the meaning of section 102(2) of title 17 of the Code of the Federated
6 States of Micronesia and no funding by the President shall be required; and

7 (o) Taking whatever other actions are necessary to ensure that
8 the objectives of this act are met.

9 (4) The Plebiscite Commission may extend the deadlines imposed by
10 sections 332, 335, 337(3), 353(2), 354, 356, 363, and 381 of this act.

11 (5) The Plebiscite Commission shall accept as its own, pursuant
12 to section 204(3)(b) without modification, any translations of the Compact
13 prepared and certified by the Commission on Future Political Status and
14 Transition.

15 Section 205. Powers and duties of State Plebiscite Commissioners.

16 (1) Subject to the powers and duties vested in the Plebiscite
17 Commission by section 204 of this chapter, the plebiscite commissioner of each
18 State shall be responsible for the implementation of the public information
19 program and the overall supervision and administration of the plebiscite in his
20 State in accordance with the provisions of this act and regulations promulgated
21 by the Commission, and shall perform such duties and responsibilities as are
22 prescribed by this act, which shall include, but not be limited to, the following:

23 (a) Appointment of State public information program coordinators
24 and establishment of local task forces to implement the public information
25 program in their States;

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1 (b) Appointment of all members of the plebiscite board and
2 counting and tabulation committees in his State as provided for in sections
3 371 and 373 of this act;

4 (c) Distribution of ballots, the forms of all blanks, cards
5 of instructions, pollbooks, tally sheets, and all forms and blanks required
6 by the provisions of this act for use by boards, committees, and voters to
7 the plebiscite board and counting and tabulation committees of his State;

8 (d) Requirement of such reports from the plebiscite board
9 and counting and tabulation committees of his State as may be required by
10 this act or regulations of the Plebiscite Commission or as he or the Plebiscite
11 Commission may deem necessary;

12 (e) Review of decisions of the plebiscite board concerning
13 plebiscite improprieties or irregularities and violations of this act or the
14 regulations of the Plebiscite Commission in accordance with chapter 3 of this act;

15 (f) Designation of appropriate polling places within his State,
16 upon recommendation of the members of the plebiscite board; PROVIDED that
17 existing polling places established pursuant to sections 101 through 661 of
18 title 9 of the Code of the Federated States of Micronesia be retained where possible;

19 (g) Supervision of the registration of all the eligible voters in
20 his State and maintenance of a State plebiscite register as provided in
21 section 332 of this act; and

22 (h) Preparation from the State plebiscite register of a
23 registered voters list for each polling place prior to the plebiscite.

24 (2) The plebiscite commissioner of each State may delegate his
25 duties and responsibilities as prescribed by this act.

1 Section 206. Assistance.

2 (1) The Commission on Future Political Status and Transition and
3 the Department of External Affairs shall provide the Plebiscite Commission
4 with such advice and administrative, technical, and staff assistance as may
5 be necessary.

6 (2) Officials and employees of the executive, judicial, and
7 legislative branches of the National and State Governments of the Federated
8 States of Micronesia shall cooperate with the Plebiscite Commission, and such
9 governmental entities shall provide administrative, technical, and staff
10 assistance to the Commission to the extent feasible.

11 (3) The Plebiscite Commission may accept administrative, technical,
12 and staff assistance from the High Commissioner of the Trust Territory of the
13 Pacific Islands, the Government of the United States, the United Nations, and
14 other organizations and individuals.

15 (4) Equipment and facilities under the control of the National or
16 State Governments of the Federated States of Micronesia shall be made available
17 to the Commission, without compensation, to the extent feasible.

18 Section 207. Observers. The Commission on Future Political Status and
19 Transition, in consultation with the Plebiscite Commission, may authorize
20 observers from the United Nations, the Government of the United States, and
21 other countries and organizations.

22 Section 208. Compensation and staff.

23 (1) Members of the Commission who are officials or employees of
24 the National or State Governments of the Federated States of Micronesia shall
25 receive no additional compensation for their service as members of the

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1 Commission, other than travel and other incidental expenses and per diem, as
2 determined by the Commission, while acting in the performance of their official
3 duties as members of the Commission.

4 (2) Members of plebiscite boards, members of counting and
5 tabulation committees, and State public information program coordinators
6 shall be entitled to such compensation, as the Commission determines,
7 including travel and other incidental expenses and per diem, as determined by
8 the Commission.

9 (3) Members of the local public information program task forces and
10 other individuals assisting the Commission and plebiscite commissioners shall
11 be entitled to no compensation, other than travel and other incidental expenses,
12 overtime pay, and per diem as determined by the Commission.

13 (4) The Commission may contract or otherwise engage the services
14 of such professional, technical, administrative, stenographic, and clerical
15 staff as it deems necessary to carry out its duties and responsibilities.

16 Section 209. Final report. Within 30 days after the plebiscite
17 is completed, the Plebiscite Commission shall prepare and submit a final
18 report on the public information program and plebiscite to the President of
19 the Federated States of Micronesia, the Speaker of the Congress of the Federated
20 States of Micronesia, and the Governor and Speaker of the legislature of each
21 of the four States of the Federated States of Micronesia.

22 Subchapter II

23 Plebiscite Boards

24 Section 220. Appointment, terms, and qualifications of members. The
25 plebiscite commissioner of each State shall appoint a plebiscite board for

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his State. Members of the plebiscite boards shall serve until completion of the plebiscite, unless a vacancy occurs as the result of the death, incapacity, resignation, or revocation of appointment of a member. The members of the plebiscite boards shall be citizens of the Federated States of Micronesia, bona fide residents or domiciliaries of the State for which they are appointed, and registered to vote in that State under the provisions of this act. The members of the plebiscite board shall be of such numbers as are necessary to have at least one board member present at each polling place.

Section 221. Powers and duties. Each plebiscite board shall have the following duties and responsibilities:

- (1) To supervise and manage each polling place;
- (2) To receive, preserve, and maintain ballot boxes, locks, cards of instructions, and other supplies and equipment necessary to conduct the plebiscite;
- (3) To give such instruction as deemed necessary for the orderly conduct of the plebiscite;
- (4) To provide for the distribution of notices and publications concerning the plebiscite, in cooperation with the Plebiscite Commission;
- (5) To receive and transmit all ballot boxes, locked and sealed, to the plebiscite commissioner of the State;
- (6) To receive, investigate, and decide complaints concerning plebiscite improprieties or irregularities and violations and determine the residence and other qualifications of voters, subject to review according to chapter 4 of this act;
- (7) To recommend to the plebiscite commissioner of the State

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1 designation of such polling places within the State as may be deemed suitable
2 and convenient to the public; and
3 (8) To register voters; and
4 (9) To perform such other duties and responsibilities as are
5 prescribed by this act or regulations promulgated by the Plebiscite Commission.
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7 CHAPTER 3

8 PLEBISCITE PROCEDURES

9 Subchapter I

10 Franchise

11 Section 311. Eligible voters. Every citizen of the Federated States of
12 Micronesia is eligible to vote in the plebiscite, if he has fulfilled the
13 following requirements:

- 14 (1) Be 18 years of age or older on the day of the plebiscite;
15 (2) Be a bona fide resident or domiciliary of the State of Kosrae,
16 Ponape, Truk, or Yap and a registered voter therein; and
17 (3) Is not currently under a judgment of mental incompetency or
18 insanity.

19 Subchapter II

20 General Provisions

21 Section 321. Date of Plebiscite. The plebiscite shall be held on the
22 date determined by the Commission on Future Political Status and Transition,
23 in consultation with the High Commissioner of the Trust Territory of the
24 Pacific Islands; PROVIDED that in the event of a natural disaster, any other
25 act of God, or other extraordinary circumstances, the effect of which

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1 precludes holding the plebiscite on the original date determined for the
2 plebiscite, the Commission on Future Political Status and Transition may
3 determine a later date in the affected polling places or State, or throughout
4 the Federated States of Micronesia.

5 Section 322. Plebiscite to be by secret ballot. The plebiscite shall
6 be held by secret ballot.

7 Section 323. Intimidating or bribing voter. Any person who shall,
8 directly or indirectly, in any manner, intimidate, threaten, bribe, or attempt
9 to intimidate, threaten, or bribe a voter in order to induce or compel him
10 to vote or refrain from voting in the plebiscite, or to vote or refrain from
11 voting for any particular proposition or choice on the plebiscite ballot,
12 shall be guilty of a National offense and, upon conviction, shall be punished
13 by a fine of not more than \$1,000, or imprisonment for not more than one year,
14 or both. Each intimidation, threat, bribe, or attempt shall constitute a
15 separate offense.

16 Section 324. Prohibited acts. Any person who violates any of the
17 provisions of this act or the regulations promulgated by the Plebiscite
18 Commission, for which a penalty is not otherwise provided, who votes or attempts
19 to vote more than one time, or interferes with the orderly process of the
20 plebiscite, shall be guilty of a National offense and, upon conviction, shall be
21 punished by a fine of not more than \$500, or by imprisonment for not more than
22 one year, or both.

23 Section 325. Affidavits to be sworn. The affidavits required pursuant
24 to this act shall be sworn to before any person authorized by law or regulation
25 of the Plebiscite Commission to administer oaths.

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Subchapter III

Registration

Section 331. Eligibility to register; Place of registering and voting.

(1) Any person who is a citizen of the Federated States of Micronesia, who has reached the age of 18 years or will have reached the age of 18 years on or before the date of the plebiscite, who has resided in the Federated States of Micronesia for nine months and in the State of registration three months preceding the date of registration, and who, except for the requirement of registration, is otherwise eligible to vote in the plebiscite, may register to vote in the State in which he resides.

(2) The plebiscite commissioner of each State shall designate such place or places within the State wherein registration of voters may be made.

(3) No person shall register to vote or vote as a voter in any other State than that in which he resides; PROVIDED that where there is a mistake in placing the name of the voter in the State plebiscite register of a State in which he does not actually reside, such voter shall nevertheless be allowed to vote therein, if otherwise qualified; and the plebiscite board of the State where such voter has voted shall notify the plebiscite commissioner of the other State of the error.

(4) If any person resides in more than one State, he may choose which State as a voter of which he will register, but he shall register as a voter of one State only.

Section 332. Official register - Maintenance; Form, Public inspection. The plebiscite commissioner of each State shall register or cause to be registered all eligible voters in his State in a State plebiscite register. The

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1 register of each State shall include a general alphabetical index of
2 registered voters. The register of each State shall be maintained by
3 the plebiscite commissioner of the State and shall, at all times
4 during business hours, be open to public inspection, and shall be a
5 public record. The register shall be ruled and printed in such forms
6 as the plebiscite commissioner of each State may direct. The complete
7 State plebiscite register shall be certified by the plebiscite commis-
8 sioner of each State to the Plebiscite Commission, published and made
9 available for public inspection at least 60 days prior to the plebiscite.

10 Section 333. Registration required for voting. No person shall
11 be entitled to vote in the plebiscite, or to be listed upon any State
12 plebiscite register, or upon any polling place list, who fails to
13 register in accordance with the provisions of this act.

14 Section 334. Application for registration; Affidavit.

15 (1) Any person eligible to and desiring to register as a
16 voter may present himself any time during business hours to any of
17 the members of the plebiscite board (herein empowered and authorized to
18 administer oaths and take acknowledgements) or persons authorized by law
19 or regulations of the Plebiscite Commission to administer oaths, then and
20 there to be examined under oath as to his qualification as a voter. Each
21 applicant shall make and subscribe to an application in substantially the
22 following form:

23 AFFIDAVIT ON APPLICATION FOR REGISTRATION
24 Federated States of Micronesia
25State

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- 1 1. My full name is
- 2 2. I was born at on the
- 3 day of in the year
- 4 3. My age is
- 5 4. I live at
- 6 5. I am a citizen and resident of the Federated States of Micronesia.
- 7 6. I was naturalized as a citizen of the Federated States of Micronesia
- 8 at State on the day of
- 9, 19.....
- 10 7. I have resided in the Federated States of Micronesia not less than
- 11 nine months, and in State not less than three months,
- 12 immediately preceding this date on which I now offer to register, to
- 13 wit, the day of, 19.....
- 14 8. I am not currently under a judgment of mental incompetency or insanity.
- 15 9. I solemnly swear that the foregoing statements are true, so help me God.
- 16 Signature:
- 17 Subscribed and sworn to before me this..... day of..... 19.....

18 (2) The applicant shall strike out allegations that are inapplicable,

19 and shall swear to the truth of the allegations in his application. In any

20 case where the person who administers the oath shall so desire or believe the

21 same to be expedient, he may demand that the applicant produce a witness or

22 witnesses to further substantiate the allegations of his application.

23 Section 335. Submission of affidavit to examiner of qualifications. Every

24 affidavit on application for registration shall be submitted to a member

25 of the plebiscite board of the appropriate State or other person authorized to

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1 examine the qualifications of voters by the plebiscite commissioner of the State,
2 not less than 90 days before the plebiscite.

3 Section 336. Entry of a voter's name in the State plebiscite register -
4 Filing of affidavits.

5 (1) If a plebiscite board member or other person authorized to
6 receive an affidavit of application for registration is satisfied that the
7 applicant is entitled to be registered as a voter, he shall number the
8 affidavit consecutively as approved by him, and shall transmit the affidavit
9 to the plebiscite commissioner. The plebiscite commissioner shall thereupon
10 enter or cause to be entered in the State plebiscite register the following
11 facts:

- 12 (a) The number of the affidavit;
13 (b) The date of registration;
14 (c) The name of the applicant in full;
15 (d) The age of the applicant;
16 (e) If naturalized, the date of such naturalization;
17 (f) The residence of the applicant; and
18 (g) Any other information which the plebiscite commissioner
19 may deem necessary.

20 (2) The plebiscite commissioner shall also forthwith enter or
21 cause to be entered the name so registered in its proper place in the general
22 alphabetical index, together with a reference to the page on which the
23 registration appears.

24 (3) The plebiscite commissioner shall file the accepted affidavits
25 in consecutive numbers, and keep the same in some convenient place so as to be

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1 open to public inspection and examination.

2 Section 337. Voters at previous elections deemed registered.

3 (1) Notwithstanding any requirements of registration provided by
4 this chapter, all voters who validly registered and voted in the last election
5 for Members of the Congress of the Federated States of Micronesia preceding
6 the plebiscite shall not be required to register again except where
7 reregistration has become necessitated because of change of name or residency
8 and except where disqualifications enumerated by subsection (2) of this section
9 have intervened; PROVIDED that in the event voting records for such election
10 have been destroyed or lost, the plebiscite commissioner of the State may
11 require reregistration of voters.

12 (2) The general district registers prepared by the election
13 commissioners for Kosrae, Ponape, Truk, and Yap for the last election for
14 Members of the Congress of the Federated States of Micronesia preceding the
15 plebiscite shall be used to determine registered voters for purposes of preparing
16 the State plebiscite registers for the plebiscite; PROVIDED that:

17 (a) The plebiscite commissioner of each State shall ascertain,
18 as soon as possible before the plebiscite, from the Department of Social Services
19 or other appropriate source, information of the death, adjudication of insanity
20 or mental incompetency, loss of citizenship, or any other disqualification to
21 vote, of any person listed in the general district register of his State.
22 He shall thereupon make such investigation as he may deem necessary to prove
23 or disprove such information, giving the person concerned, if available, notice
24 and an opportunity to be heard. If after such investigation he finds that such
25 person is dead, is insane or mentally incompetent, has lost his citizenship, or

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1 is disqualified for any reason to vote, he shall direct that the name of such
2 person be omitted from the State plebiscite register;

3 (b) The plebiscite commissioner shall make and keep an index
4 of all information furnished to him concerning any of the matters mentioned
5 in this subsection and shall provide any person authorized to receive affidavits
6 on application for registration with any information the latter may need to
7 ascertain whether or not any applicant is in any manner disqualified to vote; and

8 (c) Any person whose name is omitted from the State plebiscite
9 register under this section or whose application for registration is denied
10 may appeal to the Plebiscite Commission.

11 (3) Any voter who has changed his residence or domicile from one
12 State to another, or who has changed his name, after registration in a general
13 district register, shall register again for the plebiscite in the proper
14 State or the proper name; PROVIDED that no such registration shall be allowed
15 on account of any change of residence or domicile or name made within 90
16 days before the plebiscite.

17 Section 338. Exception to requirement. No registration in person shall
18 be required of a full-time student at any institution of learning, but such
19 person shall make and subscribe to an affidavit substantially similar to the
20 form set forth in section 334 of this chapter and as the Plebiscite Commission
21 may prescribe, to establish fully such person's right to vote. Any duly
22 qualified voter may challenge the acceptance of the voted ballot at the time
23 the ballot is cast in accordance with the provisions of this act. Affidavits
24 for full-time students shall be made available in Guam or Honolulu, Hawaii
25 or such other places as the Plebiscite Commission may direct.

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Subchapter IV

Ballots

Section 341. Official ballots required. The plebiscite shall be held by official ballot only. An official ballot is a written or printed, or partly written and partly printed, paper designated as an official ballot by the Plebiscite Commission and containing the information required pursuant to section 342.

Section 342. Contents of ballot. The Commission on Future Political Status and Transition, in consultation with appropriate representatives of the Government of the United States, shall determine the contents and format of the ballot for the plebiscite. The ballot shall contain the propositions and choices to be voted on, the State in which the ballot is to be cast, and such other information and instruction as the Commission on Future Political Status and Transition shall determine. Upon determining the contents and format of the ballot, the Commission on Future Political Status and Transition shall transmit a copy of the ballot to the Plebiscite Commission for printing.

Section 343. Printing and distribution.

(1) The ballots for the plebiscite shall be printed by the Plebiscite Commission. The Plebiscite Commission shall not modify the contents or format of the ballot, without the prior approval of the Commission on Future Political Status and Transition.

(2) The Plebiscite Commission shall deliver an adequate number of ballots to the plebiscite commissioner of each State, who shall distribute an adequate number of such ballots to the member or members of the plebiscite board assigned to each polling place.

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1 (3) The Plebiscite Commission shall have printed two exact copies of
2 the official ballot which is to be used in the plebiscite for each polling place
3 and one exact copy for each plebiscite board member, such copies to have printed
4 thereon, in large bold letters, and with ink of a color plainly contrasting to
5 the color of the paper used, the word "Specimen." At least 10 days before the
6 plebiscite, the Plebiscite Commission shall deliver the specimen ballots to the
7 plebiscite commissioner of each State, who shall distribute such specimen ballots
8 to the members of the plebiscite board of his State. The members of the plebiscite
9 board shall post one copy of the same in a conspicuous place in their office or
10 a public place, and one copy of the same on either side of the entrance of each
11 polling place or other places plainly in sight for the general public.

12 Section 344. Packaging - Sealing - Record of distribution. When printed,
13 the ballots shall be fastened together in blocks of 100 each, in such
14 manner that each ballot may be detached and removed separately. The ballots shall
15 be forwarded to the plebiscite commissioner of each State for distribution to the
16 member or members of the plebiscite board in sealed packages, which shall not
17 be opened until the opening of the polls. A record of the number of ballots sent
18 to each plebiscite commissioner and each plebiscite board member shall be kept by
19 the Plebiscite Commission and the plebiscite commissioner, respectively.

20 Section 345. Violations. Any person who knowingly, willfully, and
21 unlawfully prints, copies, imitates, or distributes, or causes to be printed,
22 copied, imitated, or distributed any official ballot or any document that is
23 so substantially similar in style or content to the official ballot as to cause
24 the likelihood of confusion with the official ballot without the authorization
25 of the Plebiscite Commission shall be guilty of a National offense.*

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1 Subchapter V

2 Absentee Voting

3 Section 351. Absentee voters - Eligibility; Absentee ballot.

4 (1) Any registered voter qualified to vote in the plebiscite
5 shall be entitled and enabled to vote by absentee ballot if:

6 (a) He is confined to his home or a hospital by reason of
7 such illness or physical disability as will prevent him from attending the
8 polls; or

9 (b) He is prevented from voting by reason of being at sea or
10 absent from the State in which he is registered.

11 (2) An absentee ballot is an official ballot which is authorized
12 by this chapter to be voted outside of a designated polling place, outside
13 of the State, or prior to the date of the plebiscite.

14 Section 352. Voting by confined persons. Any registered voter
15 qualified to vote who is confined to his home or a hospital by reason of
16 such illness or physical disability as will prevent him from attending the
17 polls shall be entitled and enabled to vote in such manner as may be
18 prescribed by the regulations promulgated by the Plebiscite Commission. Such
19 regulations shall provide for voting by such persons in such manner as to
20 ensure secrecy of ballot and to preclude tampering with the ballots of such
21 voters and other voting frauds; PROVIDED that any voter who by reason of
22 physical disability is unable to mark his ballots shall be authorized to
23 receive assistance in the marking thereof. Such regulations may require
24 affidavits, certificates, and other written statements under oath.

25 Section 353. Request for absentee ballot.

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1 (1) Any registered voter qualified to vote in the plebiscite may
2 request and cast an absentee ballot; PROVIDED that he meets the requirements
3 set forth in section 351 of this chapter.

4 (2) Except as provided in sections 352 and 354(2), any registered
5 voter qualified to vote by absentee ballot shall, not more than 90 days
6 nor less than 20 days before the plebiscite, request the plebiscite
7 commissioner of his State in writing for an absentee ballot. The request shall
8 include information stating the voter's assigned polling place, his reasons
9 for being absent, the address to which he wishes his ballot forwarded, and
10 the establishment of his right to a ballot.

11 Section 354. Marking and return of absentee ballots; Voting at polls.

12 (1) The plebiscite commissioner or the plebiscite board of each
13 State, as the case may be, shall, at least 20 days prior to the
14 plebiscite provide to any person who may be entitled to vote by absentee
15 ballot in the State and who requests the same, an official ballot, a ballot
16 envelope, an affidavit prescribed by the Plebiscite Commission, and a
17 covering reply envelope. The absentee voter shall mark the ballot in such
18 manner that no person can see or know how the ballot is marked except as
19 provided pursuant to section 352 of this chapter. The absentee voter shall
20 then deposit the ballot in the ballot envelope and securely seal the same.
21 The absentee voter shall then complete and execute the affidavit. The
22 ballot envelope and the affidavit shall then be enclosed and sealed in the
23 covering reply envelope and shall be mailed or delivered to reach the
24 plebiscite commissioner of the State issuing the absentee ballot not later
25 than 5 p.m. on the fourth day before the plebiscite, except as provided

1 pursuant to section 352 of this chapter.

2 (2) Notwithstanding subsection 353(2), a qualified voter who is

3 outside the State in which he is registered to vote, but present in either

4 Guam, or Honolulu, Hawaii or another State, may vote by absentee ballot on the

5 day of the plebiscite. The plebiscite commissioner of each State shall

6 designate one or more places within his State as absentee voter polling

7 places and shall designate one or more persons as plebiscite officials

8 authorized to supervise such absentee balloting. The Plebiscite Commission

9 shall designate such places and officials in Guam and Honolulu, Hawaii.

10 Such officials shall provide any person who states that he is qualified to

11 vote in the plebiscite and who requests an absentee ballot with an official

12 ballot, a ballot envelope, an affidavit prescribed by the Plebiscite

13 Commission, and a covering reply envelope. The absentee voter shall mark

14 the ballot in such manner that no person can see or know how the ballot is

15 marked except as provided pursuant to section 352 of this chapter. The

16 absentee voter shall then deposit the ballot in the ballot envelope and

17 securely seal the same. The absentee voter shall then complete and

18 execute the affidavit. The ballot envelope and the affidavit shall then be

19 enclosed and sealed in the covering reply envelope and given to the

20 designated plebiscite official who shall, no later than the day after the

21 plebiscite, send them to the plebiscite commissioner of the proper State

22 by the safest and most expeditious manner. The designated plebiscite

23 official shall make a list of all voters voting pursuant to this subsection

24 and their State of registration for voting purposes and shall promptly

25 provide such list to the Plebiscite Commission.

1 (3) It shall be unlawful for any person having voted an
2 absentee ballot to cast a ballot at the polls on the day of the plebiscite.

3 Section 355. Disposition of absentee ballots.

4 (1) Upon the receipt of the envelope marked "Absentee Ballot
5 Enclosed" within the period prescribed in section 354 of this chapter from
6 any person voting under the provisions of this chapter, the plebiscite
7 commissioner, or his appointee, shall open it, remove the ballot envelope,
8 and examine the affidavit as to its proper execution, and the person's
9 qualification to register as a voter and to vote. If the plebiscite
10 commissioner determines that the person is qualified to vote by absentee
11 ballot, the ballot envelope shall be deposited unopened in a container
12 maintained for that purpose. The container shall be securely sealed except
13 for an opening sufficient to permit deposit of ballot envelopes and shall
14 be marked with the name and official title of the plebiscite commissioner,
15 or his appointee, and the words "This container holds absentee ballots and
16 must be opened only pursuant to law." The plebiscite commissioner or his
17 appointees shall safely keep each container in his office until the day of
18 the plebiscite and at such time he shall publicly open the container,
19 extract and segregate the ballot envelopes, and deliver such envelopes to
20 the counting and tabulation committee. In the case of absentee ballots
21 cast pursuant to section 354(2), the plebiscite commissioner shall deliver
22 such envelopes to the counting and tabulation committee immediately after
23 receipt and examination.

24 (2) In case the affidavit is found to be insufficient, or in case
25 the signatures do not correspond, or in case the voter has not complied

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1 with the requirements of section 354 of this chapter, or is not a duly
2 qualified voter, or the ballot envelope is open or has been opened and
3 resealed, the ballot envelope shall not be opened and the plebiscite
4 commissioner or his appointees shall mark across its face "Rejected,"
5 giving the reason therefor, and shall preserve the same in the manner
6 provided by regulation by the Plebiscite Commission.

7 (3) If the ballot is received after the time fixed in
8 section 354 of this chapter, the ballot envelope shall be endorsed by the
9 plebiscite commissioner, or his appointees, with the day and hour of receipt
10 and it shall be safely kept unopened by the plebiscite commissioner or his
11 appointees for the period of time required by regulation by the Plebiscite
12 Commission for the preservation of ballots used at the plebiscite, and
13 shall then, without being opened, be disposed of in accordance with
14 regulations promulgated by the Plebiscite Commission.

15 (4) If upon receiving the ballot envelope the plebiscite
16 commissioner or his appointees find that the voter has already voted, in
17 person by regular ballot, the plebiscite commissioner or his appointees
18 shall immediately cancel the ballot envelope and write "Rejected" across
19 its face, giving the reason therefor and shall preserve the same in the
20 manner provided by regulation by the Plebiscite Commission.

21 Section 356. Voting at another polling place.

22 (1) A voter shall have the right to vote on the day of the
23 plebiscite at a polling place other than the polling place at which he is
24 legally registered to vote if the following conditions are met:

25 (a) The voter is present within his State on the day of

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1. the plebiscite;

2 (b) He is lawfully registered to vote in the State; and

3 (c) He notifies the plebiscite commissioner of his State in

4 writing at least seven days before the plebiscite that he will not be

5 voting in his proper polling place and that he requests to vote at another

6 specific polling place.

7 (2) Upon receipt of a voter's request for a change in polling

8 place, and no later than five days from such receipt if request is made

9 seven days before the plebiscite, the plebiscite commissioner shall

10 immediately assign and notify the voter by any means of communication,

11 including the use of radio, as to the place where the voter may vote.

12 Upon such notification, the voter shall be permitted to vote only at that

13 polling place.

14 (3) The plebiscite commissioner shall cause a mark to be placed

15 next to the name of the voter in that part of the State plebiscite

16 register for the polling place where the voter would normally cast his

17 ballot. This mark shall indicate that the voter will be casting his

18 ballot at another polling place and that he is prohibited from voting in

19 the plebiscite at his usual polling place. The plebiscite commissioner

20 shall provide the proper ballot at the newly designated polling place for

21 each voter who complies with the provisions of this section.

22 (4) Notwithstanding the other provisions of this section, a

23 voter shall have the right to vote on the day of the plebiscite at a

24 polling place other than the polling place at which he is legally

25 registered to vote if he is present within his State on the day of the

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1 plebiscite and he is lawfully registered to vote in his State; PROVIDED
2 that he executes an affidavit prescribed by the Plebiscite Commission at
3 the polling place on the day of the plebiscite. Each ballot cast pursuant
4 to this subsection shall be placed in a blank ballot envelope which shall
5 be sealed and the sealed envelope together with the affidavit shall be
6 placed in a covering envelope, which shall then be deposited in the ballot
7 box. Upon the close of the polls, the ballot box shall be delivered
8 unopened to the plebiscite commissioner who shall publicly open the box,
9 and after ascertaining that the number of ballots found in the box equals
10 the number originally included, segregate the covering envelopes containing
11 the ballots voted pursuant to this subsection and determine if the ballots
12 contained therein shall be counted. Upon the request of any person, the
13 plebiscite commissioner shall, before delivering the ballot envelope to
14 the counting and tabulation committee, ascertain whether or not the voter
15 has previously voted. If it is found that the voter has already voted,
16 the plebiscite commissioner shall immediately cancel the envelope and write
17 "Rejected" across its face, giving the reason therefor and shall preserve
18 the same.

19 Section 357. Unregistered voters.

20 (1) Notwithstanding any other provision of this act, an
21 unregistered voter or a voter whose name does not appear on the State
22 plebiscite register, who is otherwise qualified to vote, may vote in the
23 plebiscite; PROVIDED that the voter executes, under oath, an affidavit at
24 the polling place on the day of the plebiscite. The form of the affidavit
25 shall be the same as that used for the registration of voters pursuant to

1 section 334, except that two additional lines shall be provided for the
2 signatures of two persons who are registered voters who shall verify the
3 signing by the affiant. Each ballot cast pursuant to this section shall be
4 placed in a blank ballot envelope which shall be sealed, and the sealed
5 envelope together with the affidavit shall be placed in a covering envelope,
6 which shall then be deposited in the ballot box.

7 (2) Upon the close of the polls, the ballot box shall be
8 delivered unopened to the plebiscite commissioner, who shall publicly open
9 the box, and after ascertaining that the number of ballots found in the
10 box equals the number originally included, segregate the covering envelopes
11 containing the ballots cast pursuant to this section and determine whether
12 the person casting the ballot is entitled to register and vote and whether
13 the ballots contained therein shall be counted. Upon the request of any
14 person, the plebiscite commissioner shall, before delivering the ballot
15 envelope to the counting and tabulating committee, ascertain whether or not
16 the voter has previously voted. If it is found that the voter has already
17 voted or was not entitled to register and vote, the plebiscite commissioner
18 shall immediately cancel the ballot envelope and write "Rejected" across
19 its face, giving the reason therefor and shall preserve the same.

20 Subchapter VI

21 Conduct of Voting

22 Section 361. Supervision of polling places. The plebiscite
23 commissioner of each State shall ensure that polling places in his State
24 are supervised by a member or members of the plebiscite board and such
25 other officials as the plebiscite commissioner shall deem necessary, who

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1 must be present at the designated polling places during the plebiscite.

2 Public schools and other public places shall be utilized insofar as

3 practicable as polling places. Rent shall not be charged or paid for the

4 use thereof.

5 Section 362. Equipping and supplying polling places. Each polling

6 place shall be provided with necessary ballot boxes, locks, official

7 ballots, cards of instructions, pencils, registered voters lists, papers,

8 and all other necessary supplies.

9 Section 363. Opening and closing of polls. At exactly 7 a.m. on the

10 day of the plebiscite, a member of the plebiscite board shall proclaim

11 aloud at each polling place that the polls are open and shall be kept

12 open until 7 p.m. of the same day, after which time the polls shall be

13 closed; PROVIDED that if at the hour of closing there are any other voters

14 in the polling place, or in line at the door, who are qualified to vote and

15 have not been able to do so since appearing, the polls shall be kept open a

16 sufficient time to enable them to vote; PROVIDED FURTHER, that if all

17 registered voters appearing on a registered voters list for any polling

18 place have voted, that polling place may close irrespective of the time of

19 day.

20 Section 364. Checking of register. Any person appearing in the

21 polling place shall report his name, in full, and his address to the

22 plebiscite officials. A plebiscite official shall clearly and audibly

23 announce them. Another plebiscite official shall then check the registered

24 voters list as to whether or not the person appearing is a registered voter,

25 and if so, shall announce the name and address appearing in the register.

1 At this point a challenge may be interposed in accordance with section 367
2 of this chapter and the regulations promulgated by the Plebiscite Commission.
3 Voting shall then proceed in accordance with procedures prescribed by the
4 Plebiscite Commission.

5 Section 365. Spoiled ballot. Any voter who spoils a ballot may
6 return it to a member of the plebiscite board and receive another in its
7 place. He shall be given one ballot at a time; PROVIDED that the number
8 of ballots given him is not to exceed three in all.

9 Section 366. Campaigning restrictions. The following practices are
10 prohibited:

11 (1) Campaigning for or against the propositions or choices on
12 the ballot within 100 feet of the boundaries of a polling place, as
13 determined by the plebiscite board, on the day of the plebiscite;

14 (2) Remaining within the boundaries of a polling place unless
15 such person is in the process of voting or is conducting official plebiscite
16 business;

17 (3) Distributing or otherwise providing information concerning
18 the subject matter of the plebiscite within 100 feet of the
19 boundaries of a polling place on the day of the plebiscite, except for the
20 distribution or provision of information concerning the procedures for
21 voting in the plebiscite by individuals designated by the plebiscite
22 commissioner of each State;

23 (4) Campaigning for or against the propositions or choices on
24 the ballot, or distributing or otherwise providing information concerning
25 the subject matter of the plebiscite, over any radio or television broadcast

1 station on the day of the plebiscite, other than announcements concerning
2 the time, place, and procedures for voting; and

3 (5) Selling or otherwise providing alcoholic beverages to any
4 person in the Federated States of Micronesia during the day of the
5 plebiscite while the polls are open.

6 Section 367. Plebiscite irregularities.

7 (1) Any person may file an oral or written complaint concerning
8 any person's eligibility to register or to vote, or concerning any
9 plebiscite impropriety or irregularity with the member or members of the
10 plebiscite board present at the polling place. The board member or members
11 shall give an individual against whom the complaint is made time to present
12 witnesses and explanation, if any, but in no event shall such time be
13 granted so as to prevent the plebiscite board from making a decision prior
14 to the time for the closing of the polls. In cases where an even number of
15 board members are present and a majority decision by those members cannot
16 be reached, the complaint shall automatically be referred to the plebiscite
17 commissioner of the State for decision.

18 (2) The complainant or the individual against whom the complaint
19 is made may appeal the decision to the plebiscite commissioner of the State
20 or his designated representative. The plebiscite commissioner, or his said
21 representative, shall, as soon as possible, examine the findings of the
22 plebiscite board member or members and may hear witnesses, if he deems
23 necessary. The plebiscite commissioner or his said representative shall
24 make his decision prior to the time of the closing of the polls, and the
25 aggrieved party may appeal the decision in accordance with subchapter VIII

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1 of this chapter.

2 (3) In the event the decision of the plebiscite commissioner, or
3 his designated representative, cannot be obtained as heretofore provided, or
4 in the event that the complaint relates to conduct on the part of the
5 plebiscite commissioner, the aggrieved party may appeal the decision of the
6 plebiscite board in accordance with subchapter VIII of this chapter.

7 Section 368. Disposition of ballot boxes after completion of voting.

8 After all voting is completed, all ballot boxes shall be secured and locked.
9 The locked boxes, all spoiled or unused ballots, and all other supplies
10 provided to the polling places by the plebiscite commissioner of the State
11 shall be collected by plebiscite officials and delivered to the plebiscite
12 commissioner of the State or his duly authorized representative by the
13 safest and most expeditious means available. The plebiscite board members
14 shall certify to the plebiscite commissioner that the ballots so delivered
15 were cast in accordance with the provisions of this act.

16 Subchapter VII

17 Counting of Ballots

18 Section 371. Counting of ballots; Announcement of unofficial results.

19 The plebiscite commissioner of each State shall establish a counting and
20 tabulation committee composed of not less than five members. The committee
21 shall publicly count and tally all votes cast and determine the acceptability
22 thereof. Counting of ballots may begin only after all the polls in the
23 State are closed and shall continue until all votes cast shall have been
24 counted. Upon the completion of the counting and tabulation of all votes
25 cast at a particular polling place, public announcement of the unofficial

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1 results for such polling place may be made.

2 Section 372. Certification of election results. Upon completion of
3 the counting and tabulation of results, the plebiscite commissioner of each
4 State shall certify the results and submit the results as certified to the
5 Chairman of the Plebiscite Commission. The Plebiscite Commission, after
6 receiving the certification of results from all four State plebiscite
7 commissioners, shall determine the winning choices for each proposition in
8 the plebiscite. In order to be determined the winning choice for a
9 proposition, the choice must receive a majority of the votes cast in the
10 Federated States of Micronesia with respect to that proposition. After
11 determining the winning choice, if any, for each proposition on the ballot,
12 the Plebiscite Commission shall certify the final results of the plebiscite
13 to the President of the Federated States of Micronesia, the Speaker of the
14 Congress of the Federated States of Micronesia, and the Governor and
15 Speaker of the legislature of each of the four States of the Federated
16 States of Micronesia.

17 Section 373. Local counting and tabulating committees. Any provision
18 of this chapter notwithstanding, in areas of a State where the plebiscite
19 commissioner of the State deems it impracticable that ballot boxes be
20 delivered to a central place for counting and tabulation, the plebiscite
21 commissioner shall appoint a local committee to count, tabulate, certify,
22 and report votes in such manner and according to such regulations as the
23 Plebiscite Commission shall prescribe.

24 Section 374. Imperfectly marked ballots not void. Two or more
25 markings in one voting square or a mark made partly within and partly

1 without a voting square or space does not make a ballot void.

2 Section 375. Nonrejection of ballot for technical error. A ballot
3 shall not be rejected for any technical error which does not render it
4 impossible to determine the voter's choice, even though the ballot is
5 soiled or partially defaced.

6 Section 376. Rejection of invalid portion. If for any reason a ballot
7 is imperfectly marked or if it is impossible to determine the voter's
8 choice for any proposition, his ballot shall not be counted for that
9 proposition, but the rest of his ballot, if properly marked, shall be
10 counted.

11 Section 377. Rejected ballots. All ballots which have been declared
12 invalid due to defacement or other irregularity shall be sorted and a
13 notation placed upon them indicating that they are rejected ballots. Upon
14 completion of the counting of the ballots, the rejected ballots shall be
15 placed in the ballot box and returned by the counting and tabulation
16 committee to the plebiscite commissioner of the State with the validly cast
17 ballots. The plebiscite commissioner of each State shall return all
18 validly cast ballots and invalid ballots to the Chairman of the Plebiscite
19 Commission.

20 Section 378. Write-in votes. Write-in votes are invalid and the ballot
21 shall not be counted.

22 Subchapter VIII

23 Recounts and Appeals

24 Section 381. Recounts.

25 (1) In the event that any registered voter believes that there

1 was fraud or error committed in the casting, canvassing, or return of the
2 votes at any polling place in his State, such registered voter may file a
3 written complaint with the plebiscite board or the plebiscite commissioner
4 of his State, requesting a recount. Such complaint shall contain a
5 statement sworn to before a notary public or other person authorized to
6 administer oaths that the registered voter has reason to believe and does
7 believe that the records or copies of records made by the plebiscite
8 board for such polling place are erroneous, specifying wherein he deems
9 such records or copies thereof to be in error, or that votes were cast by
10 persons not entitled to vote therein, and that he believes that a recount
11 of the ballots cast in such polling place will affect the results of the
12 plebiscite with respect to any proposition. The complaint may not be
13 filed later than one week after the date the ballots for such polling
14 places are counted, unless such filing is prevented by circumstances beyond
15 the control of the complainant.

16 (2) If the complaint is filed with a plebiscite board, the
17 board shall recommend to the plebiscite commissioner of the State within
18 three days from receipt of the complaint whether a recount should be
19 ordered.

20 (3) The plebiscite commissioner of each State, upon complaint,
21 recommendation of a plebiscite board, or his own initiative may order a
22 recount for any polling place, when he determines that there is a
23 substantial question of fraud or error and that there is a substantial
24 possibility that the results of the plebiscite with respect to any
25 proposition would be affected by a recount. The recount shall be held by

1 the counting and tabulation committee within 10 days after an order for a
2 recount is issued by the plebiscite commissioner of the State. The recount
3 shall be public, and the counting and tabulation committee shall certify the
4 results of the recount to the plebiscite commissioner of the State, who
5 shall certify the results and submit the results as certified to the
6 Chairman of the Plebiscite Commission.

7 (4) If the plebiscite commissioner of the State, upon complaint
8 or recommendation of a plebiscite board, decides not to order a recount, he
9 shall record the reasons for such decision.

10 Section 382. Appeal to Plebiscite Commission. Any person aggrieved by
11 an action of the plebiscite commissioner of any State or his authorized re-
12 presentatives may petition for review of such action by the Plebiscite
13 Commission in accordance with section 101 et seq. of title 17 of the Code
14 of the Federated States of Micronesia; PROVIDED that such petition shall be
15 filed no later than five days after the final action of the plebiscite commissioner.

16 Section 383. Appeal to Supreme Court. Any person adversely affected
17 or aggrieved by an action of the Plebiscite Commission may petition for review
18 of such action by the Supreme Court of the FSM in accordance with sections 111
19 and 112 of title 17 of the Code of the Federated States of Micronesia; PROVIDED that:

20 (a) The petition shall be filed no later than five days after the final
21 action of the Plebiscite Commission;

22 (b) The Supreme Court shall render its decision as expeditiously as
23 possible and no later than the seventh day preceding the plebiscite or two
24 weeks after the petition is filed, whichever is later;

25 (c) The ruling of the Supreme Court shall be final and not

1 subject to further review; and

2 (d) The decision of the Supreme Court shall not enjoin or delay
3 the date of the plebiscite, the balloting, or the counting and tabulation
4 of votes.

5 CHAPTER 4

6 LEGISLATIVE APPROVAL PROCESS

7 Section 401. Approval by State legislatures. Immediately after
8 receiving the certification of the final plebiscite results pursuant to section
9 372, the President of the Federated States of Micronesia shall determine whether
10 a majority of the valid ballots cast in the plebiscite were in favor of
11 executing the Compact. In the event that his determination is affirmative,
12 the President shall request the legislatures of the four States of the
13 Federated States of Micronesia to promptly approve the Compact in accordance
14 with section 4 of article IX of the Constitution of the Federated States of
15 Micronesia and to provide him with a certification of such approval. After
16 a State legislature has approved the Compact and certified such approval to
17 the President, it may not withdraw such approval, except as otherwise
18 authorized by law.

19 Section 402. Approval by the Congress of the Federated States of
20 Micronesia. After the President of the Federated States of Micronesia has
21 determined that a majority of the legislatures in two-thirds of the States
22 of the Federated States of Micronesia have approved the Compact, based on
23 the certifications provided for in section 401, the President shall request
24 the Congress of the Federated States of Micronesia to promptly ratify the
25 Compact in accordance with section 4 of article IX of the Constitution of

1 the Federated States of Micronesia and to provide him with a certification
2 of such ratification.

3 CHAPTER 5

4 APPROPRIATIONS

5 Section 501. Operating expenses of the Commission. The sum of
6 \$996,110, or so much thereof as may be necessary, is hereby appropriated
7 from the General Fund of the Federated States of Micronesia, for the
8 Plebiscite Commission to conduct the public information program and
9 plebiscite provided for in chapters 2 and 3 of this act during the fiscal
10 year ending September 30, 1983; PROVIDED that such sum shall be obligated
11 and expended only to the extent that such sum, or part thereof, is
12 specifically made available by the Government of the United States for the
13 public information program and plebiscite; and PROVIDED FURTHER, that the
14 general spending and reprogramming restrictions imposed on other independent
15 agencies, commissions, authorities, boards, bureaus, and other organizations
16 of the National Government of the Federated States of Micronesia by law shall
17 apply; and PROVIDED FURTHER, that the President of the Federated States of
18 Micronesia may allot a reasonable portion of such sum to the Commission on
19 Future Political Status and Transition for the costs of translating the
20 Compact and other documents into the eight major indigenous languages of
21 the Federated States of Micronesia pursuant to section 204 of this act.

22 CHAPTER 6

23 SEVERABILITY AND EFFECTIVE DATE

24 Section 601. Severability. If any provision of this act, or the
25 application thereof to any person or circumstances, is held invalid, such

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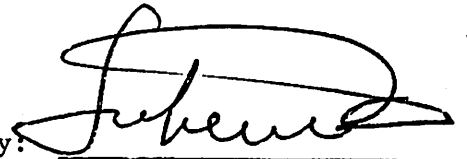
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1 holding shall not affect other provisions or application of this act which
2 can be given effect without the invalid provision or application, and to
3 this end the provisions of this act are severable.

4 Section 602. Effective date. This act shall become law upon approval
5 by the President of the Federated States of Micronesia or upon its becoming
6 law without such approval.

7
8 Date: 10/28/82

Introduced by:



Luke M. Tman
(by request)

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