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A BILL FOR AN ACT

To amend sections 208, 321, 325, 334, 335, 337, 338, 352, 354, and 363 of Public Law No. 2-54; to add a new section 210 to the public law, relating to the Plebiscite Commission, the public information program, and the plebiscite on the Compact of Free Association; and for other purposes.

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

1 Section 1. Section 208 of Public Law No. 2-54 is hereby amended to read
2 as follows:

3 "Section 208. Compensation and staff.

4 (1) Members of the Plebiscite Commission who are officials
5 or employees of the National or State Governments of the
6 Federated States of Micronesia shall receive no additional
7 compensation for their service as members of the Plebiscite
8 Commission, other than travel and other incidental expenses and
9 per diem, as determined by the Commission, while acting in the
10 performance of their official duties as members of the Commission.
11 Compensation for other members of the Plebiscite Commission shall
12 be determined by the Plebiscite Commission.

13 (2) Members of plebiscite boards, members of counting and
14 tabulation committees, and State public information program
15 coordinators shall be entitled to such compensation, including
16 travel and other incidental expenses and per diem, as determined
17 by the Plebiscite Commission.

18 (3) Members of the local public information program task
19 forces and other individuals assisting the Plebiscite Commission
20 and plebiscite commissioners shall be entitled to ~~no~~ such compen-
21 sation, ~~other than~~ including travel and other incidental expenses,
22 overtime pay, and per diem, as determined by the Plebiscite Commission.

23 (4) The Plebiscite Commission may contract or otherwise
24 engage the services of such professional, technical, administrative,
25 stenographic, and clerical staff as it seems necessary to carry out

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1 its duties and responsibilities."

2 Section 2. Section 321 of Public Law No. 2-54 is hereby amended to
3 read as follows:

4 "Section 321. Date of plebiscite. The plebiscite shall be
5 held on the date determined by the President of the Federated
6 States of Micronesia, in consultation with the High Commissioner
7 of the Trust Territory of the Pacific Islands; PROVIDED that in
8 the event of a natural disaster, any other act of God, or other
9 extraordinary circumstances, the effect of which precludes
10 holding the plebiscite on the original date determined for the
11 plebiscite, the President of the Federated States of Micronesia
12 may determine a later date in the affected polling places or
13 State, or throughout the Federated States of Micronesia; and
14 PROVIDED FURTHER, that the President of the Federated States of
15 Micronesia may schedule the collection of absentee ballots
16 outside of the Federated States of Micronesia pursuant to
17 section 354 of chapter 3 of this act prior to the date of the
18 plebiscite."

19 Section 3. Section 325 of Public Law No. 2-54 is hereby amended to
20 read as follows:

21 "Section 325. Affidavits to be sworn. Except as otherwise
22 provided in this act, the affidavits required pursuant to this
23 act shall be sworn to before any person authorized by law or
24 regulation of the Plebiscite Commission to administer oaths."

25 Section 4. Section 334 of Public Law No. 2-54 is hereby amended to read

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1 as follows:

2 "Section 334. Application for registration; Affidavit.

3 (1) Any person eligible to and desiring to register as a
 4 voter may present himself any time during business hours to any
 5 of the members of the plebiscite board (herein empowered and
 6 authorized to administer oaths and take acknowledgements) or persons
 7 authorized by law or ~~regulations~~ of the Plebiscite Commission to
 8 administer oaths, then and there to be examined under oath as
 9 to his qualification as a voter. Each applicant shall make and
 10 subscribe to an application in substantially the following form:

11 AFFIDAVIT ON APPLICATION FOR REGISTRATION

12 Federated States of Micronesia

13 State

14 1. My full name is

15 2. I was born at on the
16 day of in the year

17 3. My age is

18 4. I live at

19 5. I am a citizen and resident of the Federated States of
20 Micronesia.

21 6. I was naturalized as a citizen of the Federated States of
22 Micronesia at State on the day
23 of, 19.....

24 7. I have resided in the Federated States of Micronesia not less
25 than nine months, and in State not less than

1 three months, immediately preceding this date on which I now offer
2 to register, to wit, the day of, 19....

3 8. I am not currently under a judgment of mental incompetency
4 or insanity.

5 9. I am not currently under parole, probation, or sentence for
6 any felony for which I have been convicted by any court of the
7 Federated States of Micronesia, the Trust Territory, or any
8 court within the jurisdiction of the United States.

9 10. I solemnly swear that the foregoing statements are true,
10 so help me God.

11 Signature:

12 Subscribed and sworn to before me this day of,
13 19.....

14 (2) The applicant shall strike out allegations that are
15 inapplicable, and shall swear to the truth of the allegations
16 in his application. In any case where the person who administers
17 the oath shall so desire or believe the same to be expedient he
18 may demand that the applicant produce a witness or witnesses
19 to further substantiate the allegations of his application."

20 Section 5. Section 335 of Public Law No. 2-54 is hereby amended to
21 read as follows:

22 "Section 335. Submission of affidavit to examiner of
23 qualifications. Every affidavit on application for registration
24 shall be submitted to a member of the plebiscite board of the
25 appropriate State or other person authorized to examine the

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1 qualifications of voters by the plebiscite commissioner of the
2 State, not less than ~~90~~ 10 days before the plebiscite."

3 Section 6. Section 337 of Public Law No. 2-5^h is hereby amended to read
4 as follows:

5 "Section 337. Voters at previous elections deemed registered.

6 (1) Notwithstanding any requirements of registration
7 provided by this chapter, all voters who were validly registered
8 ~~and voted in the last~~ for the March 8, 1983, election for Members
9 of the Congress of the Federated States of Micronesia or any
10 special election after March 8, 1983, but preceding the plebiscite
11 shall not be required to register again except where reregistration
12 has become necessitated because of change of name or residency
13 and except where disqualifications enumerated by subsection (2)
14 of this section have intervened; PROVIDED that in the event
15 voting records for such election have been destroyed or lost,
16 the plebiscite commissioner of the State may require reregistration
17 of voters.

18 (2) The general district registers prepared by the
19 election commissioners for Kosrae, Ponape, Truk, and Yap for
20 the ~~last~~ March 8, 1983, election for Members of the Congress of
21 the Federated States of Micronesia or any special election after
22 March 8, 1983, but preceding the plebiscite shall be used to
23 determine registered voters for purposes of preparing the State
24 plebiscite registers for the plebiscite; PROVIDED that:

25 (a) The plebiscite commissioner of each State

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1 shall ascertain, as soon as possible before the plebiscite,
2 from the Department of Social Services or other appropriate
3 source, information of the death, adjudication of insanity or
4 mental incompetency, loss of citizenship, or any other dis-
5 qualification to vote, of any person listed in the general
6 district register of his State. He shall thereupon make such
7 investigation as he may deem necessary to prove or disprove
8 such information, giving the person concerned, if available,
9 notice and an opportunity to be heard. If after such
10 investigation he finds that such person is dead, is insane
11 or mentally incompetent, has lost his citizenship, or is
12 disqualified for any reason to vote, he shall direct that the
13 name of such person be omitted from the State plebiscite register;

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

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

24 (3) Any voter who has changed his residence or domicile
25 from one State to another, or who has changed his name, after

1 registration in a general district register, shall register
2 again for the plebiscite in the proper State or the proper
3 name; PROVIDED that no such registration shall be allowed on
4 account of any change of residence or domicile or name made
5 within 90 days before the plebiscite."

6 Section 7. Section 338 of Public Law No. 2-54 is hereby amended to read
7 as follows:

8 "Section 338. Exception to requirement. No registration
9 in person shall be required of a citizen of the Federated States
10 of Micronesia living outside of the Federated States of
11 Micronesia, but such person shall ~~take and~~ submit to complete
12 and sign an affidavit substantially similar to the form set forth
13 in section 334 of this chapter and as the Plebiscite Commission
14 may ~~prescribe~~ adopt, to establish fully such person's right to
15 vote. An individual filing an affidavit pursuant to this section
16 shall sign a statement affirming the truthfulness of the information
17 contained in the affidavit, but is not required to be examined
18 under oath as to his qualification as a voter. Such affidavit
19 shall be submitted to the plebiscite commissioner of the
20 appropriate State, not less than 10 days before the plebiscite.
21 Any duly qualified voter may challenge the acceptance of the voted
22 ballot at the time the ballot is cast in accordance with the
23 provisions of this act. Affidavits for citizens of the Federated
24 States of Micronesia living outside of the Federated States of
25 Micronesia shall be made available in Guam and Honolulu, Hawaii

1 and such other places as the Plebiscite Commission may direct."

2 Section 8. Section 352 of Public Law No. 2-54 is hereby amended to read
3 as follows:

4 "Section 352. Voting by confined persons. Any registered
5 voter qualified to vote who is confined to his home or a hospital
6 by reason of such illness or physical disability as will prevent
7 him from attending the polls shall be entitled and enabled to
8 vote in such manner as may be ~~prescribed by the regulations~~
9 ~~promulgated~~ determined by the Plebiscite Commission. ~~Such~~
10 ~~regulations shall provide for~~ voting by such persons
11 shall be done in such a manner as to ensure the secrecy of the
12 ballot and to preclude tampering with the ballots of such voters
13 and other voting frauds; PROVIDED that any voter who by reason
14 of physical disability is unable to mark his ballot shall be
15 authorized to receive assistance in the marking thereof. ~~Such~~
16 ~~regulations may require~~ Affidavits, certificates, and
17 other written statements under oath may be required."

18 Section 9. Section 354 of Public Law No. 2-54 is hereby amended to read
19 as follows:

20 "Section 354. Marking and return of absentee ballots; Voting
21 at polls.

22 (1) The plebiscite commissioner or the plebiscite
23 board of each State, as the case may be, shall, at least 20 days
24 prior to the plebiscite provide to any person who may be entitled
25 to vote by absentee ballot in the State and who requests the same,

1 an official ballot, a ballot envelope, an affidavit ~~prescribed~~
2 adopted by the Plebiscite Commission, and a covering reply
3 envelope. The absentee voter shall mark the ballot in such
4 manner that no person can see or know how the ballot is marked
5 except as provided pursuant to section 352 of this chapter.
6 The absentee voter shall then deposit the ballot in the ballot
7 envelope and securely seal the same. The absentee voter shall
8 then complete and ~~execute~~ sign the affidavit. An individual
9 filing an affidavit pursuant to this subsection or subsection (2)
10 shall sign a statement affirming the truthfulness of the information
11 contained in the affidavit, but is not required to be examined
12 under oath. The ballot envelope and the affidavit shall then be
13 enclosed and sealed in the covering reply envelope and shall be
14 mailed or delivered to reach the plebiscite commissioner of the
15 State issuing the absentee ballot not later than 5 p.m. on the
16 fourth day before the plebiscite, except as provided pursuant
17 to section 352 of this chapter.

18 (2) Notwithstanding subsection 353(2), a qualified
19 voter who is outside the State in which he is registered to vote,
20 but present in either Guam, or Honolulu, Hawaii, ~~of~~ another State in
21 the Federated States of Micronesia, or other locations designated
22 by the Plebiscite Commission, may vote by absentee ballot on the day
23 of the plebiscite or prior to such date if authorized pursuant
24 to section 321. The plebiscite commissioner of each State shall
25 designate one or more places within his State as absentee voter

1 polling places and shall designate one or more persons as
2 plebiscite officials authorized to supervise such absentee
3 balloting. The Plebiscite Commission shall designate such
4 places and officials in Guam ~~and~~, Honolulu, Hawaii, and other
5 locations designated by the Commission. Such officials shall
6 provide any person who states that he is qualified to vote in
7 the plebiscite and who requests an absentee ballot with an
8 official ballot, a ballot envelope, an affidavit ~~prescribed~~
9 adopted by the Plebiscite Commission, and a covering reply
10 envelope. The absentee voter shall mark the ballot in such
11 manner that no person can see or know how the ballot is marked
12 except as provided pursuant to section 352 of this chapter. The
13 absentee voter shall then deposit the ballot in the ballot envelope
14 and securely seal the same. The absentee voter shall then complete
15 and ~~execute~~ sign the affidavit. The ballot envelope and the
16 affidavit shall then be enclosed and sealed in the covering reply
17 envelope and given to the designated plebiscite official who
18 shall, no later than the day after the plebiscite, send them to
19 the plebiscite commissioner of the proper State by the safest
20 and most expeditious manner. The designated plebiscite official
21 shall make a list of all voters voting pursuant to this subsection
22 and their State of registration for voting purposes and shall
23 promptly provide such list to the Plebiscite Commission.

24 (3) It shall be unlawful for any person to vote more
25 than one absentee ballot or, having voted an absentee ballot,

1 to cast a ballot at the polls on the day of the plebiscite and,
2 upon conviction, shall be punished by a fine of not more than
3 \$1,000, or by imprisonment for not more than one year, or both."

4 Section 10. Section 363 of Public Law No. 2-54 is hereby amended to read
5 as follows:

6 "Section 363. Opening and closing of polls. Except as
7 otherwise provided by the Plebiscite Commission with respect to
8 specific polling places, At exactly 7 a.m. on the day of the
9 plebiscite, a member of the plebiscite board shall proclaim
10 aloud at each polling place that the polls are open and shall
11 be kept open until 7 p.m. of the same day, after which time
12 the polls shall be closed; PROVIDED that if at the hour of closing
13 there are any other voters in the polling place, or in line at the
14 door, who are qualified to vote and have not been able to do so
15 since appearing, the polls shall be kept open a sufficient time
16 to enable them to vote."

17 Section 11. Subchapter I of chapter 2 of Public Law No. 2-54 is hereby
18 amended by adding a new section 210 to read as follows:

19 "Section 210. Regulations and deadlines.

20 (1) All regulations promulgated by the Plebiscite
21 Commission shall be deemed emergency regulations within the
22 meaning of 17 F.S.M.C. 102(2) and no finding by the President of
23 the Federated States of Micronesia shall be required.

24 (2) The Plebiscite Commission may extend the deadlines
25 imposed by sections 332, 335, 337(3), 338, 353(2), 354, 356, 363.