To amend sections 208, 321, 325, 334, 335, 337, 338, 352, 354, 357, 363, and 501 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:

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

"Section 208. Compensation and staff.

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

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

(3) Members of the local public information program task forces and other individuals assisting the Plebiscite Commission and plebiscite commissioners shall be entitled to such compensation, including travel and other incidental expenses, overtime..."
pay, and per diem, as determined by the Plebiscite
Commission.

(4) The Plebiscite Commission may contract or otherwise
engage the services of such professional, technical, adminis-
trative, stenographic, and clerical staff as it deems necessary
to carry out its duties and responsibilities."

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

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

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

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

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

"Section 334. Application for registration; Affidavit.

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

AFFIDAVIT ON APPLICATION FOR REGISTRATION

Federated States of Micronesia

.................... State

1. My full name is ....................................................

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

3. My age is ....................................................

3 of 15
4. I live at ..............................................

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

6. I was naturalized as a citizen of the Federated States of Micronesia at ................. State on the ..............

day of .............................................., 19 ..............................................

7. I have resided in the Federated States of Micronesia not less than nine months, and in ...................... State not less than three months, immediately preceding this date on which I now offer to register, to wit, the ..............

day of .............................................., 19 ..............................................

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

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

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

Signature: ................................................

Subscribed and sworn to before me this ............ day of

.............................................., 19 ..............................................

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

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

"Section 335. Submission of affidavit to examiner of
qualifications. Every affidavit on application for registra-
tion shall be submitted to a member of the plebiscite board
of the appropriate State or other person authorized to examine
the qualifications of voters by the plebiscite commissioner
of the State, not less than 10 days before the plebiscite."

Section 6. Section 337 of Public Law No. 2-54 is hereby amended
to read as follows:

"Section 337. Voters at previous elections deemed
registered.

(1) Notwithstanding any requirements of registration
provided by this chapter, all voters who were validly regis-
tered for the March 8, 1983, election for Members of the
Congress of the Federated States of Micronesia or any special
election after March 8, 1983, but preceding the plebiscite
shall not be required to register again except where reregis-
tration has become necessitated because of change of name or
residency and except where disqualifications enumerated by
subsection (2) of this section have intervened; PROVIDED that
in the event voting records for such election have been
destroyed or lost, the plebiscite commissioner of the State
may require reregistration of voters.

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

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

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

c) Any person whose name is omitted from the
State plebiscite register under this section or whose applica-
tion for registration is denied may appeal to the Plebiscite
Commission.

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

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

"Section 338. Exception to requirement. No registra-
tion in person shall be required of a citizen of the Federated
States of Micronesia living outside of the Federated States of
Micronesia, but such person shall complete and sign an affidavit
substantially similar to the form set forth in section 334
of this chapter and as the Plebiscite Commission may adopt,
to establish fully such person's right to vote. An
individual filing an affidavit pursuant to this section
shall sign a statement affirming the truthfulness of the
information contained in the affidavit, but is not required
to be examined under oath as to his qualification as a voter.
Such affidavit shall be submitted to the plebiscite commis-
sioner of the appropriate State, not less than 10 days before
the plebiscite. Any duly qualified voter may challenge the
acceptance of the voted ballot at the time the ballot is
cast in accordance with the provisions of this act. Affidavits
for citizens of the Federated States of Micronesia living
outside of the Federated States of Micronesia shall be made
available in Guam and Honolulu, Hawaii, and such other places
as the Plebiscite Commission may direct."
Section 8. Section 352 of Public Law No. 2-54 is hereby amended
to read as follows:

"Section 352. Voting by confined persons. Any registered
voter qualified to vote who is confined to his home or a hos-
pital by reason of such illness or physical disability as will
prevent him from attending the polls shall be entitled and
enabled to vote in such manner as may be determined by the
Plebiscite Commission. Voting by such persons shall be done
in such a manner as to ensure the secrecy of the ballot and to
preclude tampering with the ballots of such voters and
other voting frauds; PROVIDED that any voter who by reason
of physical disability is unable to mark his ballot shall be
authorized to receive assistance in the marking thereof.
Affidavits, certificates, and other written statements under
oath may be required."

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

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

(1) The plebiscite commissioner or the plebiscite
board of each State, as the case may be, shall, at least 20
days prior to the plebiscite provide to any person who may be
entitled to vote by absentee ballot in the State and who
requests the same, an official ballot, a ballot envelope, an
affidavit adopted by the Plebiscite Commission, and a covering
reply envelope. The absentee voter shall mark the ballot in
such manner that no person can see or know how the ballot is
marked except as provided pursuant to section 352 of this
chapter. The absentee voter shall then deposit the ballot in
the ballot envelope and securely seal the same. The absentee
voter shall then complete and sign the affidavit. An individual
filing an affidavit pursuant to this subsection or subsection
(2) shall sign a statement affirming the truthfulness of the
information contained in the affidavit, but is not required
to be examined under oath. The ballot envelope and the
affidavit shall then be enclosed and sealed in the covering reply
envelope and shall be mailed or delivered to reach the plebiscite
commissioner of the State issuing the absentee ballot not later
than 5 p.m. on the fourth day before the plebiscite, except as
provided pursuant to section 352 of this chapter.

(2) Notwithstanding subsection 353(2), a qualified
voter who is outside the State in which he is registered to
vote, but present in either Guam, or Honolulu, Hawaii, or
another State in the Federated States of Micronesia, or other
locations designated by the Plebiscite Commission, may vote by
absentee ballot on the day of the plebiscite or prior to such
date if authorized pursuant to section 321. The plebiscite
commissioner of each State shall designate one or more places
within his State as absentee voter polling places and shall
designate one or more persons as plebiscite officials authorized
to supervise such absentee balloting. The Plebiscite Commission
shall designate such places and officials in Guam, Honolulu,
Hawaii, and other locations designated by the Commission. Such
officials shall provide any person who states that he is qualified
to vote in the plebiscite and who requests an absentee ballot
with an official ballot, a ballot envelope, an affidavit adopted
by the Plebiscite Commission, and a covering reply envelope.
The absentee voter shall mark the ballot in such manner that no
person can see or know how the ballot is marked except as provided
pursuant to section 352 of this chapter. The absentee voter
shall then deposit the ballot in the ballot envelope and
securely seal the same. The absentee voter shall then complete
and sign the affidavit. The ballot envelope and the affidavit
shall then be enclosed and sealed in the covering reply envelope
and given to the designated plebiscite official who shall, no
later than the day after the plebiscite, send them to the
plebiscite commissioner of the proper State by the safest and
most expeditious manner. The designated plebiscite official
shall make a list of all voters voting pursuant to this subsection
and their State of registration for voting purposes and shall
promptly provided such list to the Plebiscite Commission.
(3) It shall be unlawful for any person to vote more
than one absentee ballot or, having voted an absentee ballot, to
cast a ballot at the polls on the day of the plebiscite and, upon
conviction, shall be punished by a fine of not more than $1,000,
or by imprisonment for not more than one year, or both."

Section 10. Section 357 of Public Law No. 2-54 is hereby amended to
read as follows:

"Section 357. Unregistered voters.

(1) Notwithstanding any other provision of this act,
an unregistered voter or a voter whose name does not appear on
the State plebiscite register, who is otherwise qualified to vote,
may vote in the plebiscite; PROVIDED that the voter executes,
under oath, an affidavit at the polling place on the day of the
plebiscite or, with respect to absentee voters, the date
or dates determined for collection of absentee ballots
pursuant to section 321. The form of the affidavit shall
be the same as that used for the registration of voters
pursuant to section 334, except that two additional lines
shall be provided for the signatures of two persons who are
registered voters who shall verify the signing by the affiant.
Each ballot cast pursuant to this section shall be placed
in a blank ballot envelope which shall be sealed, and the
sealed envelope together with the affidavit shall be placed
in a covering envelope, which shall then be deposited in the
ballot box.

(2) Upon the close of the polls, the ballot box
shall be delivered unopened to the plebiscite commissioner,
who shall publicly open the box, and after ascertaining that
the number of ballots found in the box equals the number
originally included, segregate the covering envelopes
containing the ballots cast pursuant to this section and
determine whether the person casting the ballot is entitled
to register and vote and whether the ballots contained therein
shall be counted. Upon the request of any person, the
plebiscite commissioner shall, before delivering the ballot
envelope to the counting and tabulating committee, ascertain
whether or not the voter has previously voted. If it is found
that the voter has already voted or was not entitled to
register and vote, the plebiscite commissioner shall immediately
cancel the ballot envelope and write 'Rejected' across its face,
giving the reason therefor and shall preserve the same."
Section 11. Section 363 of Public Law No. 2-54 is hereby amended
to read as follows:

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

Section 12. Section 501 of Public Law No. 2-54 is hereby amended to
read as follows:

"Section 501. Operating expenses of the Commission. The
sum of $1,000,000, or so much thereof as may be necessary, is
hereby appropriated from the United States Grant Special Fund
for the Plebiscte Commission to conduct the public information
program and plebiscte provided for in chapters 2 and 3 of this
act during the fiscal year ending September 30, 1983; PROVIDED
that such sum shall be obligated and expended only to the
extent that such sum, or part thereof, is specifically
made available by the Government of the United States for
the public information program and plebiscite; and PROVIDED
FURTHER, that all funds appropriated by this act shall be
allotted, managed, administered, and accounted for in
accordance with applicable law including, but not limited
to, the Financial Management Act of 1979. The allottee shall
be responsible for ensuring that these funds, or so much
thereof as may be necessary, are used solely for the purposes
specified in this act, and that no obligations are incurred
in excess of the sum appropriated; and PROVIDED FURTHER, that
the President of the Federated States of Micronesia may allot
a reasonable portion of such sum to the Commission on Future
Political Status and Transition for the costs of translating
the Compact and other documents into the eight major indigenous
languages of the Federated States of Micronesia pursuant to
section 204 of this act."

Section 12. Subchapter I of chapter 2 of Public Law No. 2-54 is
hereby amended by adding a new section 210 to read as follows:

"Section 210. Regulations and deadlines.

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

(2) The Plebiscite Commission may extend the
deadlines imposed by sections 332, 335, 337(3), 338, 353(2), 354, 356, 363, and 381 of this act."

Section 13. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

June 7, 1983

Tosito Nakayama
President
Federated States of Micronesia