

SECOND CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FOURTH REGULAR SESSION, 1982

CONGRESSIONAL BILL NO. 2-285, C.D.1

## 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 signed 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:

## CHAPTER 1

## FINDINGS AND DEFINITIONS

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

- (1) On October 1, 1982, the Commission on Future Political Status and Transition, consistent with its mandate under section 101 of title 8 of the Code of the Federated States of Micronesia executed a signed Compact of Free Association and certain subsidiary agreements with the Government of the United States;
- (2) Section 411 of the signed Compact of Free Association provides that the Compact shall come into effect upon mutual agreement between the Government of the United States and the Government of the Federated States of Micronesia, subsequent to approval of the Compact by the Federated States of Micronesia in accordance with its constitutional processes, approval of the Compact by the citizens of the Federated States of Micronesia in a plebiscite, and approval of the Compact by the Government of the United States in accordance with its constitutional processes;
- (3) Section 412 of the signed Compact of Free Association provides that the plebiscite shall be conducted in such a manner as to represent a free and voluntary choice by the citizens of the Federated States of Micronesia of their future political status through informed and democratic processes;

1           (4) Section 412 of the signed Compact of Free Association  
2 further provides that the date of the plebiscite shall be fixed by the  
3 Administering Authority of the Trust Territory of the Pacific Islands,  
4 after consultation with the Government of the Federated States of Micro-  
5 nesia;

6           (5) Section 412 of the signed Compact of Free Association  
7 further provides that the plebiscite shall be called jointly by the Adminis-  
8 tering Authority of the Trust Territory of the Pacific Islands and the  
9 Federated States of Micronesia;

10          (6) Section 412 of the signed Compact of Free Association  
11 further provides that a plebiscite should be conducted in the Republic  
12 of Palau, the Republic of the Marshall Islands, and the Federated States  
13 of Micronesia under uniform, fair, and equitable standards;

14          (7) Section 412 of the signed Compact of Free Association further  
15 provides that the results of the plebiscite shall be determined by a majority  
16 of the valid ballots cast in the Federated States of Micronesia;

17          (8) Section 4 of article IX of the Constitution of the Federated  
18 States of Micronesia requires that the Compact, as a treaty delegating  
19 major powers of government of the Federated States of Micronesia to another  
20 government, be ratified by two-thirds of the Members of the Congress of  
21 the Federated States of Micronesia and be approved by a majority vote in  
22 the legislatures of two-thirds of the States of the Federated States of  
23 Micronesia;

24          (9) The citizens of the Federated States of Micronesia, as an  
25 exercise of their sovereignty and inherent right to self-determination,



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1 have established a constitutional government, the authority and respon-  
2 sibilities of which have been recognized by the Government of the United  
3 States in the signed Compact of Free Association and Secretarial Order  
4 No. 3039, promulgated by the U.S. Secretary of the Interior;

5 (10) It is now appropriate for the citizens of the Federated  
6 States of Micronesia, through a plebiscite, to make a voluntary and freely  
7 expressed choice as to their future political status and relationship with  
8 the Government of the United States;

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

13 (12) Pursuant to the authority and responsibilities vested in  
14 the Government of the Federated States of Micronesia by the Constitution  
15 of the Federated States of Micronesia, because of the unique culture, tra-  
16 ditions, customs, geography, and needs of the Federated States of Micro-  
17 nesia, and consistent with articles 73 and 76 of the United Nations Charter,  
18 article 6 of the Trusteeship Agreement for the Former Japanese Mandated  
19 Islands, and section 2 of Secretarial Order No. 3039, promulgated by the  
20 U.S. Secretary of the Interior, it is appropriate for the Government of  
21 the Federated States of Micronesia to independently determine the nature,  
22 extent, and duration of the public information program preceding the plebi-  
23 scite, independently determine the organization, standards, and procedures  
24 for the plebiscite, and independently conduct such public information pro-  
25 gram and plebiscite.

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

3               (1) "Compact" means the following documents signed by the  
4 representatives of the Governments of the Federated States of Micronesia  
5 and the United States of America on October 1, 1982, subject to such  
6 modifications as may be approved and certified by the Commission on  
7 Future Political Status and Transition to the Plebiscite Commission sub-  
8 sequent to that date:

9                       (a) "Compact of Free Association";

10                      (b) "Agreement Regarding the Operation of Telecommunication  
11 Services of the Government of the United States in Palau, the Marshall  
12 Islands, and the Federated States of Micronesia Concluded Pursuant to  
13 Section 132 of the Compact of Free Association";

14                      (c) "Agreement Regarding the Provision of Telecommunication  
15 Services by the Government of the United States to Palau and the Federated  
16 States of Micronesia Concluded Pursuant to Section 131 of the Compact of  
17 Free Association";

18                      (d) "Agreement Between the Government of United States of  
19 America and the Government of the Federated States of Micronesia Regarding  
20 Aspects of the Marine Sovereignty and Jurisdiction of the Federated States  
21 of Micronesia";

22                      (e) "Agreement on Extradition, Mutual Assistance in Law  
23 Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175  
24 of the Compact of Free Association";

25                      (f) "Federal Programs and Services Agreement Concluded



1 Pursuant to Article II of Title Two and Section 232 of the Compact of  
2 Free Association";

3 (g) "Agreement Concluded Pursuant to Section 234 of the  
4 Compact of Free Association";

5 (h) "Agreement Between the Government of the United States  
6 and the Government of the Federated States of Micronesia Regarding Friend-  
7 ship, Cooperation and Mutual Security Concluded Pursuant to Sections 321  
8 and 323 of the Compact of Free Association";

9 (i) "Agreement Regarding the Military Use and Operating  
10 Rights of the Government of the United States in the Federated States of  
11 Micronesia Concluded Pursuant to Sections 227, 321, and 323 of the Compact  
12 of Free Association";

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

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

18 CHAPTER 2

19 PLEBISCITE ORGANIZATION

20 Subchapter I

21 Plebiscite Commission

22 Section 201. Creation of Commission. There is hereby created a  
23 Plebiscite Commission.

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

25 (1) The Plebiscite Commission shall consist of the following

1 five members:

2 (a) One member to be appointed by the President of the  
3 Federated States of Micronesia; and

4 (b) One member representing each of the four States of  
5 the Federated States of Micronesia to be appointed by the Governor of  
6 each State; PROVIDED that members appointed pursuant to this paragraph  
7 may be the Governor or other elected officials of their respective States.

8 (2) Members of the Plebiscite Commission appointed pursuant  
9 to subsection (1)(b) are designated as the plebiscite commissioners of  
10 their respective States.

11 (3) Members of the Plebiscite Commission appointed pursuant to  
12 subsection (1)(b) shall be citizens of the Federated States of Micronesia,  
13 shall be residents or domiciliaries of the State they are appointed to  
14 represent and shall meet the requirements set forth in section 311 of this  
15 act with respect to eligibility to vote in the plebiscite,

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

19 (5) Members of the Commission shall serve until the Commission  
20 is terminated pursuant to subsection (4) of this section; PROVIDED that  
21 an individual appointed to serve as a member of the Commission pursuant  
22 to subsection (1)(a) of this section shall serve at the pleasure of the  
23 President of the Federated States of Micronesia; and PROVIDED FURTHER,  
24 that an individual appointed to serve as a member of the Commission pursuant  
25 to subsection (1)(b) of this section shall serve at the pleasure of the



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1 Governor of the State that the member was appointed to represent. In  
2 the event that a vacancy on the Commission occurs as the result of the  
3 death, incapacity, resignation, or revocation of appointment of a member,  
4 the vacancy shall be filled forthwith in the same manner as the original  
5 appointment.

6 Section 203. Officers; Meetings; Quorum.

7 (1) The Commission shall elect a chairman and such other officers  
8 as it deems appropriate.

9 (2) The time and place of the first meeting of the Commission  
10 shall be designated by the member appointed pursuant to section 202(1)(a)  
11 of this chapter, after appointment of the four members provided for  
12 in section 202(1)(b) of this chapter.

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

15 (4) A quorum of the Commission shall consist of three members  
16 of the Commission for all purposes, and a decision of the Commission shall  
17 require the approval of a majority of those members present and voting.

18 Section 204. Duties and responsibilities of the Commission.

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

20 (a) Planning and coordinating the implementation of an  
21 official public information program in preparation for the plebiscite  
22 on the future political status of the Federated States of Micronesia and  
23 its relationship with the United States of America; and

24 (b) Planning and the overall supervision and administra-  
25 tion of the plebiscite throughout the Federated States of Micronesia.

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1           (2) The objective of the plebiscite public information pro-  
2 gram shall be to provide the citizens of the Federated States of Micro-  
3 nesia with all relevant facts and information concerning the proposed  
4 Compact and other political status options, so that they will know and  
5 understand the advantages, disadvantages, viability, and other implica-  
6 tions of the Compact and other political status options and can make a  
7 truly free and informed decision on their future political status. The  
8 plebiscite public information program shall be conducted in an objective,  
9 impartial, and factual manner.

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

13           (a) Determination of the schedule and content of the  
14 plebiscite public information program;

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

17           (c) Preparation of summaries and analyses of the Compact  
18 and announcements concerning the date and procedures for voting in the  
19 plebiscite, and translation of such summaries, analyses, and announce-  
20 ments into each of the eight major indigenous languages of the Federated  
21 States of Micronesia, to the extent the Commission deems such translation  
22 necessary;

23           (d) Preparation of effective methods for disseminating  
24 relevant facts and information concerning the proposed Compact, other  
25 political status options, and the plebiscite, including community meetings,



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1 seminars, and workshops, public debates and utilization of newspaper,  
2 television broadcast, radio broadcast, and other media facilities;

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

6 (f) Training of State public information program coordi-  
7 nators and task force members through workshops and other appropriate  
8 methods;

9 (g) Observation and evaluation of the public information  
10 programs in each of the four States of the Federated States of Micronesia,  
11 to the extent feasible and necessary to ensure that the objectives of the  
12 public information program are met;

13 (h) Investigation of complaints and other matters bearing  
14 upon the impartiality, objectivity, and accuracy of the public information  
15 program and, if in the opinion of the Commission evidence of improprieties  
16 or irregularities with respect to the dissemination of facts and informa-  
17 tion exist, taking of appropriate action to resolve such problems;

18 (i) Extension of the public information program to  
19 citizens residing outside of the territory of the Federated States of  
20 Micronesia, to the extent feasible;

21 (j) Printing and distribution of official ballots to the  
22 plebiscite commissioner of each State and determination, printing, and  
23 distribution to the plebiscite commissioner of each State of the forms  
24 of all blanks, cards of instructions, pollbooks, tally sheets, and all  
25 forms and blanks required by the provisions of this act for use by boards,

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1 committees, and voters;

2 (k) Requirement of such reports from the plebiscite  
3 commissioners of each State as may be required by this act, or regula-  
4 tions of the Plebiscite Commission, or as it may deem necessary;

5 (l) Provision of administrative, technical, and staff  
6 assistance to the plebiscite commissioner of each State, to the extent  
7 feasible within the availability of appropriations;

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

11 (n) Promulgation of regulations with respect to the internal  
12 procedures of the Commission, the public information program, and the  
13 plebiscite not inconsistent with the provisions of this act: and

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

16 (4) The Plebiscite Commissioner shall accept as its own, pur-  
17 suant to section 204(3)(b) without modification, any translations of  
18 the Compact prepared and certified by the Commission on Future Political  
19 Status and Transition.

20 Section 205. Powers and duties of State plebiscite commissioners.

21 (1) Subject to the powers and duties vested in the Plebiscite  
22 Commission by section 204 of this chapter, the plebiscite commissioner  
23 of each State shall be responsible for the implementation of the public  
24 information program and the overall supervision and administration of the  
25 plebiscite in his State in accordance with the provisions of this act and



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1 regulations promulgated by the Commission, and shall perform such duties  
2 and responsibilities as are prescribed by this act, which shall include,  
3 but not be limited to, the following:

4 (a) Appointment of State public information program  
5 coordinators and establishment of local task forces to implement the public  
6 information program in their States;

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

10 (c) Distribution of ballots, the forms of all blanks,  
11 cards of instructions, pollbooks, tally sheets, and all forms and blanks  
12 required by the provisions of this act for use by boards, committees,  
13 and voters to the plebiscite board and counting and tabulation committees  
14 of his State;

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

19 (e) Review of decisions of the plebiscite board concerning  
20 plebiscite improprieties or irregularities and violations of this act or  
21 the regulations of the Plebiscite Commission in accordance with chapter  
22 3 of this act;

23 (f) Designation of appropriate polling places within his  
24 State, upon recommendation of the members of the plebiscite board; PRO-  
25 VIDED that upon existing polling places established pursuant to the

1 relevant sections of title 9 of the Code of the Federated States of  
2 Micronesia be retained where possible;

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

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

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

10 Section 206. Assistance.

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

15 (2) Officials and employees of the executive, judicial, and  
16 legislative branches of the National Government of the Federated States  
17 of Micronesia shall cooperate with the Plebiscite Commission, and such  
18 governmental entities shall provide administrative, technical, and staff  
19 assistance to the Commission to the extent feasible.

20 (3) The Plebiscite Commission may accept administrative,  
21 technical, and staff assistance from the High Commissioner of the Trust  
22 Territory of the Pacific Islands, the Government of the United States,  
23 the United Nations, and other organizations and individuals.

24 (4) Equipment and facilities under the control of the National  
25 Government of the Federated States of Micronesia shall be made available



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1 to the Commission, without compensation, to the extent feasible.

2       Section 207. Observers. The Commission on Future Political Status  
3 and Transition, in consultation with the Plebiscite Commission, may  
4 authorize observers from the United Nations, the Government of the United  
5 States, and other countries and organizations.

6       Section 208. Compensation and staff.

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

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

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

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

1 responsibilities.

2       Section 209. Final report. Within 30 days after the plebiscite  
3 is completed, the Plebiscite Commission shall prepare and submit a  
4 final report on the public information program and plebiscite to the  
5 President of the Federated States of Micronesia, the Speaker of the  
6 Congress of the Federated States of Micronesia, and the Governor and  
7 Speaker of the legislature of each of the four States of the Federated  
8 States of Micronesia.

9                               Subchapter II

10                              Plebiscite boards

11       Section 220. Appointment, terms, and qualifications of members.

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

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

- 24               (1) To supervise and manage each polling place;  
25               (2) To receive, preserve, and maintain ballot boxes, locks,



1 cards of instructions, and other supplies and equipment necessary to  
2 conduct the plebiscite;

3 (3) To give such instruction as deemed necessary for the orderly  
4 conduct of the plebiscite;

5 (4) To provide for the distribution of notices and publications  
6 concerning the plebiscite, in cooperation with the Plebiscite Commission;

7 (5) To receive and transmit all ballot boxes, locked and sealed,  
8 to the plebiscite commissioner of the State;

9 (6) To receive, investigate, and decide complaints concerning  
10 plebiscite improprieties or irregularities and violations and determine  
11 the residence and other qualifications of voters, subject to review accord-  
12 ing to chapter 3 of this act;

13 (7) To recommend to the plebiscite commissioner of the State  
14 designation of such polling places within the State as may be deemed  
15 suitable and convenient to the public;

16 (8) To register; and

17 (9) To perform such other duties and responsibilities as are  
18 prescribed by this act or regulations promulgated by the Plebiscite  
19 Commission.

20 CHAPTER 3

21 PLEBISCITE PROCEDURES

22 Subchapter I

23 Franchise

24 Section 311. Eligible voters. Every citizen of the Federated  
25 States of Micronesia is eligible to vote in the plebiscite, if he has

1 fulfilled the following requirements:

2 (1) Be 18 years of age or older on the day of the plebiscite;

3 (2) Be a resident or domiciliary of the State of Kosrae,  
4 Ponape, Truk, or Yap and a registered voter therein;

5 (3) Is not currently under a judgment of mental incompetency  
6 or insanity; and

7 (4) Is not currently under parole, probation, or sentence  
8 for any felony for which he has been convicted by any court of the  
9 Federated States of Micronesia, the Trust Territory, or any court within  
10 the jurisdiction of the United States.

11 Subchapter II

12 General Provisions

13 Section 321. Date of plebiscite. The plebiscite shall be held on  
14 the date determined by the President of the Federated States of Micronesia,  
15 in consultation with the High Commissioner of the Trust Territory of the  
16 Pacific Islands; PROVIDED that in the event of a natural disaster, any  
17 other act of God, or other extraordinary circumstances, the effect of  
18 which precludes holding the plebiscite on the original date determined  
19 for the plebiscite, the President of the Federated States of Micronesia  
20 may determine a later date in the affected polling places or State, or  
21 throughout the Federated States of Micronesia.

22 Section 322. Plebiscite to be by secret ballot. The plebiscite  
23 shall be held by secret ballot.

24 Section 323. Intimidating or bribing voter. Any person who shall,  
25 directly or indirectly, in any manner, intimidate, threaten, bribe, or



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

### Subchapter III

## Registration

20           Section 331. Eligibility to register; Place of registering and  
21   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

1 of registration three months preceding the date of registration, and  
2 who, except for the requirement of registration, is otherwise eligible  
3 to vote in the plebiscite, may register to vote in the State in which  
4 he resides.

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

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

15 (4) If any person resides in more than one State he shall  
16 register as a voter of one State only.

17 Section 332. Official register - Maintenance; Form; Public inspec-  
18 tion. The plebiscite commissioner of each State shall register or cause  
19 to be registered all eligible voters in his State in a State plebiscite  
20 register. The register of each State shall include a general alphabet-  
21 ical index of registered voters. The register of each State shall be  
22 maintained by the plebiscite commissioner of the State and shall, at  
23 all times during business hours, be open to public inspection, and shall  
24 be a public record. The register shall be ruled and printed in such  
25 forms as the plebiscite commissioner of each State may direct. The

1 complete State plebiscite register shall be certified by the plebiscite  
2 commissioner of each State to the Plebiscite Commission, published  
3 and made available for public inspection at least 60 days prior to the  
4 plebiscite.

5 Section 333. Registration required for voting. No person shall be  
6 entitled to vote in the plebiscite, or to be listed upon any State pleb-  
7 iscite register, or upon any polling place list, who fails to register  
8 in accordance with the provisions of this act.

9 Section 334. Application for registration; Affidavit.

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

18 AFFIDAVIT ON APPLICATION FOR REGISTRATION

19 Federated States of Micronesia

20 .....State

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

22 2. I was born at .....on the.....

23 day of .....in the year.....

24 3. My age is .....

25 4. I live at .....



1 5. I am a citizen and resident of the Federated States of Micro-  
2 nesia.

3 6. I was naturalized as a citizen of the Federated States of Micro-  
4 nesia at .....State on the.....day of  
5 ....., 19.....

6 7. I have resided in the Federated States of Micronesia not less  
7 than nine months, and in .....State not less than three months,  
8 immediately preceding this date on which I now offer to register, to  
9 wit, the .....day of....., 19.....

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

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

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

18 Signature:.....

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

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

1       Section 335. Submission of affidavit to examiner of qualifica-  
2 tions. Every affidavit on application for registration shall be sub-  
3 mitted to a member of the plebiscite board of the appropriate State  
4 or other person authorized to examine the qualifications of voters  
5 by the plebiscite commissioner of the State, not less than 90 days  
6 before the plebiscite.

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

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

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

24               (2) The plebiscite commissioner shall also forthwith enter  
25 or cause to be entered the name so registered in its proper place in the

1 general alphabetical index, together with a reference to the page  
2 on which the registration appears.

3 (3) The plebiscite commissioner shall file the accepted  
4 affidavits in consecutive numbers, and keep the same in some convenient  
5 place so as to be open to public inspection and examination.

6 Section 337. Voters at previous elections deemed registered.

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

17 (2) The general district registers prepared by the election  
18 commissioners for Kosrae, Ponape, Truk, and Yap for the last election  
19 for Members of the Congress of the Federated States of Micronesia pre-  
20 ceding the plebiscite shall be used to determine registered voters for  
21 purposes of preparing the State plebiscite registers for the plebiscite;  
22 PROVIDED that:

23 (a) The plebiscite commissioner of each State shall  
24 ascertain, as soon as possible before the plebiscite, from the Depart-  
25 ment of Social Services or other appropriate source, information of



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

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

16 (c) Any person whose name is omitted from the State pleb-  
17 iscite register under this section or whose application for registration  
18 is denied may appeal to the Plebiscite Commission.

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

25 Section 338. Exemption to requirement. No registration in person

1 shall be required of a citizen of the Federated States of Micronesia  
2 living outside of the Federated States of Micronesia, but such person  
3 shall make and subscribe to an affidavit substantially similar to the  
4 form set forth in section 334 of this chapter and as the Plebiscite  
5 Commission may prescribe, to establish fully such person's right to  
6 vote. Any duly qualified voter may challenge the acceptance of the  
7 voted ballot at the time the ballot is cast in accordance with the pro-  
8 visions of this act. Affidavits for citizens of the Federated States of  
9 Micronesia living outside of the Federated States of Micronesia shall  
10 be made available in Guam and Honolulu, Hawaii and such other places as  
11 the Plebiscite Commission may direct.

12 Subchapter IV

13 Ballots

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

19 Section 342. Contents of ballot. The Commission of Future Political  
20 Status and Transition, in consultation with appropriate representatives  
21 of the Government of the United States, shall determine the contents and  
22 format of the ballot for the plebiscite. The ballot shall contain the  
23 propositions and choices to be voted on, the State in which the ballot is  
24 to be cast, and such other information and instruction as the Commission  
25 on Future Political Status and Transition shall determine. Upon determining

1 the contents and format of the ballot, the Commission on Future Political  
2 Status and Transition shall transmit a copy of the ballot to the Pleb-  
3 iscite Commission for printing.

4 Section 343. Printing and distribution.

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

9 (2) The Plebiscite Commission shall deliver an adequate number  
10 of ballots to the plebiscite commissioner of each State, who shall dis-  
11 tribute an adequate number of such ballots to the member or members of  
12 of the plebiscite board assigned to each polling place.

13 (3) The Plebiscite Commission shall have printed two exact  
14 copies of the official ballot which is to be used in the plebiscite for  
15 each polling place and one exact copy for each plebiscite board member. Such  
16 copies shall have printed thereon, in large bold letters, and with ink of a  
17 color plainly contrasting to the color of the paper used, the word "Specimen."  
18 At least 10 days before the plebiscite, the Plebiscite Commission shall deliver  
19 the specimen ballots to the plebiscite commissioner of each State, who shall  
20 distribute such specimen ballots to the members of the plebiscite board of  
21 his State. The members of the plebiscite board shall post one copy of the  
22 same in a conspicuous place in their office or a public place, and one copy  
23 of the same on either side of the entrance of each polling place or other  
24 places plainly in sight for the general public.

25 Section 344. Packaging - Sealing - Record of distribution. When



1 printed, the ballots shall be fastened together in blocks of 100 each,  
2 in such manner that each ballot may be detached and removed separately.  
3 The ballots shall be forwarded to the plebiscite commissioner of each  
4 State for distribution to the member or members of the plebiscite  
5 board in sealed packages, which shall not be opened until the opening  
6 of the polls. A record of the number of ballots sent to each plebiscite  
7 commissioner and each plebiscite board member shall be kept by the Pleb-  
8 iscite Commission and the plebiscite commissioner, respectively.

9 Section 345. Violations. Any person who knowingly, willfully, and  
10 unlawfully prints, copies, imitates, or distributes, or causes to be  
11 printed, copied, imitated, or distributed any official ballot or any  
12 document that is so substantially similar in style or content to the  
13 official ballot as to cause the likelihood of confusion with the official  
14 ballot without the authorization of the Plebiscite Commission shall be  
15 guilty of a National offense and, upon conviction, shall be punished by  
16 a fine of not more than \$1,000, or by imprisonment for not more than  
17 one year, or both.

18 Subchapter V

19 Absentee Voting

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

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

23 (a) He is confined to his home or a hospital by reason  
24 of such illness or physical disability as will prevent him from attend-  
25 ing the polls; or

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

3 (2) An absentee ballot is an official ballot which is autho-  
4 rized by this chapter to be voted outside of a designated polling place,  
5 outside of the State, or prior to the date of the plebiscite.

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

18 Section 353. Request for absentee ballot.

19 (1) Any registered voter qualified to vote in the plebiscite  
20 may request and cast an absentee ballot; PROVIDED that he meets the re-  
21 quirements set forth in section 351 of this chapter.

22 (2) Except as provided in section 352 and 354(2), any regis-  
23 tered voter qualified to vote by absentee ballot shall, not more than  
24 90 days nor less than 20 days before the plebiscite, request the plebi-  
25 scite commissioner of his State in writing for an absentee ballot. The



1 request shall include information stating the voter's assigned poll-  
2 ing place, his reasons for being absent, the address to which he  
3 wishes his ballot forwarded, and the establishment of his right to a  
4 ballot.

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

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

22 (2) Notwithstanding subsection 353(2), a qualified voter  
23 who is outside the State in which he is registered to vote, but present  
24 in either Guam, or Honolulu, Hawaii, or another State in the Federated  
25 States of Micronesia, may vote by absentee ballot on the day of the



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

23 (3) It shall be unlawful for any person having voted an  
24 absentee ballot to cast a ballot at the polls on the day of the pleb-  
25 iscite and, upon conviction, shall be punished by a fine of not

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1 more than \$1,000 or by imprisonment for not more than one year, or both.

2 Section 355. Disposition of absentee ballots.

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

23 (2) In case the affidavit is found to be insufficient, or in  
24 case the signatures do not correspond, or in case the voter has not  
25 complied with the requirements of section 354 of this chapter, or is not



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

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

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

20 Section 356. Voting at another polling place.

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

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



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

2 (c) He notifies the plebiscite commissioner of his State  
3 in writing at least seven days before the plebiscite that he will not be  
4 voting in his proper polling place and that he requests to vote at another  
5 specific polling place.

6 (2) Upon receipt of a voter's request for a change in polling  
7 place, and no later than five days from such receipt if request is made  
8 seven days before the plebiscite, the plebiscite commissioner shall  
9 immediately assign and notify the voter by any means of communication,  
10 including the use of radio, as to the place where the voter may vote.  
11 Upon such notification, the voter shall be permitted to vote only at that  
12 polling place.

13 (3) The plebiscite commissioner shall cause a mark to be placed  
14 next to the name of the voter in that part of the State plebiscite regis-  
15 ter for the polling place where the voter would normally cast his ballot.  
16 This mark shall indicate that the voter will be casting his ballot at  
17 another polling place and that he is prohibited from voting in the plebi-  
18 scite at his usual polling place. The plebiscite commissioner shall  
19 provide the proper ballot at the newly designated polling place for each  
20 voter who complies with the provisions of this section.

21 (4) Notwithstanding the other provisions of this section, a  
22 voter shall have the right to vote on the day of the plebiscite at a  
23 polling place other than the polling place at which he is legally regis-  
24 tered to vote if he is present within his State on the day of the plebi-  
25 scite and he is lawfully registered to vote in his State; PROVIDED that

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

18 Section 357. Unregistered voters.

19 (1) Notwithstanding any other provision of this act, an un-  
20 registered voter or a voter whose name does not appear on the State plebi-  
21 scite register, who is otherwise qualified to vote, may vote in the plebi-  
22 scite; PROVIDED that the voter executes, under oath, an affidavit at the  
23 polling place on the day of the plebiscite. The form of the affidavit  
24 shall be the same as that used for the registration of voters pursuant  
25 to section 334, except that two additional lines shall be provided for the



(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.

## Conduct of Voting

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1 schools and other public places shall be utilized insofar as are prac-  
2 ticable as polling places.

3 Section 362. Equipping and supplying polling places. Each polling  
4 place shall be provided with necessary ballot boxes, locks, official  
5 ballots, cards of instructions, pencils, registered voters lists, papers,  
6 and all other necessary supplies.

7 Section 363. Opening and closing of polls. At exactly 7 a.m. on  
8 the day of the plebiscite, a member of the plebiscite board shall pro-  
9 claim aloud at each polling place that the polls are open and shall be  
10 kept open until 7 p.m. of the same day, after which time the polls shall  
11 be closed; PROVIDED that if at the hour of closing there are any other  
12 voters in the polling place, or in line at the door, who are qualified  
13 to vote and have not been able to do so since appearing, the polls shall  
14 be kept open a sufficient time to enable them to vote.

15 Section 364. Checking of register. Any person appearing in the  
16 polling place shall report his name, in full, and his address to the  
17 plebiscite officials. A plebiscite official shall clearly and audibly  
18 announce them. Another plebiscite official shall then check the registered  
19 voters list as to whether or not the person appearing is a registered  
20 voter, and if so, shall announce the name and address appearing in the re-  
21 gister. At this point a challenge may be interposed in accordance with  
22 section 367 of this chapter and the regulations promulgated by the Pleb-  
23 iscite Commission. Voting shall then proceed in accordance with pro-  
24 cedures prescribed by the Plebiscite Commission.

25 Section 365. Spoiled ballot. Any voter who spoils a ballot may

1 return it to a member of the plebiscite board and receive another in  
2 its place. He shall be given one ballot at a time; PROVIDED that the  
3 number of ballots given him is not to exceed three in all.

4 Section 366. Campaigning restrictions. The following practices  
5 are prohibited:

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

9 (2) Remaining within the boundaries of a polling place unless  
10 such person is in the process of voting or is conducting official pleb-  
11 iscite business;

12 (3) Distributing or otherwise providing information concerning  
13 the subject matter of the plebiscite within 100 feet of the boundaries  
14 of a polling place on the day of the plebiscite, except for the distribu-  
15 tion or provision of information concerning the procedures for voting in  
16 the plebiscite by individuals designated by the plebiscite commissioner  
17 of each State;

18 (4) Campaigning for or against the propositions or choices on  
19 the ballot, or distributing or otherwise providing information concerning  
20 the subject matter of the plebiscite, over any radio or television broad-  
21 cast station on the day of the plebiscite, other than announcements con-  
22 cerning the time, place, and procedures for voting; and

23 (5) Selling or otherwise providing alcoholic beverages to any  
24 person in the Federated States of Micronesia during the day of the pleb-  
25 iscite while the polls are open.

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1       Section 367. Plebiscite irregularities.

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

13              (2) The complainant or the individual against whom the com-  
14 plaint is made may appeal the decision to the plebiscite commissioner  
15 of the State or his designated representative. The plebiscite commis-  
16 sioner, or his said representative, shall, as soon as possible, examine  
17 the findings of the plebiscite board member or members and may hear  
18 witnesses, if he deems necessary. The plebiscite commissioner or his  
19 said representative shall make his decision prior to the time of the  
20 closing of the polls, and the aggrieved party may appeal the decision  
21 in accordance with subchapter VIII of this chapter.

22              (3) In the event the decision of the plebiscite commissioner  
23 or his designated representative cannot be obtained as heretofore  
24 provided, or in the event that the complaint relates to conduct on the  
25 part of the plebiscite commissioner, the aggrieved party may appeal the



1 decision of the plebiscite board in accordance with subchapter VIII  
2 of this chapter.

3 Section 368. Disposition of ballot boxes after completion of  
4 voting. After all voting is completed, all ballot boxes shall be  
5 secured and locked. The locked boxes, all spoiled or unused ballots,  
6 and all other supplies provided to the polling places by the plebi-  
7 scite commissioner of the State shall be collected by plebiscite officials  
8 and delivered to the plebiscite commissioner of the State or his duly  
9 authorized representative by the safest and most expeditious means  
10 available. The plebiscite board members shall certify to the plebiscite  
11 commissioner that the ballots so delivered were cast in accordance with  
12 the provisions of this act.

13 Subchapter VII

14 Counting of Ballots

15 Section 371. Counting of ballots; Announcement of unofficial results.  
16 The plebiscite commissioner of each State shall establish a counting and  
17 tabulation committee composed of not less than five members. The committee  
18 shall publicly count and tally all votes cast and determine the acceptabi-  
19 lity thereof. Counting of ballots may begin only after all the polls in  
20 the State are closed and shall continue until all votes cast shall have  
21 been counted. Upon the completion of the counting and tabulation of all  
22 votes cast at a particular polling place, public announcement of the un-  
23 official results for such polling place may be made.

24 Section 372. Certification of election results. Upon completion  
25 of the counting and tabulation of results, the plebiscite commissioner

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

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

21 Section 374. Imperfectly marked ballots not void. Two or more mark-  
22 ings in one voting square or a mark made partly within and partly without  
23 a voting square or space does not make a ballot void.

24 Section 375. Nonrejection of ballot for technical error. A ballot  
25 shall not be rejected nor any technical error which does not render it



1 impossible to determine the voter's choice, even though the ballot is  
2 soiled or partially defaced.

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

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

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

19 Subchapter VIII

20 Recounts and Appeals

21 Section 381. Recounts.

22 (1) In the event that any registered voter believes that there  
23 was fraud or error committed in the casting, canvassing, or return of  
24 the votes at any polling place in his State, such registered voter may  
25 file a written complaint with the plebiscite board or the plebiscite



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

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

17           (3) The plebiscite commissioner of each State, upon complaint,  
18 recommendation of a plebiscite board, or his own initiative may order a  
19 recount for any polling place, when he determines that there is a sub-  
20 stantial question of fraud or error and that there is a substantial  
21 possibility that the results of the plebiscite with respect to any prop-  
22 osition would be affected by a recount. The recount shall be held by  
23 the counting and tabulation committee within 10 days after an order for  
24 a recount is issued by the plebiscite commissioner of the State. The  
25 recount shall be public, and the counting and tabulation committee shall

1 certify the results of the recount to the plebiscite commissioner of the  
2 State, who shall certify the results and submit the results as certified  
3 to the Chairman of the Plebiscite Commission.

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

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

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

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

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

24 (c) The ruling of the Supreme Court shall be final and not  
25 subject to further review; and



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

4 CHAPTER 4

5 LEGISLATIVE PROCESS

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

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



1 if ratified to provide him with a certification of such ratification.

2 CHAPTER 5

3 APPROPRIATIONS

4 Section 501. Operating expenses of the Commission. The sum of  
5 \$996,110, or so much thereof as may be necessary, is hereby appropriated  
6 from the General Fund of the Federated States of Micronesia, for the Pleb-  
7 iscite Commission to conduct the public information program and plebiscite  
8 provided for in chapters 2 and 3 of this act during the fiscal year ending  
9 September 30, 1983; PROVIDED that such sum shall be obligated and expended  
10 only to the extent that such sum, or part thereof, is specifically made  
11 available by the Government of the United States for the public information  
12 program and plebiscite; and PROVIDED FURTHER, that all funds appropriated  
13 by this act shall be allotted, managed, administered, and accounted for in  
14 accordance with applicable law including, but not limited to, the Financial  
15 Management Act of 1979. The allottee shall be responsible for ensuring that  
16 these funds, or so much thereof as may be necessary, are used solely for the  
17 purposes specified in this act, and that no obligations are incurred in  
18 excess of the sum appropriated; and PROVIDED FURTHER, that the President  
19 of the Federated States of Micronesia may allot a reasonable portion of  
20 such sum to the Commission on Future Political Status and Transition for  
21 the costs of translating the Compact and other documents into the eight  
22 major indigenous languages of the Federated States of Micronesia pursuant  
23 to section 204 of this act.

24 CHAPTER 6

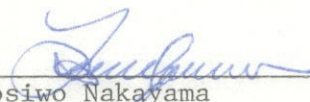
25 SEVERABILITY AND EFFECTIVE DATE

1       Section 601. Severability. If any provision of this act, or the  
2 application thereof to any person or circumstances, is held invalid, such  
3 holding shall not affect other provisions or application of this act  
4 which can be given effect without the invalid provisions or application,  
5 and to this end the provisions of this act are severable.

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

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November 24, 1982

  
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Tosiwo Nakayama  
President  
Federated States of Micronesia