A BILL FOR AN ACT

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

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

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, administrative, stenographic, and clerical staff as it deems necessary to carry out
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 plebiscite, 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
"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 regulation of 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 ________________________________

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. 8-34 is hereby amended to
read as follows:

"Section 335. Submission of affidavit to examiner of
qualifications. Every affidavit on application for registration
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 90 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 registered
and voted in the 1st 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 reregistration
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, Ponape, Truk, and Yap for
the 1st 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 dis-
qualification 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,
otice 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 concerning
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 application
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 registration
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 fill out and sign an affidavit substantially similar to the form set forth
in section 334 of this chapter and as the Plebiscite Commission
may prescribe 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 commissioner 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 hospital 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. Such determination shall provide for 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. Such 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 and 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 provide 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 363 of Public Law No. 2-51 is hereby amended to read
as follows:

"Section 363. Opening and closing of polls. Except as
otherwise provided by the Plebiscite Commission with respect to
specific polling places, at exactly 7 a.m. on the day of the
plebiscite, a member of the plebiscite 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
doors, 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 11. Subchapter I of chapter 2 of Public Law No. 2-51 is hereby
amended by adding a new section 310 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 12 P.S.M.C. 192(2) and no finding by the President of
the Federated States of Micronesia shall be required.

(2) The Plebiscite Commission may extend the deadlines