
AN ACT

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:

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

3 "Section 208. Compensation and staff.

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

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

19 (3) Members of the local public information program task
20 forces and other individuals assisting the Plebiscite Commission
21 and plebiscite commissioners shall be entitled to such compen-
22 sation, including travel and other incidental expenses, overtime

1 pay, and per diem, as determined by the Plebiscite
2 Commission.

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

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

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

25 Section 3. Section 325 of Public Law No. 2-54 is hereby amended to

1 read as follows:

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

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

9 "Section 334. Application for registration; Affidavit.

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

19 AFFIDAVIT ON APPLICATION FOR REGISTRATION

20 Federated States of Micronesia

21 State

22 1. My full name is

23 2. I was born at on the

24 day ofin the year

25 3. My age is

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1 4. I live at

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

3 Micronesia.

4 6. I was naturalized as a citizen of the Federated States

5 of Micronesia at State on the

6 day of, 19

7 7. I have resided in the Federated States of Micronesia

8 not less than nine months, and in State

9 not less than three months, immediately preceding this date

10 on which I now offer to register, to wit, the

11 day of, 19

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

13 or insanity.

14 9. I am not currently under parole, probation, or sentence

15 for any felony for which I have been convicted by any court

16 of the Federated States of Micronesia, the Trust Territory,

17 or any court within the jurisdiction of the United States.

18 10. I solemnly swear that the foregoing statements are true,

19 so help me God.

20 Signature:

21 Subscribed and sworn to before me this day of

22 , 19

23 (2) The applicant shall strike out allegations that

24 are inapplicable, and shall swear to the truth of the

25 allegations in his application. In any case where the person

1 who administers the oath shall so desire or believe the same
2 to be expedient he may demand that the applicant produce
3 a witness or witnesses to further substantiate the allegations
4 of his application."

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

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

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

15 "Section 337. Voters at previous elections deemed
16 registered.

17 (1) Notwithstanding any requirements of registration
18 provided by this chapter, all voters who were validly regis-
19 tered for the March 8, 1983, election for Members of the
20 Congress of the Federated States of Micronesia or any special
21 election after March 8, 1983, but preceding the plebiscite
22 shall not be required to register again except where reregis-
23 tration has become necessitated because of change of name or
24 residency and except where disqualifications enumerated by
25 subsection (2) of this section have intervened; PROVIDED that

1 in the event voting records for such election have been
2 destroyed or lost, the plebiscite commissioner of the State
3 may require reregistration of voters.

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

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

1 register;

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

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

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

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

22 "Section 338. Exception to requirement. No registra-
23 tion in person shall be required of a citizen of the Federated
24 States of Micronesia living outside of the Federated States of
25 Micronesia, but such person shall complete and sign an affidavit

1 substantially similar to the form set forth in section 334
2 of this chapter and as the Plebiscite Commission may adopt,
3 to establish fully such person's right to vote. An
4 individual filing an affidavit pursuant to this section
5 shall sign a statement affirming the truthfulness of the
6 information contained in the affidavit, but is not required
7 to be examined under oath as to his qualification as a voter.
8 Such affidavit shall be submitted to the plebiscite commis-
9 sioner of the appropriate State, not less than 10 days before
10 the plebiscite. Any duly qualified voter may challenge the
11 acceptance of the voted ballot at the time the ballot is
12 cast in accordance with the provisions of this act. Affidavits
13 for citizens of the Federated States of Micronesia living
14 outside of the Federated States of Micronesia shall be made
15 available in Guam and Honolulu, Hawaii, and such other places
16 as the Plebiscite Commission may direct."

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

19 "Section 352. Voting by confined persons. Any registered
20 voter qualified to vote who is confined to his home or a hos-
21 pital by reason of such illness or physical disability as will
22 prevent him from attending the polls shall be entitled and
23 enabled to vote in such manner as may be determined by the
24 Plebiscite Commission. Voting by such persons shall be done
25 in such a manner as to ensure the secrecy of the ballot and to

1 preclude tampering with the ballots of such voters and
2 other voting frauds; PROVIDED that any voter who by reason
3 of physical disability is unable to mark his ballot shall be
4 authorized to receive assistance in the marking thereof.
5 Affidavits, certificates, and other written statements under
6 oath may be required."

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

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

11 (1) The plebiscite commissioner or the plebiscite
12 board of each State, as the case may be, shall, at least 20
13 days prior to the plebiscite provide to any person who may be
14 entitled to vote by absentee ballot in the State and who
15 requests the same, an official ballot, a ballot envelope, an
16 affidavit adopted by the Plebiscite Commission, and a covering
17 reply envelope. The absentee voter shall mark the ballot in
18 such manner that no person can see or know how the ballot is
19 marked except as provided pursuant to section 352 of this
20 chapter. The absentee voter shall then deposit the ballot in
21 the ballot envelope and securely seal the same. The absentee
22 voter shall then complete and sign the affidavit. An individual
23 filing an affidavit pursuant to this subsection or subsection
24 (2) shall sign a statement affirming the truthfulness of the
25 information contained in the affidavit, but is not required

1 to be examined under oath. The ballot envelope and the
2 affidavit shall then be enclosed and sealed in the covering reply
3 envelope and shall be mailed or delivered to reach the plebiscite
4 commissioner of the State issuing the absentee ballot not later
5 than 5 p.m. on the fourth day before the plebiscite, except as
6 provided pursuant to section 352 of this chapter.

7 (2) Notwithstanding subsection 353(2), a qualified
8 voter who is outside the State in which he is registered to
9 vote, but present in either Guam, or Honolulu, Hawaii, or
10 another State in the Federated States of Micronesia, or other
11 locations designated by the Plebiscite Commission, may vote by
12 absentee ballot on the day of the plebiscite or prior to such
13 date if authorized pursuant to section 321. The plebiscite
14 commissioner of each State shall designate one or more places
15 within his State as absentee voter polling places and shall
16 designate one or more persons as plebiscite officials authorized
17 to supervise such absentee balloting. The Plebiscite Commission
18 shall designate such places and officials in Guam, Honolulu,
19 Hawaii, and other locations designated by the Commission. Such
20 officials shall provide any person who states that he is qualified
21 to vote in the plebiscite and who requests an absentee ballot
22 with an official ballot, a ballot envelope, an affidavit adopted
23 by the Plebiscite Commission, and a covering reply envelope.
24 The absentee voter shall mark the ballot in such manner that no
25 person can see or know how the ballot is marked except as provided

1 pursuant to section 352 of this chapter. The absentee voter
2 shall then deposit the ballot in the ballot envelope and
3 securely seal the same. The absentee voter shall then complete
4 and sign the affidavit. The ballot envelope and the affidavit
5 shall then be enclosed and sealed in the covering reply envelope
6 and given to the designated plebiscite official who shall, no
7 later than the day after the plebiscite, send them to the
8 plebiscite commissioner of the proper State by the safest and
9 most expeditious manner. The designated plebiscite official
10 shall make a list of all voters voting pursuant to this subsection
11 and their State of registration for voting purposes and shall
12 promptly provided such list to the Plebiscite Commission.

13 (3) It shall be unlawful for any person to vote more
14 than one absentee ballot or, having voted an absentee ballot, to
15 cast a ballot at the polls on the day of the plebiscite and, upon
16 conviction, shall be punished by a fine of not more than \$1,000,
17 or by imprisonment for not more than one year, or both."

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

20 "Section 357. Unregistered voters.

21 (1) Notwithstanding any other provision of this act,
22 an unregistered voter or a voter whose name does not appear on
23 the State plebiscite register, who is otherwise qualified to vote,
24 may vote in the plebiscite; PROVIDED that the voter executes,
25 under oath, an affidavit at the polling place on the day of the

1 plebiscite or, with respect to absentee voters, the date
2 or dates determined for collection of absentee ballots
3 pursuant to section 321. The form of the affidavit shall
4 be the same as that used for the registration of voters
5 pursuant to section 334, except that two additional lines
6 shall be provided for the signatures of two persons who are
7 registered voters who shall verify the signing by the affiant.
8 Each ballot cast pursuant to this section shall be placed
9 in a blank ballot envelope which shall be sealed, and the
10 sealed envelope together with the affidavit shall be placed
11 in a covering envelope, which shall then be deposited in the
12 ballot box.

13 (2) Upon the close of the polls, the ballot box
14 shall be delivered unopened to the plebiscite commissioner,
15 who shall publicly open the box, and after ascertaining that
16 the number of ballots found in the box equals the number
17 originally included, segregate the covering envelopes
18 containing the ballots cast pursuant to this section and
19 determine whether the person casting the ballot is entitled
20 to register and vote and whether the ballots contained therein
21 shall be counted. Upon the request of any person, the
22 plebiscite commissioner shall, before delivering the ballot
23 envelope to the counting and tabulating committee, ascertain
24 whether or not the voter has previously voted. If it is found
25 that the voter has already voted or was not entitled to

1 register and vote, the plebiscite commissioner shall immediately
2 cancel the ballot envelope and write 'Rejected' across its face,
3 giving the reason therefor and shall preserve the same."

4 Section 11. Section 363 of Public Law No. 2-54 is hereby amended
5 to read as follows:

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

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

19 "Section 501. Operating expenses of the Commission. The
20 sum of \$1,000,000, or so much thereof as may be necessary, is
21 hereby appropriated from the United States Grant Special Fund
22 for the Plebiscite Commission to conduct the public information
23 program and plebiscite provided for in chapters 2 and 3 of this
24 act during the fiscal year ending September 30, 1983; PROVIDED
25 that such sum shall be obligated and expended only to the

1 extent that such sum, or part thereof, is specifically
2 made available by the Government of the United States for
3 the public information program and plebiscite; and PROVIDED
4 FURTHER, that all funds appropriated by this act shall be
5 allotted, managed, administered, and accounted for in
6 accordance with applicable law including, but not limited
7 to, the Financial Management Act of 1979. The allottee shall
8 be responsible for ensuring that these funds, or so much
9 thereof as may be necessary, are used solely for the purposes
10 specified in this act, and that no obligations are incurred
11 in excess of the sum appropriated; and PROVIDED FURTHER, that
12 the President of the Federated States of Micronesia may allot
13 a reasonable portion of such sum to the Commission on Future
14 Political Status and Transition for the costs of translating
15 the Compact and other documents into the eight major indigenous
16 languages of the Federated States of Micronesia pursuant to
17 section 204 of this act."

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

20 "Section 210. Regulations and deadlines.

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

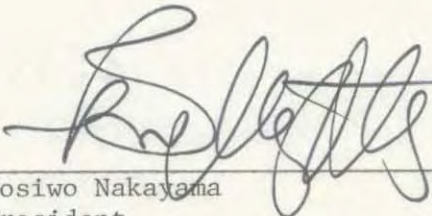
25 (2) The Plebiscite Commission may extend the

1 deadlines imposed by sections 332, 335, 337(3), 338,
2 353(2), 354, 356, 363, and 381 of this act."

3 Section 13. This act shall become law upon approval by the
4 President of the Federated States of Micronesia or upon its becom-
5 ing law without such approval.

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June 7, 1983


for Tosiwo Nakayama
President
Federated States of Micronesia