

HPJ

November 20, 1974

MEMORANDUM FOR THE MARIANAS POLITICAL STATUS COMMISSION FILE

SUBJECT: Eligibility to Vote in the Mariana Islands District

The following is a brief summary of the requirements persons in the Mariana Islands District must meet to be eligible to vote. Attached to this memorandum is a copy of the relevant portions of title 43 of the Trust Territory Code.

To vote in the Trust Territory a person must be a citizen of the Trust Territory; must be eighteen years of age or older; must have fulfilled the residency requirements for registration; must not currently be under a judgment of mental incompetency or insanity; must not currently be under parole, probation, or sentence for any felony; and must in fact be registered to vote. 43 TTC § 1.

In order to register to vote a person must be eligible to vote at the date of the next election (except for the requirement for registration itself, of course) and in addition must have resided in the Trust Territory for nine months and in the Representative District of registration for three months preceding the date of registration. 43 TTC § 251(1). The Code explicitly provides that "[n]o person shall register to vote or vote as an elector of any other precinct than that in which he resides. . . ." 43 TTC § 251(3). The Code also explicitly provides that "[i]f any person resides in more than one precinct, he may choose which precinct as an elector of which he will register, [sic] but he shall register as an elector of one precinct only." 43 TTC § 251(4).

Once a person is registered he need not register again for succeeding elections, unless his name or precinct residence is changed or there is an intervening disqualification. 43 TTC § 255(2). There seems to be no requirement that a person actually vote to avoid re-registration. No

*/ This memorandum is based on the provisions of the 1970 Code and the 1972 Supplement. Later amendments to the Code, if any, and applicable administrative regulations, if any, were not available.

re-registration on the ground of change of residence or name is permitted within 30 days of the election, 43 TTC § 256. An intervening disqualification would arise when the Election Commissioner (who is the District Administrator, 43 TTC § 151(1)) makes an investigation and determines that a person "is dead, incompetent, has lost his citizenship, or is disqualified for any reason to vote." 43 TTC § 154(1).

A person must submit the affidavit required to register not less than thirty days before an election. 43 TTC § 254. Thus the effective residency requirement is four months, since 43 TTC § 251(1) requires residency in the Representative District "three months preceding the date of registration." Based on the annotations in the Code, there seem to be no decisions interpreting the word "reside" used in 43 TTC § 251. That it does not mean "domiciled" is clear from 43 TTC § 251(4) which deals with the person who resides in more than one precinct -- and under the standard definitions, a person can have only one domicile. Whether the word "reside" means more than mere physical presence in this context, however, is not clear.


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cc: Howard P. Willens