

DRAFT/MVTRENT/cg:3-13-75

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DRAFT SECRETARIAL ORDER

Subject: Plebiscite in the Mariana Islands District

WHEREAS, in pursuance of the signing on February 15, 1975 of a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and the unanimous approval of the Covenant by the Mariana Islands District Legislature on February 20, the Marianas District Legislature by Resolution No.

of _____, 1975 has requested the United States as Administering Authority of the Trust Territory of the Pacific Islands to set a date and call a plebiscite in the Mariana Islands District relative to the Covenant,

NOW, THEREFORE, pursuant to the authority vested in me by Executive Order No. 11021, the following basic Order respecting the Government of the Trust Territory of the Pacific Islands is issued:

PART I. Purpose

The purpose of this Order is to establish the administrative responsibility and basic machinery for the holding of a plebiscite in the Mariana Islands District to provide for the exercise of the people's right to political self-determination under the Trusteeship Agreement.

PART II. Authority of the Plebiscite Commissioner.

A Plebiscite Commissioner will be named to direct the preparations for the plebiscite on behalf of the United States Government as Administering Authority. The Commissioner's duties shall include supervision of an Impartial Plebiscite Information and Education Program. The Commissioner shall be assisted by an Executive Director who will be responsible for running the

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Program.

Part III. ^{Authority} Authority of the High Commissioner.

The High Commissioner shall provide all administrative support, including funding, for the Plebiscite Commissioner.

Part IV. Authority of the Marianas Plebiscite Advisory Committee.

The Committee shall consult on a continuing basis with the Plebiscite Commissioner for the principal purpose of providing local contribution and views for his consideration in executing the Plebiscite Information and Education Program. The Committee members, will representing all segments of the Northern Marianas community, will be in a position to keep the Plebiscite Commissioner informed of needs, gaps, relevant problems and to make suggestions for the operation of the impartial program of providing full information on the Covenant and the meaning and implications of the Commonwealth arrangement which it defines. The Committee shall consist of one representative of each of the following bodies chosen by the body concerned:

and alternatives

1. Marianas District Legislature
2. Marianas Political Status Commission
3. District Administration
4. Saipan Municipal Council
5. Rota Municipal Council
6. Tinian Municipal Council
7. United Carolinian Association
8. Popular Party
9. Territorial Party
10. Chamber of Commerce

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/ *Carroll*

Board of
w/TTTC 93-251-58

Part V. Authority of Voter Registration Board. The Board shall have authority to:

- a. Oversee voter registration, using existing TTPI machinery.
- b. Act as an appellate review board to hear challenges to voter registration charges from which challenges may be taken to the TT Courts.
- c. Certify final voter registration lists to the Plebiscite Commissioner.

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In the exercise of these functions, the Board shall:

- a. Issue regulations and guidelines based on qualifications for registering to vote in the plebiscite.
- b. Review and take corrective actions in the registration of voters, e.g., maintain order at registration areas, prevent discrimination or abusive discretion, prevent intimidation.
- c. Receive all challenges, hold formal hearings, issue subpoenas for the production of persons and records and hear all evidence regarding actions by the Election Commission and make final administrative rulings as to whether individuals qualify for registration to vote in the plebiscite.
- d. Receive and review all voter registration lists, delete or add to the lists, and certify their accuracy and completeness to the Plebiscite Commissioner.

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The Board shall be under the Chairmanship of the Marianas District Administrator who shall be responsible to the Plebiscite Commissioner. (Additional members to be appointed by _____ shall be citizens of the Mariana Islands District including the Presiding Judge and representatives of the Carolinian community and the two political parties.)

Sections 251-258 Trust Territory Code 43 are hereby amended for purposes of this plebiscite to provide that a person who is a citizen of the Trust Territory and who otherwise meets the above qualifications will be presumed not to reside in the Mariana Islands if he meets any of the following conditions:

1. maintains a residence or place of abode in another district of the Trust Territory; or
2. was a permanent resident of another district or another country and moved to the Mariana Islands where he obtained a residence in the Mariana Islands solely as a condition of employment; or
3. was a permanent resident of another district of the Trust Territory or another country immediately prior to December 1973 and established no source of livelihood in the Mariana Islands prior to that date; or
4. maintained a residence and registered to vote in another district during the past year; or
5. is a citizen of another district and maintains sufficient contact with that district as to establish an intent to return and permanently reside there at some time in the future (e.g. wife resides in another district, person maintains drivers' license, postal address, boat license, etc. in another district); or
6. is a citizen of another district who has declared his intention not to establish a permanent domicile in the Mariana Islands.

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1. maintains a residence or place of abode in another district of the Trust Territory; or
2. was a permanent resident of another district or another country and moved to the Mariana Islands where he obtained a residence in the Mariana Islands solely as a condition of employment; or
3. was a permanent resident of another district of the Trust Territory or another country immediately prior to December 1973 and established no source of livelihood in the Mariana Islands prior to that date; or
4. ~~maintained a residence~~ and registered to vote in another district during the past year; or ~~and has not since reg in M~~
5. is a citizen of another district and maintains sufficient contact with that district as to establish an intent to return and permanently reside there at some time in the future (e.g. wife resides in another district, person maintains drivers' license, postal address, boat license, etc. in another district); or
6. is a citizen of another district who has declared his intention not to establish a permanent domicile in the Mariana Islands.

perjury
swear domicile under penalty of perjury -

clear can't vote in another DIST stills plebiscite
SVEG
for this ONE

at what time? register now?

i.e. moved into M after Dec 1973? was not established source of livelihood

i.e. is not domicile?

procedure - rebuttable presumption
- challenge
- new registration?

no domicile if not showing facts \$1575-
shift burden of proof

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