

MVTrent/AdeGraffenried/HMarcuse/FHWilliams/JMWilson  
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DRAFT SECRETARIAL ORDER

Subject: Plebiscite in the Mariana Islands District

WHEREAS, the United States as Administering Authority of the Trust Territory of the Pacific Islands has undertaken an obligation to give the peoples of Micronesia the right to choose freely their own political future; and

WHEREAS, the people of the Mariana Islands District have requested that the United States negotiate an arrangement whereby the Northern Mariana Islands would become a part of the United States on termination of the United Nations Trusteeship in Micronesia; and

WHEREAS, a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, negotiated between the duly authorized representatives of the Marianas District and the United States, was signed on February 15, 1975 and received the unanimous approval of the Mariana Islands District Legislature on February 20, 1975; and

WHEREAS, the Mariana Islands District Legislature on February 28, 1975 by Resolution No. 126-1975 formally requested the United States as Administering Authority of the Trust Territory of the Pacific Islands to set a date for and call a plebiscite in the Mariana Islands District relative to the Covenant;

NOW, THEREFORE, I, Rogers C.B. Morton, Secretary of the Interior, pursuant to the authority vested in me by Executive

13380

Order No. 11021 of July 1, 1962, order as follows:

PART I. Purpose

The purpose of this Order is to establish the authority and the administrative responsibility for the holding of a plebiscite on June 17, 1975, in the Mariana Islands District as an exercise by the people of that district of their sovereign right of self-determination.

PART II. The Plebiscite Commissioner

A Plebiscite Commissioner appointed by the President of the United States shall be responsible for the planning, the preparations for and the holding of the plebiscite in the Northern Mariana Islands. The Commissioner shall:

1. ensure that an impartial Plebiscite Education Program is conducted throughout the Northern Mariana Islands;
2. appoint a Plebiscite Voter Registration Board and designate its chairman;
3. establish an official plebiscite register on the basis of the final voter registration list as certified by the Voter Registration Board, [~~to include~~ qualified absentee voters];
4. oversee the administrative plans for and supervise the holding of the plebiscite.

PART III. Responsibilities of the Trust Territory of the Pacific Islands Administration

1. The High Commissioner shall provide the Plebiscite Commissioner administrative support and shall assure the

implementation of policies and programs related to the plebiscite in the manner prescribed by the Plebiscite Commissioner.

2. The Plebiscite Commissioner shall be assisted by an Executive Director appointed by him who shall be responsible for the execution and coordination of all activities in support of the plebiscite carried out by the Trust Territory headquarters and district staff.

<sup>VIII</sup>  
~~IX~~ PART Special Plebiscite Appellate Court

The Chief Justice of the High Court of the Trust Territory of the Pacific Islands shall appoint <sup>(or more)</sup> ~~one~~ ~~associate~~ ~~of that court~~ justices ~~to sit as a special plebiscite appellate court, to with~~ ~~exclusive jurisdiction over~~ ~~en banc~~ review ~~all appeals from~~ ~~rulings of the voter registration board~~ ~~regarding the determination of persons qualified to expediously as feasible and no later than the seventh day preceding register for the plebiscite.]~~ ~~[The judge shall decide all the Plebiscite.]~~ appeals within five days of the filing of the appeal with the Clerk of the High Court.] Rulings of the special court shall be final and not subject to further review by any authority, judicial or otherwise.

<sup>IV</sup>  
~~V~~ PART Northern Mariana Islands Plebiscite Advisory Committee

There is hereby established a Northern Mariana Islands Plebiscite Advisory Committee representing the principal sectors of the Northern Marianas community. The Committee shall consist of the representatives to be appointed by the Plebiscite Commissioner from each of the following:

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

The Committee shall consult on a continuing basis with the Plebiscite Commissioner for the principal purpose of providing advice for his consideration on all aspects of the plebiscite with particular emphasis on the Plebiscite Education Program.

PART VI. Plebiscite Voter Registration Board

There is hereby created a Plebiscite Voter Registration Board consisting of eleven members, eight of whom shall be appointed at large by the Plebiscite Commissioner, and three of whom shall be appointed by the Plebiscite Commissioner from the Municipal Councils of Saipan, Rota and Tinian to serve on the Board only when matters involving their respective municipalities are under consideration. [Voter registration shall be carried out by panels of not less than two members of the Board. When acting in each voting district, the panel shall include as an ex officio member the local Village Commissioner concerned, or in the absence of such

Commissioner, the Mayor.]

The members of the Board shall have all necessary and appropriate authority to carry out these functions:

1. in conjunction with the ex officio members, register all ~~qualified voters;~~ <sup>voters qualified to vote in the Plebiscite;</sup>
2. sitting en banc as an appellate review board, hear challenges <sup>of</sup> ~~to~~ <sup>(granting or denying registration to any person)</sup> ~~[voter registration] decisions;~~ and
3. certify the final voter registration list to the Plebiscite Commissioner.

Voters shall be registered in the voting districts in which they habitually reside. The Plebiscite Commissioner may, however, issue special regulations relating to the central registration of voters and absentee voters. The voter registration shall be carried out in the voting districts by panels of the Voter Registration Board consisting of not less than two members; they shall be joined ex officio by the Village Commissioner of that district, or in the absence of such Village Commissioner by its Mayor. Registration shall begin on a date to be set by the Plebiscite Commissioner and shall terminate thirty days prior to the date of the plebiscite.

Decisions of the panels granting or denying registration may be challenged by the voter denied registration ~~may be challenged by the voter denied registration~~ or \_\_\_\_\_ within three days after he has been advised of the decision of the panel. Such challenges shall be heard by the Voter Registration Board sitting en banc.

The Board shall decide all challenges as expeditiously as possible. Any challenge which has not been decided by the Board by the ~~fifth~~<sup>seventh</sup> day following the termination of registration shall be deemed to have been rejected. A party aggrieved by a decision of the Voter Registration Board sitting en banc may file an appeal from that decision with the Special Plebiscite Court. Such appeals shall be taken within three days after notification.

PART VII. Voter Qualifications

A person shall be qualified to vote in the plebiscite if he is:

1. A Trust Territory citizen exclusively domiciled in the Mariana Islands District;
2. 18 years of age or older on the date of the plebiscite;
3. at the time of registration not serving a sentence or under parole or probation for any felony for which he has been convicted by any court of the Trust Territory;
4. at the time of registration not under a judgment of mental incompetency or insanity; and
5. registered to vote in accordance with the provisions established by the Voter Registration Board.

For purposes of this Order "Domicile" is defined in the same manner as in Section 1005(e) of the Covenant: "that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which such person has the intention of returning whenever he is absent, even for an extended period". In determining whether a person is exclusively domiciled in the Mariana Islands District, the board shall take into account as of the time of registration all relevant factors including but not limited to the following criteria:

1. whether he maintains a permanent residence or permanent place of abode in another district of the Trust Territory or ~~elsewhere outside the Mariana Islands District~~ ~~within the jurisdiction of the United States or another country;~~ [or]
2. whether his presence in the Mariana Islands District is solely the result of his own public or private employment or that of a person on whom he is economically dependent; [or  
~~or the person on whom he is economically dependent.~~]
3. whether he ~~receives~~ receives housing or pay differentials for housing or living allowances as a consequence of [his] employment in the Mariana Islands District; [or]
4. whether he maintains contacts with another district of the Trust Territory of the Pacific Islands or with the jurisdiction of the United States or another country such as: a spouse who resides in such place; maintenance of a boat or driver's license issued by

such place; holding a postal address at such place; continuing affiliations with the professional, religious or fraternal life in such place; or the payment of taxes in such place imposed because of residence or physical presence in such place; [ex]

5. whether he has expressed his intention not to establish domicile in the Mariana Islands District; <sup>and</sup> [ex]

6. whether he is registered or qualified to vote in any other district or jurisdiction of the Trust Territory or the United States or any other country during the past year.

PART ~~VIII~~. Function of the Plebiscite Education Program

Under the direction of the Plebiscite Commissioner, the program will operate impartially, making available to all voters the relevant facts without coloration of advocacy or opposition. The program will provide equitable access to such information through distribution of materials, media usage and other facilities for public information. The program will include objective information on [such matters as]

the provisions of the Covenant and possible alternatives,

and the choices offered on the ballot, including possible alternatives in the event of a negative vote.

PART IX. Effective Date

This Order shall take effect upon the date of its approval by the Secretary of the Interior.