



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

April 10, 1975

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ORDER NO. 2973

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 under the Trusteeship Agreement and under Article 76 of the United Nations Charter to give the peoples of the Trust Territory the right to choose freely their own political future; and

WHEREAS, the people of the Mariana Islands District repeatedly have requested that the United States negotiate an arrangement whereby the Northern Mariana Islands would become a part of the United States upon termination of the Trusteeship Agreement between the United States and the United Nations; and

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



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NOW, THEREFORE, pursuant to Executive Order No. 11021 of July 1, 1962 and with the concurrence of the Secretary of State it is hereby ordered as follows:

Sec. 1 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 right of self-determination.

Sec. 2 The Plebiscite Commissioner

A Plebiscite Commissioner designated 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, designate its chairman and establish procedures for the registration of voters;

(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; and

(5) appoint an Executive Director who shall be responsible to him for the execution and coordination of all activities in support of the plebiscite.

Sec. 3 Responsibilities of the Trust Territory of the Pacific Islands Administration

(a) 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.

(b) The Trust Territory Headquarters and the Mariana Islands District Administrator and staff shall assist the Executive Director in the execution of his duties.

Sec. 4 Northern Mariana Islands Plebiscite Advisory Committee

(a) There is hereby established a Northern Mariana Islands Plebiscite Advisory Committee to be appointed by the Plebiscite Commissioner. The Committee shall consist of representatives of the principal sectors of the Northern Mariana Islands community including but not limited to a representative 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

(b) 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.

Sec. 5 Function of the Plebiscite Education Program

Under the direction of the Plebiscite Commissioner, the program will be operated impartially and objectively, making available to all voters the relevant facts including alternative choices. 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 the provisions of the Covenant and the choices offered on the ballot.

Sec. 6 Plebiscite Voter Registration Board

(a) 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 from the Municipal Councils of Saipan, Rota and Tinian to serve on the Board only when it acts as a body or sits en banc on matters involving their respective municipalities.

(b) Voters shall be registered in the voting districts in which they reside. The Plebiscite Commissioner may, however, issue special regulations relating to the central registration of voters and shall establish special procedures for the registration of voting of 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. The ex officio members shall have the right to vote with the panels. Registration shall begin on a date to be set by the Plebiscite Commissioner and shall terminate on May 16, 1975.

(c) The members of the Board shall have all necessary and appropriate authority to carry out the following functions:

(1) in conjunction with the ex officio

members, register all voters qualified to vote in the plebiscite;

(2) sitting en banc as an appellate review board, hear challenges of decisions granting or denying registration to any person; and

(3) certify the final voter registration list to the Plebiscite Commissioner.

(d) Decisions of the panels denying registration may be challenged by the voter denied registration.

Decisions of the panels granting registration may be challenged by any registered voter. Challenges must be made within three working days after the publication 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 May 23, 1975 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 Appellate Court provided for in Sec. 8 of this Order. Such appeals shall be taken within three working days after notification.

Sec. 7 Voter Qualifications

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

- (1) A Trust Territory citizen 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 procedures established by the Plebiscite Commissioner.

(b) 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 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 a place outside of the Mariana Islands District; 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

(3) whether he or the person on whom he is economically dependent 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: supporting a spouse and/or family who reside 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; or

(5) whether he has expressed his intention not to establish domicile in the Mariana Islands District; or

(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.

Sec. 8 Special Plebiscite Appellate Court

The Chief Justice of the High Court of the Trust Territory of the Pacific Islands shall appoint one or more justices of that court as a special plebiscite appellate court with exclusive jurisdiction over all appeals from en banc rulings of the Voter Registration Board. Appeals shall be heard before a single judge of the Special Plebiscite Appellate Court. The Special Plebiscite Appellate Court shall render its decisions as expeditiously as feasible and no later than the seventh day preceding the plebiscite. The Special Plebiscite Appellate Court shall certify its decisions to the Voter Registration Board and notify the parties thereof. Rulings of the special court shall be final and not subject to further review by any authority of the Trust Territory or of the United States, judicial or otherwise.

Sec. 9 Proclamation

Attached as an appendix to this Order, is a proclamation which sets a date for and calls a plebiscite in the Mariana Islands District relevant to the Covenant described herein.

Sec. 10 Termination

This Order shall continue in effect only until the

completion of the plebiscite referred to in Sec. 1 and
in any case shall terminate before January 1, 1976.

APR 10 1975

Rogers C. Morton
Secretary of the Interior

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