

Executive Order No. 111

To Set a Date for a Vote on an Initiative To Amend the Constitution

WHEREAS, in 1988, the Supreme Court of the Republic of Palau announced its decision in the case of LTELATK FRITZ, et al., vs. LAZARUS E. SALII, et al., 1 ROP Intrm. 521 (App. Div. Aug. 1988), finding that there exists an inconsistency between Section 3, Article II and Section 6, Article XIII of the Palau Constitution and Section 324 of the Compact of Free Association between the Republic of Palau and the United States; and

WHEREAS, the Supreme Court of the Republic of Palau decided in said case of FRITZ. vs. SALII, that section 11 of Article XV allows amendment to the Palau Constitution to avoid inconsistencies between the Palau Constitution and the Compact of Free Association between the Republic of Palau and the United States whenever such inconsistency is found; and

WHEREAS, Article XIV, Section 1(b) of the Constitution grants to the citizens of Palau the right to amend their Constitution through a process of popular initiative proposed by a petition signed by at least twenty-five percent (25%) of the registered voters; and

WHEREAS, sponsors of a petition (the "Petition") to amend the Constitution, in accordance with Article XIV and Article XV, presented petitions which they claimed bear the signatures of more than 3,300 registered voters to the President, the presiding officers of the Olbiil Era Kelulau, and the Election Commission on April 14, 1992; and

WHEREAS, the Election Commission reviewed the signatures on the Petition and reported on April 21, 1992, that the signatures had been verified and that the number of signatures met the constitutional requirement; and

WHEREAS, the political leadership of Palau should honor the will of the people of Palau, as expressed in Articles XIV and XV of the Constitution, and the Petition, and facilitate a vote on the merits of the Petition within ninety days after April 14 1992, since the Election Commission has found that it bears a sufficient number of valid signatures; and

WHEREAS, the President introduced legislation into both houses of the Olbiil Era Kelulau on April 23, 1992, providing for a vote on the Petition to be conducted by the Election Commission, for a program of political action, and for appropriations to pay for the vote and the political education, and

WHEREAS, the legislative counsel of the House of Delegates has issued an opinion that legislation is not required in order for the vote on the Petition to be conducted, that the Olbiil Era Kelulau cannot prevent a vote on the Petition by failing to pass enabling legislation, and that the President "can reprogram the necessary funding to the Election Commission and hold the election as set forth in the Petition"; and

WHEREAS, the Petition asks the President and Olbiil Era Kelulau to insure that a vote shall be held not later than ninety days after the Petition's submission; and,

WHEREAS, the date for an election must be set immediately if a period for registration is to be allowed, 23 PNC 1408 is to be observed, and the election is to be held within 90 days after its submission;

NOW, THEREFORE, I, Ngiratkel Etpison, President, acting in accordance with the authority granted to me by Article IX of the Constitution and in furtherance of the power granted by Articles XIV and XV of the Constitution hereby designate Monday, July 13, 1992, as the date for a vote on the proposed Constitutional amendment to be conducted by the Election Commission in accordance with Title 23 of the Palau National Code, as amended.

1. The Election Commission shall promulgate such rules and regulations governing the conduct of the vote on the Petition as it shall deem necessary. In accordance with 23 PNC 1205, the rules and regulations promulgated by the Election Commission shall be exempt from the provisions of the Administrative Procedures Act of Chapter 1 of Title 6 of the Palau National Code. The rules and regulations shall be designed so as to allow for a fair and impartial vote wherein the people of the Republic of Palau may choose whether to amend their Constitution.
2. In preparing the English and Palauan versions of the ballot, the Election Commission shall include the text of the proposed amendment to the Constitution as it appeared, in English and Palauan, in the Petition.
3. The Election Commission shall certify the election vote count no later than fifteen (15) days after the day of the vote on the Petition.
4. In accordance with 23 PNC 1526, and subject to considerations of cost and convenience, the Election Commission is urged to establish polling places outside the Republic, particularly in Guam and Saipan.
5. The Minister of Administration is directed to provide a recommended list of funds available for reprogramming to the Election Commission, totaling not less than \$200,000, no later than May 15, 1992.

EXECUTED AT KOROR, PALAU THIS 8th DAY OF MAY, 1992.

NGIRATKEL ETPISON
President, Republic of Palau

5:35 p.m.