

*Olikong v. Salii*, 1 ROP Intrm. 401 (1987)

**SANTOS OLIKONG,  
IBEDUL YUTAKA GIBBONS  
and ALFONSO R. OITERONG,  
Plaintiffs/Appellants,**

v.

**LAZARUS E. SALII,  
President of the Republic of Palau,  
and JOHN O. NGIRAKED,  
Compact Referendum Commissioner,  
Defendants/Appellees.**

CIVIL APPEAL NO. 21-87  
Civil Action No. 104-87

Supreme Court, Appellate Division  
Republic of Palau

Opinion

Decided: June 21, 1987

Counsel for Appellants: Loretta Faymonville, Legislative Counsel, House of Delegates, OEK.

Counsel for Appellees: ric E. Basse, AAG

BEFORE: ARTHUR NGIRAKLSONG, Associate Justice; ROBERT A. HEFNER,<sup>1</sup> Associate Justice; PAUL J. ABBATE,<sup>2</sup> Associate Justice.

This matter was heard on June 20, 1987. Due to time restraints the Court issues this Opinion to delineate its final conclusions as quickly as possible so that the parties may proceed accordingly. A more extensive opinion shall be released in the future which will enunciate the reasons for the decisions made this date.

**¶402** It is the decision of this Court that the use of the so called service stations whereby absentee voters deliver their ballots to a representative of the Referendum Commissioner is illegal and does not comport with Public Law 2-27 nor the applicable provisions of the election law, Title 23 PNC. Consequently any absentee ballots which were delivered to the representatives at the service stations are invalid.

This result dictates that the election on June 23rd, 1987 be cancelled. A new referendum date may be set to allow the proper procedure to be instituted for absentee voters prior to June

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<sup>1</sup> The Honorable Robert A. Hefner is the Chief Judge of the Trial Court of the Commonwealth of the Northern Marianas Islands.

<sup>2</sup> The Honorable Paul J. Abbate is the Presiding Judge of the Superior Court of Guam.

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30th, 1987.<sup>3</sup>

Consequently, the decision of the Trial Court is reversed and remanded with the following directions:

It shall enter an order enjoining the conducting of the election on June 23rd, 1987.

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<sup>3</sup> The proper procedure is to provide the absentee voter the proper election material and have the voter vote pursuant to 23 PNC §§ 1523 and 1524 (with changes as noted in RPPL 2-27). The President may extend the time for the referendum to June 30, 1987. Public Law 2-27, § 2(1). The Administration has the expertise and knowledge whether it is able to conduct an election in the time frame allowable. If it is determined that it is not feasible or possible to conduct the election on or before June 30th, the OEK will have to enact new enabling legislation.