

On My Mind  
11/5/10

Regardless of what others may say this election has proved - or not - to this scribe it proved that not everyone's vote can be bought, that not everyone was afraid his/her vote could be identified, that not everyone believed the promises of campaign rhetoric. It proved that there were enough voters out there - who recognized honesty, integrity, accountability, effectiveness, and all those other qualities a good candidate should have, who believed that Kilili, exemplifying them all, deserved their vote - to give him the overwhelming victory that was so rightly his. Sometimes, right and justice do win.....

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It's a pity that the one worthwhile initiative that was on the ballot was defeated along with the two riskier, self-serving ones. The "good" one, House Local Initiative 16-3, would have prevented the legislature from creating additional benefits for retirees until and unless the Retirement Fund was fully funded and/or the CNMI government had paid off its obligation to the Fund in its entirety - something the House is even now attempting to do with House Bill 17-40, which would provide incentives to government employees to retire early.

The failure of this initiative to pass - what reasonable person would have voted "no," had they understood the issue? - serves as an indictment of the Commonwealth Election Commission's entire "public education" effort, and of the Attorney General's Office role in that effort. According to the law establishing the CEC, among its functions are "to conduct or coordinate any and all public education activities and events on ...all proposed amendments to the NMI Constitution...."

Yet the CEC did very little. It assigned the responsibility for generating text about the initiatives to the Attorney General's office. The material put together by the AG's office did not even provide the text of the changes being proposed to the Constitution - and how can one decide without seeing what would change and how? - and put together a single limited, shallow statement of the initiatives' intention. It provided uneven pros and cons for two of the initiatives, but not the third one. It provided no opportunity for public discussion or questioning.

The issues - authorization of a pension obligation fund, paying off land compensation claims through money ordinarily turned over to the Marianas Public Land Trust - were complicated, and certainly deserved more explanation. Particularly in light of the Retirement Fund's and the Commonwealth Retirement Association's one-sided approach at "public education," it was incumbent on the CEC to offer counter-balance. But it did not.

The CEC apparently accepted the AG's limited output as satisfactory, and proceeded to print it out on expensive glossy paper - as well as in full-page ads in the newspapers - and then turned over the responsibility for distributing the glossy paper pamphlets, as well as "specimen" ballots, to students of Sam McPhetres' NMC Social Issues classes. The students did the best they could in distribution, but were ham-strung in that they were not allowed to add anything to the text they'd been given.

The ballot was also flawed. Contrary to what was shown for the other initiatives, it contained no wording to explain what HLI 16-3 would do. Despite the omission, HLI 16-3 lost by only 241 votes. The other two lost by over a thousand votes each.

Next time, the CEC might better assign preparation of the actual text - as well as distribution of materials - to the students. Judging from past experience, they would have done a far better job of producing information than did the CEC and the AG's office.

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Given the questions raised by the CNMI's first attempt at early voting, members of the legislature might want to consider amending the present election law and do away with the eligibility requirements altogether, so that anyone who was registered could vote early. For example, as it stands, the present law does not allow handicapped people to vote early, yet for some, yours truly included, it would have been far easier to vote early than it was to vote in my district on election day.

While this has been a first for the CNMI, introduced to conform to federal requirements, early voting is actually a fairly widespread phenomenon on the mainland where 32 states, as well as the District of Columbia, allow early voting - all with no justification required.

The shift to the idea of allowing early voting began in an effort to make it easier for more people to vote, and does indeed seem to have succeeded in that effort. Some states use absentee (mailed) ballots for the same purpose, but a concern about fraud would seem to favor the idea of early voting rather than absentee voting, although eight states have "no excuse permanent absentee voting," and two states, Washington and Oregon, now conduct their elections totally by mailed-in absentee ballots. In fact, some states, including Louisiana, Minnesota and Tennessee, allow voters who meet certain criteria (i.e., permanent illness or disability, religion, absence from precinct) to automatically receive an absentee ballot for all elections.

If early voting were available to everyone, maybe it wouldn't be prone to abuse, and wouldn't be necessary to shut down the government on election day, and the schools wouldn't have to lose a day.....

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On another subject entirely, the most outstanding model, in my opinion, of what a good zoning law can do is the Sasha building at the corner of Beach and Quartermaster Roads. Beach Road is a very sensitive area - the CNMI's scenic highway - and there is on-going effort to make sure it stays that way, unspoiled by unsightly construction of any kind. The Sasha building has a fence around it, to be sure, but the fence is very tastefully constructed, and is hardly noticeable thanks to the landscaping between it and the road. The building's off-road parking area is partly screened by the fence, so does not present a view of barren concrete, or of a hodge-podge of cars. The building itself, which houses the Turtle Dive Shop, among other things, is set even further back, has a very attractively finished exterior, and is only three stories high, so it does not intrude, or protrude on the vision of people driving or walking by that area of Beach Road - it is almost invisible.

Yet it functions well.

Congratulations go to Alex Bekhov, owner of the building and responsible for its original design, and to Steve Tilley, former Zoning Board administrator, who worked with Bekhov to ensure that the project met all the requirements of the zoning law.

This building proves that, properly interpreted and administered, the zoning law can and does do what it is supposed to - allow for development (even commercial structures!) that harmonizes with the island's natural beauty and environment.

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Not so nice is the fate awaiting part of the Marpi road leading to the public cemetery. Due to tragic shortsightedness, a parade of power poles will march along the road from the newly built Buddhist temple almost all the way to Banzai Cliff, so as to bring power to the public cemetery. Power poles are unsightly wherever they are, and they are also a liability, since they occasionally fall, or get knocked down by typhoons or cars out of control, causing unwelcome power outages that are inconvenient, to say the least.

As is evident from those few area on Saipan where power lines have been put underground - such as that stretch of road leading to the airport - there is an alternative. If the planners had had vision and foresight, they would have realized that putting poles up in Marpi would eventually destroy the magnificence of its open vistas, its attractiveness as a nature preserve, its claim to unspoiled beauty.

Putting power lines underground has a higher initial cost, but in terms of maintenance and aesthetics as well as practical costs, in the long run, doing so is far more beneficial to all concerned. It's probably too late to do anything about the present plans for

lighting up the way to the cemetery, but one would hope that future power supply to the Marpi area will be planned as being underground, and that maybe, eventually, even the power poles slated to go toward the Marpi public cemetery could be replaced by underground wiring.

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Short takes:

Correction: My apologies to Marianas High School Principal Craig Garrison, whom I referred to as Craig Harrison in my last column, as I believe I've done once before.. I suspect it may relate to my partiality towards Rex Harrison, rather than Garrison Keeler.....

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This evening, Friday, 11/5 at 6:30 p.m., First Friday's film, "Blue Gold, World Water Wars," which deals with the role of large corporations and private investors in controlling supply and demand of drinking water throughout the world, will be shown at the American Memorial Park theater. There is no charge.

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No one seemed to take notice of the absence of the much-touted "poll" that the governor had initially announced would be conducted as part of this week's election to tally people's rejection of the Department of Interior's report on the status of foreign workers in the CNMI. Wonder what changed his mind.....

For those interested in court doings, the Law Revision Commission has begun publishing a quarterly newsletter which includes summaries of CNMI Supreme and Superior court cases and Supreme Court Administrative Orders. The LRC newsletter is available on line at < [www.cnmilaw.org](http://www.cnmilaw.org) >. The 3<sup>rd</sup> quarter newsletter is currently available; earlier ones do not appear to be accessible on line.