

A BILL FOR AN ACT

To further amend title 9 of the Code of the Federated States of Micronesia, as amended, by repealing chapters 1 through 9 in their entirety and enacting new chapters 1 through 8, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Title 9 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by repealing
3 chapters 1 through 9 in their entirety.

4 Section 2. Title 9 of the Code of the Federated States of
5 Micronesia, as amended, is hereby further amended by enacting a
6 new chapter 1 entitled "General Provisions".

7 Section 3. Title 9 of the Code of the Federated States of
8 Micronesia, as amended, is hereby further amended by adding a new
9 section 101 of chapter 1 to read as follows:

10 "Section 101. Short title. This act shall be known and
11 cited as the 'Revised National Election Act of 2005'."

12 Section 4. Title 9 of the Code of the Federated States of
13 Micronesia, as amended, is hereby further amended by adding a new
14 section 102 of chapter 1 to read as follows:

15 "Section 102. Definitions.

16 The following terms shall have the following meanings:

17 (1) 'Citizen' means a citizen as defined by the
18 Constitution of the Federated States of Micronesia and
19 title 7 of the Code of the Federated States of

1 Micronesia;

2 (2) 'Congress' means the Congress of the Federated
3 States of Micronesia;

4 (3) 'Congressional Election District' means the
5 district apportioned by population for which a two-year
6 term Member is elected;

7 (4) 'Election Day' means the date in the Federated
8 States of Micronesia on which National Elections are
9 conducted in the Federated States of Micronesia without
10 regard to the actual date at any Polling Place outside
11 the Federated States of Micronesia;

12 (5) 'Member' means a two-year or four-year member of
13 the Congress of the Federated States of Micronesia;

14 (6) 'Municipality' means a subdivision of a
15 Congressional Election District;

16 (7) 'National Election' means any general or special
17 election for a Member, or any national referendum on a
18 constitutional amendment;

19 (8) 'National Election Director' means the person
20 appointed in accordance with subsection 302(1) of this
21 title;

22 (9) 'National Election Office' means the office or
23 other locations designated by the National Election
24 Director as a location from where official national
25 election activities are carried out;

1 (10) 'National Voter Register' means the list of all
2 Registered Voters in the Federated States of Micronesia
3 who registered to vote with a National Election Office;

4 (11) 'Polling Place' means a location officially
5 designated by the National Election Director where
6 voters cast their ballots in a National Election,
7 including special polling places, VAAPP polling places,
8 mobile polling places and traveler polling places;

9 (12) 'Polls' may refer to two or more Polling Places,
10 or all Polling Places generally;

11 (13) 'President' means the President of the Federated
12 States of Micronesia;

13 (14) 'Public Property' means any land, buildings,
14 facilities, vessels, vehicles, equipment, supplies or
15 other resources that are owned, operated or controlled
16 by the National Government, a State government or a
17 municipal government, or any subdivision, agency or
18 department thereof;

19 (15) 'Public Employee' means any employee of the
20 National Government, a State government or a municipal
21 government, or any subdivision, agency or department
22 thereof;

23 (16) 'Registered Voter' means a person who has
24 registered to vote pursuant to chapter 4 of this title.

25 (17) 'Resident' means a person who qualifies as a

1 resident under the laws of the State in which the person
2 has registered, or seeks to register, to vote;

3 (18) 'Signature List' means the certified list of
4 Registered Voters in a Municipality or Congressional
5 Election District that any person seeking to vote on
6 Election Day must sign at their designated Polling Place
7 before being issued a ballot;

8 (19) 'State' means one of the four States of the
9 Federated States of Micronesia;

10 (20) 'State Election Office' means the official office
11 or other locations designated by the State election
12 officials or state government as a location from where
13 official state election activities are carried out;

14 (21) 'State Voter Register' means the list of
15 Registered Voters for a Congressional Election District
16 or Municipality who registered to vote with a State
17 Election Office;

18 (22) 'VAAPP' means voting at another polling place in
19 accordance with section 604 of this title; and

20 (23) 'Voter Identification Card' means an
21 identification card issued under the authority of the
22 National Election Director to a Registered Voter that
23 contains the Registered Voter's name, registration
24 number, State, Congressional Election District,
25 Municipality, date of birth, sex, signature and other

1 identifying information, and that provides a means of
2 indicating whether that Registered Voter has already
3 cast a ballot in each National Election."

4 Section 5. Title 9 of the Code of the Federated States of
5 Micronesia, as amended, is hereby further amended by adding a new
6 section 103 of chapter 1 to read as follows:

7 "Section 103. Eligible Voters.

8 Every Citizen of the Federated States of Micronesia is
9 eligible to vote in a National Election if he or she has
10 fulfilled the following requirements:

11 (1) is living;

12 (2) is 18 years of age or older on the day of the
13 election;

14 (3) is a Resident of a State;

15 (4) has been a Registered Voter for at least 30 days
16 immediately preceding Election Day;

17 (5) is not currently under a judgment of mental
18 incompetency or insanity; and

19 (6) is not currently under parole, probation, or
20 sentence for any felony for which he or she has been
21 convicted by any court of the Federated States of
22 Micronesia."

23 Section 6. Title 9 of the Code of the Federated States of
24 Micronesia, as amended, is hereby further amended by adding a new
25 section 104 of chapter 1 to read as follows:

1 "Section 104. Election to be by secret ballot. All
2 National Elections shall be by secret ballot, regardless
3 of how State or municipal elections are conducted."

4 Section 7. Title 9 of the Code of the Federated States of
5 Micronesia, as amended, is hereby further amended by adding a new
6 section 105 of chapter 1 to read as follows:

7 "Section 105. General elections.

8 (1) All general elections for Members shall be held
9 biennially in each odd-numbered year on the first
10 Tuesday following the first Monday in March; provided,
11 that where a natural disaster or other event precludes
12 holding the election on the foregoing date, the
13 President may postpone the election in the affected
14 Congressional Election District, Municipality or Polling
15 Place until the next available date on which the natural
16 disaster or other event will not hinder voting,
17 excluding weekends and national holidays.

18 (2) When a State or municipal election is scheduled to
19 be held concurrently with a National Election, the
20 National Election Director shall assist in that election
21 as requested by the State or municipal government, to
22 the extent determined by the National Election Director
23 and within the limits of available resources."

24 Section 8. Title 9 of the Code of the Federated States of
25 Micronesia, as amended, is hereby further amended by adding a new

1 section 106 of chapter 1 to read as follows:

2 "Section 106. Special elections.

3 (1) Special elections shall be conducted in the same
4 manner as general elections, except where this title
5 sets forth a different procedure for special elections.

6 (2) The National Election Director shall schedule a
7 special election to occur 50 days after receipt of
8 notification of the need for a special election;
9 provided, that where a natural disaster or other event
10 precludes holding the election on the foregoing date,
11 the President may postpone the election in the affected
12 Congressional Election District, Municipality or Polling
13 Place until the next available date on which the natural
14 disaster or other event will not hinder voting,
15 excluding weekends and national holidays.

16 (3) Special elections shall be declared as follows:

17 (a) *After election of President and Vice*
18 *President.* After the election of the President and Vice
19 President, vacancies shall be declared for the seats to
20 which the President and Vice President were originally
21 elected as Members. The Speaker of Congress shall make
22 the declaration and notify the National Election
23 Director of the vacancies.

24 (b) *Other vacancies - seated Congress.* Any other
25 vacancy in the Congress shall be filled for the

1 unexpired_term by special election, except that an
2 unexpired term of one year or less shall be filled by
3 appointment by the Governor of the State affected. The
4 appointee shall possess the qualifications required by
5 section 201 of this title and shall serve only for the
6 unexpired term. The Speaker of Congress shall make the
7 declaration of a vacancy to be filled by special
8 election and notify the National Election Director of
9 the vacancy.

10 (c) *Other vacancies - death of a declared winner.*

11 In case a death of a declared winner before being sworn
12 into office, the Governor of the State affected shall
13 notify the Speaker of Congress, who shall immediately
14 declare a vacancy and notify the National Election
15 Director.

16 (4) Date of special election. If the date required by
17 this section for a special election to be held falls on
18 a Saturday or Sunday, the election shall be held on the
19 first Tuesday following that Saturday or Sunday. If the
20 date required by this section for an election to be held
21 falls on a national holiday, the election shall be held
22 on the next available day that is not a Saturday or
23 Sunday."

24 Section 9. Title 9 of the Code of the Federated States of
25 Micronesia, as amended, is hereby further amended by adding a new

1 section 107 of chapter 1 to read as follows:

2 "Section 107. Election funding.

3 Within one year prior to a general election, or 40 days
4 prior to a special election, Congress shall appropriate
5 a sum adequate to defray the administrative and
6 contingent expenses of conducting National Elections as
7 provided by this title."

8 Section 10. Title 9 of the Code of the Federated States of
9 Micronesia, as amended, is hereby further amended by adding a new
10 section 108 of chapter 1 to read as follows:

11 "Section 108. Use of Public Property or Public
12 Employees for Campaign Activities.

13 (1) No Public Property shall be made available,
14 without_cost, to a candidate in a National Election, or
15 his or her supporters, for campaign activities;
16 provided, however, that campaign materials may be
17 displayed on Public Property without cost so long as the
18 campaign materials do not damage or deface that property
19 and the candidate, or his or her supporters, remove such
20 materials prior to 12:00 a.m. on Election Day pursuant
21 to section 705 of this title.

22 (2) If Public Property is made available to a
23 candidate_in a National Election, or his or her
24 supporters, such property shall be made available on an
25 equal basis to all opposing candidates and their

1 supporters.

2 (3) Notwithstanding anything in subsections (1) and
3 (2) of this section, no National Government vehicle
4 shall be used by a candidate, or his or her supporters,
5 for campaign activities.

6 (4) No candidate shall use the services of Public
7 Employees for campaign activities during working hours
8 or while such employees are conducting government
9 business."

10 Section 11. Title 9 of the Code of the Federated States of
11 Micronesia, as amended, is hereby further amended by adding a new
12 section 109 of chapter 1 to read as follows:

13 "Section 109. Use of broadcast and print media.

14 (1) If any broadcast or print media, either public or
15 private, permits a candidate in a National Election, or
16 his or her supporters, to use its facilities or
17 publications, it shall afford access on an equal basis
18 to all opposing candidates, or their supporters, without
19 censorship. No obligation is imposed under this section
20 upon any broadcast or print media to allow the use of
21 its facilities or publications by any candidate in a
22 National Election. Appearance by, or mention of, a
23 candidate in any bona fide news story or interview shall
24 not be deemed to be use of a broadcast facility or
25 publication within the meaning of this section.

1 (2) All broadcast and print media carrying campaign
2 advertisements shall clearly identify each campaign
3 advertisement and shall indicate the candidate, or
4 supporters of the candidate, responsible for the
5 advertisement.

6 (3) No broadcast or print media shall permit use of
7 its facilities or publications by any candidate in a
8 National Election, or his or her supporters, on Election
9 Day."

10 Section 12. Title 9 of the Code of the Federated States of
11 Micronesia, as amended, is hereby further amended by adding a new
12 section 110 of chapter 1 to read as follows:

13 "Section 110. Affidavit to be sworn. The affidavits
14 required pursuant to this title shall be sworn to before
15 any officer or person authorized by law, this title, or
16 regulations issued pursuant thereto, to administer
17 oaths, except for the affidavit accompanying absentee
18 ballots which does not need to be witnessed."

19 Section 13. Title 9 of the Code of the Federated States of
20 Micronesia, as amended, is hereby further amended by adding a new
21 section 111 of chapter 1 to read as follows:

22 "Section 111. Violations.

23 (1) Any person who knowingly violates any of the
24 provisions of this title or any rules or regulations
25 promulgated pursuant thereto, or commits any of the

1 unlawful acts set forth herein or elsewhere in this
2 title, for which a penalty is not otherwise provided,
3 shall be punished by a fine not to exceed \$500, or
4 imprisonment for not more than one year, or both.

5 (2) It shall be unlawful for any person, directly or
6 indirectly, personally or through another, to knowingly
7 commit the following acts:

8 (a) Give, procure, promise or lend or offer to
9 give, procure, promise or lend anything of value for the
10 purpose of inducing or compelling a person to vote or
11 refrain from voting for any particular person or issue,
12 or to sign or refrain from signing a nomination
13 petition;

14 (b) Compel or induce a person to vote, register
15 to vote, sign a nomination petition or run for office
16 knowing that such person is ineligible to do so;

17 (c) Use or attempt to use any means of force,
18 threat, intimidation or coercion against any person for
19 the purpose of inducing or compelling the person to
20 vote or refrain from voting for any particular person or
21 issue, or to sign or refrain from signing a nomination
22 petition;

23 (d) Use or attempt to use any means of force,
24 threat, intimidation or coercion against any candidate
25 so as to cause or attempt to cause the candidate to

1 withdraw from an election;

2 (e) Give or present false information regarding
3 identity, citizenship, address, period of residence, or
4 other material information, when voting or registering
5 to vote;

6 (f) Vote or attempt to vote more than once in the
7 same National Election at the same or another Polling
8 Place;

9 (g) Destroy, mutilate, deface, falsify, forge,
10 conceal or remove any record, register of voters,
11 affidavit, vote return, tally sheet, ballot, or any
12 other official National Election publication or computer
13 programs, unless permitted to do so under this title or
14 any rules or regulations promulgated pursuant thereto;

15 (h) Fail to comply with lawful orders of election
16 officials or obstruct election officials from performing
17 their official duties;

18 (i) Publish a false statement of the withdrawal
19 of candidate for election;

20 (j) Prior to, during or after the counting of the
21 ballots, or prior to, during or after the final
22 certification of the vote of any election, (i) place
23 anything other than a ballot in a ballot box; (ii) add
24 or mix a forged ballot with other ballots; or (iii) add
25 or mix a forged application to vote with other

1 applications to vote;

2 (k) Except as permitted by this title, mark a
3 ballot or cast a vote so that it can be observed by
4 another person, or observe another person lawfully
5 marking a ballot or lawfully casting a vote; and

6 (l) Without authorization of the National
7 Election Director, print, copy, imitate, or distribute,
8 or cause to be printed, copied, imitated, or distributed
9 any ballot that is so substantially similar in style or
10 content to the official ballot as to cause the
11 likelihood of confusion with the official ballot.

12 (3) Anyone who commits one of the acts enumerated in
13 subsection (2) of this section shall be guilty of a
14 national offense and upon conviction shall be fined not
15 more than \$2,000, or imprisoned for not more than five
16 years, or both.

17 (4) Any person who, directly or indirectly, personally
18 or through another, knowingly accepts anything of value
19 for voting or refraining from voting for any particular
20 person or issue, or for signing or refraining from
21 signing a nomination petition shall be guilty of a
22 national offense and upon conviction shall be fined not
23 more than \$500, or imprisoned for not more than one
24 year, or both.

25 (5) Notwithstanding the violations provided in this

1 section, it shall not be unlawful for a person to
2 provide voters with private means of transportation to
3 and from the Polling Place on Election Day so long as no
4 public funds are expended in providing this service."

5 Section 14. Title 9 of the Code of the Federated States of
6 Micronesia, as amended, is hereby further amended by adding a new
7 section 112 of chapter 1 to read as follows:

8 "Section 112. Construction of the act. Election
9 officials shall construe this title in a manner that
10 permits all voters and candidates a fair and equal
11 opportunity to participate in elections."

12 Section 15. Title 9 of the Code of the Federated States of
13 Micronesia, as amended, is hereby further amended by adding a new
14 section 113 of chapter 1 to read as follows:

15 "Section 113. Authority to promulgate rules and
16 regulations. The National Election director, with the
17 approval of the President, shall have the power to
18 promulgate such rules and regulations as are deemed
19 advisable to administer and carry into effect the
20 provisions of this title in accordance with title 17 of
21 the Code of the Federated States of Micronesia."

22 Section 16. Title 9 of the Code of the Federated States of
23 Micronesia, as amended, is hereby further amended by enacting a
24 new chapter 2 entitled "Candidates".

25 Section 17. Title 9 of the Code of the Federated States of

1 Micronesia, as amended, is hereby further amended by adding a new
2 section 201 of chapter 2 to read as follows:

3 "Section 201. Qualifications of Senators. To be
4 eligible for election as a Member of the Congress, a
5 person shall:

6 (1) have attained the age of 30 years by Election Day;

7 (2) be a Resident of the State from which he or she is
8 seeking election on Election Day and for at least five
9 years prior to that date;

10 (3) be a Citizen of the Federated States of Micronesia
11 on Election Day and for at least 15 years prior to that
12 date;

13 (4) not be under a judgment of mental incompetency or
14 insanity; and

15 (5) not have been convicted of a felony by a State or
16 National Court of the Federated States of Micronesia or
17 its predecessor Government of the Trust Territory of the
18 Pacific Islands."

19 Section 18. Title 9 of the Code of the Federated States of
20 Micronesia, as amended, is hereby further amended by adding a new
21 section 202 of chapter 2 to read as follows:

22 "Section 202. Nomination of candidates.

23 (1) Nomination of candidates shall require submission
24 of a nomination paper, including a petition and an

1 affidavit, to the national election commissioner of the
2 State concerned.

3 (2) The petition shall be initiated by a candidate and
4 shall specify whether the candidate is running for a
5 four-year or a two-year term seat in Congress. The
6 petition shall be signed by at least 25 qualified voters
7 of the Congressional Election District wherein the
8 candidate seeks election in the case of a two-year term
9 seat, or of the State wherein the candidate seeks
10 election in the case of a four-year term seat.

11 (3) The affidavit shall be completed and signed by the
12 candidate and affirm that the candidate fulfills the
13 qualifications of Senators as set forth in section 201
14 of this chapter.

15 (4) The name of any candidate shall be printed on an
16 official ballot to be used for choosing candidates only
17 if, at least 120 days prior to a general election or 40
18 days prior to a special election, a nomination paper
19 shall have been filed in the office of the national
20 election commissioner of the State concerned. There
21 shall be deposited with the nomination paper a filing
22 fee of \$100. The national election commissioner of the
23 State concerned shall, upon receipt of the nomination
24 paper, endorse thereon the day, hour, and minute that
25 such nomination paper is received. Any person who is

1 elected as a write-in candidate shall, after
2 certification of the election results, pay a \$100 fee
3 and submit the affidavit, but not the petition, required
4 by this section."

5 Section 19. Title 9 of the Code of the Federated States of
6 Micronesia, as amended, is hereby further amended by adding a new
7 section 203 of chapter 2 to read as follows:

8 "Section 203. Withdrawal of candidates.

9 (1) Any candidate may withdraw his or her candidacy
10 before a general election by giving notice in writing to
11 the national election commissioner of the State in which
12 the candidate is seeking election to forward to the
13 National Election Director, or directly to the National
14 Election Director, whichever is more practical.

15 (2) Upon filing a nomination paper for a special
16 election, no candidate shall be allowed to withdraw his
17 or her candidacy."

18 Section 20. Title 9 of the Code of the Federated States of
19 Micronesia, as amended, is hereby further amended by adding a new
20 section 204 of chapter 2 to read as follows:

21 "Section 204. Substitution of Candidates.

22 (1) Where the death, disqualification or, in the case
23 of a general election, withdrawal of a candidate, or
24 candidates, more than 70 days before a general election
25 or 30 days before a special election has resulted in

1 either, no candidates or, an unopposed candidate running
2 for a particular seat in Congress, substitute candidates
3 may be nominated for that seat prior to 60 days before a
4 general election, or 20 days before of a special
5 election.

6 (2) Where the death, disqualification or withdrawal of
7 a candidate, or candidates, under subsection (1) of this
8 section occurs less than 70 days before a general
9 election or 30 days before a special election, the
10 National Election Director shall determine whether it is
11 feasible to conduct the National Election as scheduled,
12 and if it is not feasible, the President shall postpone
13 the National Election pursuant to subsection (1) of
14 section 105 or subsection (2) of section 106 of this
15 title.

16 (3) A person nominated as a substitute candidate must
17 be nominated by petition in the same manner as the
18 candidate who has died, withdrawn, or been
19 disqualified."

20 Section 21. Title 9 of the Code of the Federated States of
21 Micronesia, as amended, is hereby further amended by adding a new
22 section 205 of chapter 2 to read as follows:

23 "Section 205. Congress as sole judge of its Members.

24 The Congress shall be the sole judge of the elections,
25 returns, and qualifications of its Members; provided,

1 however, that in case of a tie vote in an election, the
2 winner shall be determined in a runoff election between
3 the candidates so tied in accordance with section 712 of
4 this title."

5 Section 22. Title 9 of the Code of the Federated States of
6 Micronesia, as amended, is hereby further amended by adding a new
7 section 206 of chapter 2 to read as follows:

8 "Section 206. Convening, organization, elections of
9 President and Vice President. A newly elected Congress
10 shall convene on the date its Members commence their
11 terms of office and be organized no later than the
12 fourth day immediately following the convening day. The
13 President and Vice President may be elected only after
14 the Congress is fully organized. To be eligible for the
15 office of the President and Vice President, a Member
16 must be a member of Congress for a four-year term, and
17 shall also have been a resident for at least 15 years
18 and a Citizen by birth of the Federated States of
19 Micronesia."

20 Section 23. Title 9 of the Code of the Federated States of
21 Micronesia, as amended, is hereby further amended by enacting a
22 new chapter 3 entitled "Election Officials".

23 Section 24. Title 9 of the Code of the Federated States of
24 Micronesia, as amended, is hereby further amended by adding a new
25 section 301 of chapter 3 to read as follows:

1 "Section 301. National election officials in general.

2 (1) All individuals appointed, hired or otherwise
3 assigned to perform functions pursuant to this title
4 shall not run for elected office or otherwise
5 participate in election campaigns during the term of
6 their appointment.

7 (2) All individuals appointed, hired or otherwise
8 assigned to perform functions pursuant to this title
9 shall not be considered public service employees under
10 title 52 of the Code of the Federated States of
11 Micronesia.

12 (3) All individuals appointed, hired or otherwise
13 assigned to perform functions pursuant to this title
14 shall:

15 (a) Respect the law;

16 (b) Respect human rights and equality;

17 (c) Respect the community, culture, customs and
18 traditions;

19 (d) Build the public trust;

20 (e) Not participate or appear to participate in
21 political activities;

22 (f) Ensure visibility and transparency for all
23 processes;

24 (g) Act honestly at all times;

1 (h) Act with impartiality in decision-making and
2 declare any conflicts of interest;

3 (i) Be professional, knowledgeable, and act with
4 integrity;

5 (j) Be responsive, accurate, and decisive;

6 (k) Be polite, firm and efficient; and

7 (l) Not compromise the secrecy of the ballot."

8 Section 25. Title 9 of the Code of the Federated States of
9 Micronesia, as amended, is hereby further amended by adding a new
10 section 302 of chapter 3 to read as follows:

11 "Section 302. Appointment of national election
12 officials.

13 (1) National Election Director.

14 (a) The President shall appoint one National
15 Election Director with the advice and consent of the
16 Congress. The National Election Director shall be a
17 Resident of a State of the Federated States of
18 Micronesia.

19 (b) The National Election Director shall serve
20 until resignation, or until removed from office upon a
21 determination by the President that such removal is
22 necessary. An appointment of a successor shall then be
23 made by the President with the advice and consent of the
24 Congress.

25 (2) National election commissioners.

1 (a) The President shall appoint a national
2 election commissioner for each of the four States with
3 the advice and consent of Congress.

4 (b) National election commissioners shall serve
5 for a term of four years, which term shall commence upon
6 appointment, subject to removal by the President for
7 cause; provided, that they shall be employed full-time
8 and compensated pursuant to employment contracts during
9 their four-year terms only for such period(s) of time as
10 deemed necessary by the National Election Director for
11 the purpose of preparing for and administering an
12 upcoming National Election.

13 (c) National election commissioners shall not
14 concurrently serve as State election commissioners;
15 provided, however, that if any current national election
16 commissioner is nominated to serve as a State election
17 commissioner, he or she may continue to serve as
18 national election commissioner until such time as a new
19 appointment by the President becomes effective.

20 (d) Each national election commissioner shall be a legal
21 Resident of the State for which he or she is appointed
22 to serve as national election commissioner.

23 (3) Election board and counting and tabulation
24 committee members.

1 (a)The national election commissioner of each State,
2 with the approval of the National Election Director,
3 shall appoint an election board for each Polling Place
4 on or before January 2nd of each election year. There
5 shall be at least two board members at each Polling
6 Place.

7 (b)The national election commissioner of each State,
8 with the approval of the National Election Director,
9 shall appoint members of the counting and tabulation
10 committee for each Polling Place on or before January 2nd
11 of an election year. There shall be at least three
12 committee members for each Polling Place.

13 (c)Election board and counting and tabulation committee
14 members shall serve until the completion of the
15 electoral process for a general or special election in a
16 given election year, or until resignation or removal
17 from office for cause by the National Election Director
18 after consultation with the national election
19 commissioner for the State concerned; provided, that
20 they shall be compensated pursuant to employment
21 contracts only for such period(s) of time as deemed
22 necessary by the national election commissioner for the
23 purpose of preparing for and administering an upcoming
24 election.

1 (d)Election board and counting and tabulation committee
2 members shall be legal Residents of the State and
3 Congressional Election District for which they are
4 appointed to serve."

5 Section 26. Title 9 of the Code of the Federated States of
6 Micronesia, as amended, is hereby further amended by adding a new
7 section 303 of chapter 3 to read as follows:

8 "Section 303. Powers and duties of the National
9 Election Director. The National Election Director shall
10 have responsibility for the overall supervision and
11 administration of all National Elections, and shall
12 perform such duties as are prescribed by law or
13 regulation, which include, but are not limited to
14 following:

15 (1)to supervise and direct the four national election
16 commissioners in their administration of all general and
17 special elections and in the performance of their
18 duties;

19 (2)to approve the appointment by the four national
20 election commissioners of all election board members,
21 counting and tabulation committee members, and other
22 temporary or permanent election staff;

23 (3)to request such reports from election officials as
24 may be required by law or regulation or as the National
25 Election Director may deem necessary;

1 (4)to review and approve all nomination papers received
2 by the four national election commissioners pursuant to
3 section 202 of this title;

4 (5)to maintain, update and preserve the National Voter
5 Register;

6 (6)to issue and implement rules and regulations for the
7 conduct of regular and absentee balloting in all
8 National Elections;

9 (7)not less than 20 days prior to each election, to
10 prepare from the National Voter Register a Signature
11 List for each Polling Place;

12 (8)to certify and declare the results of all National
13 Elections;

14 (9)to review and investigate all registration and
15 election irregularities, and any other alleged
16 violations of this title, and where appropriate, to seek
17 the assistance of other departments and agencies within
18 the National Government with such investigations,
19 provided, that in relation to assistance from the
20 Department of Justice:

21 (a) the Secretary of Justice or an attorney employed
22 by the Department of Justice shall not provide
23 assistance to the National Election Director unless he
24 or she makes a written request for legal advice, in

1 which the scope of the legal advice sought is clearly
2 identified;

3 (b) when providing legal advice pursuant to paragraph
4 (a) of this section, neither the Secretary of Justice
5 nor any attorney employed by the Department of Justice
6 shall make a decision in relation to a matter arising
7 under this title independently of the National Election
8 Director; and

9 (c) notwithstanding anything in this subsection,
10 neither the Secretary of Justice nor any attorney
11 employed by the Department of Justice shall actively
12 participate in the conduct of a National Election,
13 provided, that he or she may be present to observe and
14 provide advice upon request;

15 (10) upon a finding that significant election
16 irregularities at a Polling Place have affected the
17 outcome of the election at the Polling Place, order a
18 recount or exclusion of the votes cast at the Polling
19 Place, a revote at the Polling Place, or any other
20 remedy the National Election Director deems necessary to
21 ensure a free and fair election;

22 (11) to rule on petitions alleging election
23 irregularities pursuant to chapter 8 of this title;

-
- 1 (12)to refer to the Department of Justice any case in
2 which he or she determines that a criminal prosecution
3 for a violation of this title may be warranted;
- 4 (13)to determine and prescribe forms of
5 affidavits, applications, petitions, ballots, Signature
6 Lists, National Voter Register, cards of instruction,
7 poll books, tally sheets, Voter Identification Cards,
8 and other materials required by the provisions of this
9 title for use by candidates, boards, committees, and
10 voters, and to supply the same to the national election
11 commissioners, election boards and counting and
12 tabulation committees;
- 13 (14)to list all candidates for election on the
14 ballot for each Congressional Election District in
15 alphabetical order by first name;
- 16 (15)to be the allottee of election funds unless
17 otherwise provided for in the act appropriating such
18 funds;
- 19 (16)to designate appropriate Polling Places within
20 the Municipalities of each Congressional Election
21 District, upon recommendations of the national election
22 commissioners;
- 23 (17)to administer the National Election Offices
24 and appoint and supervise the election staff of the
25 National Election Offices; and

1 (18)to retain an elections advisor.

2 (a) The National Election Director may
3 retain an elections advisor to provide independent legal
4 advice in relation to any matter arising under this
5 title including, but not limited to:

6 (i) the supervision and administration of
7 National Elections;

8 (ii) the review and investigation of any
9 registration and election irregularities, and any other
10 alleged violations of this title;

11 (iii) any decision or determination the
12 Election Director is required or authorized to make
13 pursuant to this title; and

14 (iv) the referral, to the Department of
15 Justice, of any case in which the Election Director
16 determines that a criminal prosecution for a violation
17 of this title may be warranted.

18 (b) An elections advisor shall not conduct criminal
19 prosecutions on behalf of the National Government.

20 (c) The National Election Director shall not retain
21 any person as an elections advisor unless he or she is
22 licensed to practice law before the Supreme Court of the
23 Federated States of Micronesia, is of good character,
24 has not been convicted of a felony even if pardoned, and
25 is not an employee of the National Government.

1 (d) The National Election Director shall advise the
2 President and the Speaker of Congress in writing within
3 14 days of entering into any retainer agreement with an
4 elections advisor."

5 Section 27. Title 9 of the Code of the Federated States of
6 Micronesia, as amended, is hereby further amended by adding a new
7 section 304 of chapter 3 to read as follows:

8 "Section 304. Powers and duties of national election
9 commissioners. Subject to the authority of the National
10 Election Director, each national election commissioner
11 shall have responsibility for the overall supervision
12 and administration of the election within his or her
13 State and shall perform such duties as are prescribed by
14 law, which include, but are not limited to the
15 following:

16 (1)to appoint, subject to the approval of the National
17 Election Director, all election board members, counting
18 and tabulating committee members and other temporary or
19 permanent election staff;

20 (2)to require such reports from the several election
21 boards and counting and tabulation committees as may be
22 required by law or regulation or as the national
23 election commissioner may deem necessary;

1 (3)to recommend to the National Election Director
2 Polling Places within each Congressional Election
3 District;
4 (4)to receive nomination papers;
5 (5)to register voters for National Elections;
6 (6)to assist the National Election Director in
7 maintaining the National Voter Register required by
8 section 401 of this title;
9 (7)to administer a National Election Office in
10 the State and supervise the election staff of that
11 office;
12 (8)to review and investigate all registration and
13 election irregularities, and any other alleged
14 violations of this title, and where appropriate, to seek
15 the assistance of other departments and agencies within
16 the National Government with such investigations,
17 provided, that in relation to assistance from the
18 Department of Justice:
19 (a) the Secretary of Justice or an attorney employed
20 by the Department of Justice shall not provide
21 assistance to a national election commissioner unless he
22 or she makes a written request for legal advice, in
23 which the scope of the legal advice sought is clearly
24 identified;

1 (b) when providing legal advice pursuant to paragraph
2 (a) of this section, neither the Secretary of Justice
3 nor any attorney employed by the Department of Justice
4 shall make a decision in relation to a matter arising
5 under this title independently of the National Election
6 Director or the relevant national election commissioner;
7 and

8 (c) notwithstanding anything in this subsection,
9 neither the Secretary of Justice nor any attorney
10 employed by the Department of Justice shall actively
11 participate in the conduct of a National Election,
12 provided that he or she may be present to observe and
13 provide advice upon request;

14 (9)to report directly to the National Election Director;
15 and

16 (10)to perform such other duties as the National
17 Election Director may from time to time assign."

18 Section 28. Title 9 of the Code of the Federated States of
19 Micronesia, as amended, is hereby further amended by adding a new
20 section 305 of chapter 3 to read as follows:

21 "Section 305. Powers and duties of election boards.
22 Each election board member shall have the following
23 powers and duties:

24 (1)to perform all duties prescribed under this title or
25 the applicable rules and regulations;

1 (2)to supervise and manage the Polling Place to which
2 the board member has been assigned;
3 (3)to report to the national election commissioner and
4 National Election Director any violations of this title
5 or the applicable rules and regulations;
6 (4)to report any election irregularities to the national
7 election commissioner and National Election Director,
8 and to assist in investigating and resolving such
9 irregularities;
10 (5)to receive, preserve, and maintain ballot boxes,
11 locks, maps, cards of instructions, and other supplies
12 and equipment necessary to conduct elections;
13 (6)to give such instruction deemed necessary for the
14 orderly conduct of the election;
15 (7)to provide for the issuance of all notices and
16 publications concerning elections;
17 (8)to review and examine the sufficiency and validity of
18 nomination papers and other documents where the national
19 election commissioner or the National Election Director
20 designates the board to act in his or her stead;
21 (9)to receive and transmit all ballot boxes, locked and
22 sealed, to the counting and tabulation committee; and
23 (10)to perform such other duties as the national
24 election commissioner or National Election Director may
25 from time to time assign to the board member."

1 Section 29. Title 9 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by adding a new
3 section 306 of chapter 3 to read as follows:

4 "Section 306. Powers and duties of counting and
5 tabulation committees. Each counting and tabulation
6 committee member shall have the following powers and
7 duties:

8 (1)to perform all duties prescribed under this title or
9 the applicable rules and regulations;

10 (2)to conduct the counting and tabulation process for
11 the Polling Place to which the committee member has been
12 assigned;

13 (3)to report to the national election commissioner and
14 National Election Director any violations of this title
15 or the applicable rules and regulations;

16 (4)to report any election irregularities to the national
17 election commissioner and National Election Director,
18 and to assist in investigating and resolving_such
19 irregularities;

20 (5)to receive, preserve, and maintain ballot boxes,
21 locks, maps, cards of instructions, and other supplies
22 and equipment necessary to conduct elections;

23 (6)to give such instruction deemed necessary for the
24 orderly conduct of the counting and tabulation process;

1 (7)to review and examine the sufficiency and validity of
2 any affidavits submitted along with cast ballots;
3 (8)to receive and transmit all ballot boxes, locked and
4 sealed, to the national election commissioner; and
5 (9)to perform such other duties as the national election
6 commissioner or National Election Director may from time
7 to time assign to the committee member."

8 Section 30. Title 9 of the Code of the Federated States of
9 Micronesia, as amended, is hereby further amended by enacting a
10 new chapter 4 entitled "Registration."

11 Section 31. Title 9 of the Code of the Federated States of
12 Micronesia, as amended, is hereby further amended by adding a new
13 section 401 of chapter 4 to read as follows:

14 "Section 401. National Voter Register.

15 (1)There shall be one unified National Voter Register
16 for all of the Federated States of Micronesia, which
17 shall consist of the full name, date of birth, sex,
18 State, Congressional Election District and Municipality
19 of residence, registration number and other identifying
20 information that the National Election Director deems
21 appropriate, of all Registered Voters who are currently
22 eligible to vote.

23 (2)A Registered Voter shall only have one entry on the
24 National Voter Register.

1 (3)The National Election Director shall be responsible
2 for creating, maintaining and preserving the National
3 Voter Register with the assistance of the national
4 election commissioners.

5 (4)The National Voter Register shall be used to generate
6 the Signature Lists for the various Polling Places.

7 (5)Reconciling State Voter Register

8 (a)On a periodic basis, the National Election Director
9 shall reconcile the National Voter Register with the
10 State Voter Register thereby ensuring that all
11 Registered Voters on the State Voter Registers are also
12 listed on the National Voter Register.

13 (b)Thirty days before a National Election, the National
14 Election Director shall perform a final reconciliation
15 of the State and National Voter Registers before the
16 Signature Lists are generated from the National Voter
17 Register.

18 (c)When reconciling the State Voter Register with the
19 National Voter Register, the National Election Director
20 shall ensure that a Registered Voter has only one entry
21 on the National Voter Register pursuant to subsection
22 (2) of this section.

23 (6)The National Voter Register shall be open to public
24 inspection at all times during normal business hours."

25 Section 32. Title 9 of the Code of the Federated States of

1 Micronesia, as amended, is hereby further amended by adding a new
2 section 402 of chapter 4 to read as follows:

3 "Section 402. Registration required; re-registration
4 prohibited.

5 (1)No person shall be entitled to vote in any National
6 Election, or to be listed upon the National Voter
7 Register, or upon any Signature List, who fails to
8 register to vote with the National Election Office or
9 State Election Office at least 30 days prior to Election
10 Day.

11 (2)A person having once been registered with the
12 National Election Office or State Election Office shall
13 not re-register, or be required to re-register, in a
14 National Election, except:

15 (a) in case of change of name or residence, as
16 specified in section 405 of this chapter; or

17 (b) in the event voting records are lost or
18 destroyed, the National Election Director may require
19 the re-registration of those voters whose records are
20 lost or destroyed."

21 Section 33. Title 9 of the Code of the Federated States of
22 Micronesia, as amended, is hereby further amended by adding a new
23 section 403 of chapter 4 to read as follows:

24 "Section 403. Eligibility to register; place of
25 registration and voting.

1 (1) Every Citizen who fulfills the requirements
2 enumerated in section 103 of this title may register to
3 vote in the National Elections in the State,
4 Congressional Election District and Municipality in
5 which he or she currently resides.

6 (2) Except as provided in section 406 of this chapter,
7 a person shall register to vote at a National Election
8 Office or State Election Office in the State in which
9 the person is a Resident. The national election
10 commissioners, with the approval of the National
11 Election Director, may designate other locations within
12 a State where a person may register to vote or may
13 conduct mobile_registration drives.

14 (3) No person shall register to vote in National
15 Elections in any State, Congressional Election District
16 or Municipality other than the one in which he or she
17 currently resides.

18 (4) Once a person has registered to vote in National
19 Elections in a State and Congressional Election
20 District, he or she shall not vote in a National
21 Election for another State or Congressional Election
22 District without first filing a change of registration
23 request form and receiving written notice of approval of
24 that request_pursuant to section 405 of this chapter.

25 (5) Except as provided in chapter 6 of this title, no

1 person shall vote in National Elections in any State,
2 Congressional Election District or Municipality other
3 than the one in which he or she currently resides;
4 provided, however, that where there is a mistake in
5 placing the name of a voter on the Signature List of a
6 Polling Place in a State, Congressional Election
7 District or Municipality in which he or she does not
8 reside, such voter shall nevertheless be allowed to vote
9 therein, if otherwise qualified. The election board
10 member of the particular Polling Place where such voter
11 has voted shall_notify the national election
12 commissioner of the affected State of the error in order
13 that such voter shall be_placed on the correct Signature
14 List for the next National Election.

15 (6) If a person is a Resident of more than one State,
16 or resides in more than one Congressional Election
17 District, he or she may choose in which State or
18 Congressional Election District to register to vote for
19 National Elections, but he or she shall register to vote
20 in only one State and Congressional Election District."

21 Section 34. Title 9 of the Code of the Federated States of
22 Micronesia, as amended, is hereby further amended by adding a new
23 section 404 of chapter 4 to read as follows:

24 "Section 404. Registration procedures.

25 (1) A person desiring to register to vote in National

1 Elections shall complete such applications and
2 affidavits, take such oaths, and present such personal
3 documentation and witnesses, as required by the rules
4 and regulations promulgated by the National Election
5 Director pursuant this title.

6 (2) Regardless of the place of registration, all
7 completed applications and affidavits of registration
8 shall be transmitted to the national election
9 commissioner of the relevant state for final approval
10 and entry onto the National Voter Register.

11 (3) Every completed application or affidavit of
12 registration shall be maintained and preserved at the
13 National Election Office of the State of registration
14 until such time as the Registered Voter who completed
15 the application or affidavit is deceased or is otherwise
16 no longer eligible to vote.

17 (4) All completed applications and affidavits of
18 registration shall be open to public inspection during
19 regular business hours.

20 (5) The National Election Director may issue Voter
21 Identification Cards to all Registered Voters at or
22 after the time of registration. All Voter
23 Identification Cards shall be issued free of charge,
24 provided that, there shall be a charge in an amount to
25 be set out in the rules and regulations promulgated

1 pursuant to this title for issuing a Registered Voter
2 with a replacement Voter Identification Card. Upon
3 issuing a Voter Identification Card to a Registered
4 Voter, the National Election Director, or his or her
5 designee, shall make a notation next to that Registered
6 Voter's entry on the National Voter Register. A
7 Registered Voter who has been issued a Voter
8 Identification Card must present that card before being
9 issued a ballot at his or her Polling Place."

10 Section 35. Title 9 of the Code of the Federated States of
11 Micronesia, as amended, is hereby further amended by adding a new
12 section 405 of chapter 4 to read as follows:

13 "Section 405. Change of registration.

14 (1) Any Registered Voter who changes his or her
15 Congressional Election District or Municipality of
16 residency, but not his or her State of residency, or who
17 changes his or her name after registration, must file a
18 change of registration request form and supporting
19 documentation, as required by the rules and regulations
20 promulgated pursuant to this title, with the national
21 election commissioner of his or her State.

22 (2) Any Registered Voter who (a) changes his or her
23 State of residency, and (b) wishes to register to vote
24 in National Elections in his or her new State of
25 residency, must file a change of registration request

1 form and supporting documentation, as required by the
2 rules and regulations promulgated pursuant to this
3 title, with the national election commissioner of the
4 new State of residence.

5 (3) Upon receipt of a change of registration form
6 under subsection (1) of this section, the national
7 election commissioner shall determine whether the
8 Registered Voter has submitted sufficient proof of his
9 or her change in name or residency. Upon making this
10 determination, the national election commissioner shall
11 cause the entry on the National Voter Register for that
12 Registered Voter to be amended in order to reflect the
13 change in name or residency.

14 (4) Upon receipt of a change of registration form
15 under subsection (2) of this section, the national
16 election commissioner of the new State of residence
17 shall (a) determine whether the Registered Voter has
18 submitted sufficient proof of his or her change in
19 residency, and (b) verify the voter's registration in
20 the former State of residence with the national election
21 commissioner of the former State of residence. Upon
22 verification of change in residency and of prior
23 registration, the national election commissioner of the
24 new State of residence shall cause the entry on the
25 National Voter Register for that Registered Voter to be

1 amended to reflect the change in residency, and advise
2 the national election commissioner of the former State
3 of residence to remove the Registered Voter from any
4 lists maintained in that State.

5 (5) Upon approving a change in residency or name
6 pursuant to subsections (3) and (4) of this section, the
7 national election commissioner processing the request
8 shall notify the Registered Voter of the approval in
9 writing.

10 (6) Change of registration forms received by the
11 national election commissioners less than 30 days before
12 a National Election shall not be accepted for that
13 election."

14 Section 36. Title 9 of the Code of the Federated States of
15 Micronesia, as amended, is hereby further amended by adding a new
16 section 406 of chapter 4 to read as follows:

17 "Section 406. Student registration. A Student
18 currently enrolled at an institution of learning outside
19 his or her State of residency shall not be required to
20 register in person in his or her State of residency, but
21 such student shall submit any applications, affidavits
22 and other documentation required by the rules and
23 regulations promulgated pursuant to this title to the
24 national election commissioner of his or her State of
25 residency."

1 Section 37. Title 9 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by enacting a
3 new chapter 5 entitled "Procedure for Ballots".

4 Section 38. Title 9 of the Code of the Federated States of
5 Micronesia, as amended, is hereby further amended by adding a new
6 section 501 of chapter 5 to read as follows:

7 "Section 501. Official ballots required; specimen
8 ballots.

9 (1) All elections held in accordance with the
10 provisions of this title shall be held by official
11 ballot only. An official ballot is a written or
12 printed, or partly written and partly printed, paper
13 designated as an official ballot that contains the names
14 of persons to be voted for and the office to be filled,
15 or the constitutional amendments to be voted upon by
16 referendum, and that is issued by the National Election
17 Director.

18 (2) The National Election Director shall have printed
19 two exact copies of each official ballot which is to be
20 used in the National Election, for each Polling Place,
21 such copies to have printed thereon, in large bold
22 letters, and with ink of a color plainly contrasting to
23 the color of the paper used, the word 'Specimen.' Two
24 copies of each such specimen ballot shall be forwarded
25 to the national election commissioner of each State and

1 the members of the election board at the same time with
2 the official ballots, and the election board members
3 shall post one of each specimen ballot on either side of
4 the entrance of the Polling Place or other places
5 plainly in sight for the general public."

6 Section 39. Title 9 of the Code of the Federated States of
7 Micronesia, as amended, is hereby further amended by adding a new
8 section 502 of chapter 5 to read as follows:

9 "Section 502. Contents of ballots.

10 (1) A ballot for the election of a Member shall
11 contain the names of the persons and the offices to be
12 voted for, the State and the Congressional Election
13 District in which the election is being held, and the
14 term or terms of the respective offices being voted for.

15 (2) A ballot for a referendum on a constitutional
16 amendment shall follow the basic guidelines established
17 in section 703 of title 1 of the Code of the Federated
18 States of Micronesia. In addition, the referendum
19 ballot may contain a concise, neutral statement
20 regarding the purpose and effect of the constitutional
21 amendment if such purpose and effect is not self-evident
22 from the proposed amendment itself."

23 Section 40. Title 9 of the Code of the Federated States of
24 Micronesia, as amended, is hereby further amended by adding a new
25 section 503 of chapter 5 to read as follows:

1 "Section 503. Printing and distribution of ballots.

2 (1) The ballots shall be printed by order of the
3 National Election Director at the expense of the
4 Federated States of Micronesia. The National Election
5 Director shall complete the printing of the official
6 ballots no later than 50 days before a general election,
7 or no later than 35 days before a special election.
8 Ballots shall be consecutively numbered. Under the
9 direction of the National Election Director, the
10 national_election commissioners shall deliver adequate
11 numbers of ballots to each Polling Place.

12 (2) At least 55 days before a general election, and at
13 least 40 days before a special election, the National
14 Election Director shall print a sample ballot and shall
15 forthwith submit copies of the same to the national
16 election commissioners for distribution to the members
17 of the several election boards and to the several
18 candidates at their addresses as given on their
19 nomination papers, and the national election
20 commissioners and election board member shall post a
21 copy of the same in a conspicuous place in their office
22 or a public place."

23 Section 41. Title 9 of the Code of the Federated States of
24 Micronesia, as amended, is hereby further amended by adding a new
25 section 504 of chapter 5 to read as follows:

1 "Section 504. Amendments to ballots.

2 (1) If a candidate is disqualified, dies or, in the
3 case of a general election, withdraws after the printing
4 of the ballots but prior to a National Election, the
5 national election commissioner shall cause the name of
6 the candidate to be stricken from the ballots and in
7 that regard, may require the services of the election
8 board members of the Congressional Election District in
9 which any person was a candidate and shall notify in
10 writing such election board of the withdrawal,
11 disqualification or death, whereupon notice thereof
12 shall, before the opening of the Polls on election day,
13 be posted at the Polling Place and publicly broadcasted
14 over the radio.

15 (2) If a candidate withdraws his name later than 80
16 days before a general election, or is disqualified at
17 any time before a National Election, and it becomes
18 necessary, in the opinion of the National Election
19 Director, for a reprinting of ballots or a striking out
20 of the candidate's name by a reprint blackout, all
21 expenses thereof, except in case of a withdrawal
22 necessitated for medical cause and so certified by a
23 physician, shall be a charge against the withdrawing or
24 disqualified candidate and shall be paid by him or her
25 within 60 days after such withdrawal or disqualification

1 to the National Election Director.

2 (3) The national election commissioner of the State
3 concerned shall cause the name of the substitute
4 candidate to be placed upon the proper ballots by
5 reprinting, over-printing, or through the use of stamps
6 or such other means as the national election
7 commissioner may deem satisfactory for the purpose and
8 may require the services of election board members who
9 may be in the Congressional Election District in which
10 such person is a candidate. The election board shall
11 post a notice at the Polling Place, and make a public
12 broadcast over the radio, of the name and office sought
13 by any such substitute candidate."

14 Section 42. Title 9 of the Code of the Federated States of
15 Micronesia, as amended, is hereby further amended by adding a new
16 section 505 of chapter 5 to read as follows:

17 "Section 505. Packaging and sealing of ballots; record
18 of distribution. When printed, the ballots shall be
19 fastened together in consecutively numbered blocks of 25
20 each in such manner that each ballot may be detached and
21 removed separately. The National Election Director
22 shall forward the ballots to the national election
23 commissioner of each State who will forward them to the
24 members of the election board in sealed packages, which
25 shall not be opened until the opening of the Polls on

1 Election Day. The national election commissioners shall
2 keep a record_of the number of ballots sent to each
3 election board, and on Election Day each election board
4 shall confirm the total number of ballots received from
5 the national election commissioner on their inventory
6 sheet for the Polling Place."

7 Section 43. Title 9 of the Code of the Federated States of
8 Micronesia, as amended, is hereby further amended by enacting a
9 new chapter 6 entitled "Procedure for Absentee Voters".

10 Section 44. Title 9 of the Code of the Federated States of
11 Micronesia, as amended, is hereby further amended by adding new
12 601 of chapter 6 to read as follows:

13 "Section 601. Absentee voting and ballots in general.

14 (1) An absentee ballot is an official ballot that is
15 authorized by this title to be voted outside of any
16 designated Polling Place or prior to Election Day.

17 (2) Any Registered Voter qualified to vote in any
18 general or special election shall be qualified as an
19 'absentee voter' and entitled to vote according to the
20 provisions set forth in this chapter if:

21 (a) he or she is confined to home or hospital by
22 reason of illness or physical disability, or is
23 incarcerated for a crime, as will prevent him or her
24 from coming to the Polling Place to cast a ballot on
25 Election Day; or

1 (b) he or she is prevented from coming to the
2 Polling Place in the Congressional Election District of
3 registration by reason of being at sea, serving in the
4 armed forces, being obstructed by natural barrier, or
5 being otherwise absent from the Congressional Election
6 District of registration, making it highly impractical
7 or extremely difficult for him or her to arrive at the
8 Polling Place in time to cast a ballot on Election Day.

9 (3) An absentee voter may vote by absentee ballot in
10 one of the following ways:

11 (a) by mail;

12 (b) by voting at a mobile Polling Place;

13 (c) by voting at a VAAPP Polling Place in another
14 Congressional Election District;

15 (d) by voting at a special Polling Place in
16 another state within the Federated States of Micronesia;
17 or

18 (e) by voting at a traveler Polling Place.

19 (4) It shall be unlawful for an absentee voter to vote
20 using more than one method of absentee voting.

21 (5) Any Registered Voter wishing to vote by absentee
22 ballot must submit a written request, using the forms
23 specified in the rules and regulations promulgated
24 pursuant to this title, to the national election
25 commissioner of the State in which the voter is

1 registered. The request shall be signed and dated by
2 the Registered voter and shall include the following
3 information, as well as any additional information the
4 National Election Director may require:

5 (a) the voter's full and correct name and date of
6 birth;

7 (b) the voter's current place of residence and
8 mailing address;

9 (c) the voter's Municipality and Congressional
10 Election District of registration;

11 (d) the voter's reasons for being absent from his
12 or her Congressional Election District on Election Day;
13 and

14 (e) the type of absentee voting the voter seeks
15 to use.

16 (6) Only the Registered Voter seeking to vote by
17 absentee ballot may submit an absentee ballot request to
18 the national election commissioner. With the exception
19 of confined voting pursuant to section 603 of this
20 chapter, all absentee ballot request forms must be
21 individually mailed or delivered in person to the
22 national election commissioner by the Registered Voter
23 making the request. Bulk delivery of absentee request
24 forms by hand, mail or other means shall not be accepted
25 and shall be considered invalid."

1 Section 45. Title 9 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by adding a new
3 section 602 of chapter 6 to read as follows:

4 "Section 602. Voting absentee ballot by mail.

5 (1) Any Registered Voter who will be outside his or
6 her State of registration on Election Day may vote
7 absentee ballot by mail.

8 (2) Deadlines for submitting requests to vote absentee
9 ballot by mail.

10 (a) In the case of a general election, the
11 request to vote absentee ballot by mail, using the forms
12 required by the rules and regulations promulgated
13 pursuant to this title, must be received by the national
14 election commissioner of the State in which the voter is
15 registered not more than 120 days but not less than 40
16 days before Election Day.

17 (b) In the case of a special election, the
18 request to vote absentee ballot by mail must be received
19 by the national election commissioner of the State in
20 which the_voter is registered not more than 50 days but
21 not less than 35 days before the day of the special
22 election.

23 (c) If the absentee voter currently resides in a
24 foreign country where the Federated States of Micronesia
25 maintains an embassy or consulate, then a request to

1 vote absentee ballot by mail may alternatively be sent
2 to the embassy or consulate, which shall then forward a
3 copy of the request to the National Election Director,
4 or his or her designee, for verification and processing.
5 The absentee voter shall indicate on the request form
6 whether he or she intends to pick up his or her absentee
7 ballot at the embassy or consulate.

8 (d) The voter is solely responsible for ensuring
9 that the request to vote absentee ballot by mail is
10 received by the deadline. Delayed and lost mail for
11 absentee ballot requests shall not create any obligation
12 of the National Election Director or the national
13 election commissioner to provide absentee ballots at any
14 time after the time periods set forth herein have
15 expired.

16 (e) The national election commissioner, shall, at
17 least 30 days before a National Election, mail an
18 absentee ballot to any absentee voter who has requested
19 an absentee ballot in accordance with this section;
20 provided, however, that for those absentee voters who
21 have indicated on their request forms that they intend
22 to pick up their absentee ballot at an embassy or
23 consulate, the National Election Director shall provide
24 sufficient absentee ballots to the embassy or consulate
25 10 days before a National election.

1 (f) The National Election Director, or his or her
2 designee, shall strike out or delete the entry of the
3 absentee voter on the Signature List for that voter's
4 regular Polling Place. The absentee voter shall not be
5 allowed to cast a ballot at his or her regular Polling
6 Place on Election Day.

7 (3) Marking and returning of absentee ballots by mail.

8 (a) An absentee ballot by mail shall include the
9 following parts: an official ballot, a ballot envelope,
10 an affidavit prescribed by the National Election
11 Director, and a covering reply envelope.

12 (b) The absentee voter shall mark the ballot in
13 the usual manner provided by law and in such manner that
14 no person can see or know how the ballot is marked. The
15 absentee voter shall then deposit the ballot in the
16 envelope and securely seal the same. The absentee voter
17 shall then complete and execute the affidavit. The
18 ballot envelope and the affidavit shall then be enclosed
19 and sealed in the covering reply envelope.

20 (c) Absentee ballots and affidavits must be
21 received by the national election commissioner of the
22 State issuing the absentee ballot no later than the
23 established closing hour of the Polls on Election Day.
24 If an absentee voter resides in a foreign country where
25 the Federated States of Micronesia maintains an embassy

1 or consulate, and the absentee voter had submitted his
2 or her request to vote absentee ballot to that embassy
3 or consulate, then the absentee voter may alternatively
4 deliver his or her absentee ballot and affidavit to that
5 embassy or consulate. The absentee ballot and affidavit
6 must be received by the embassy or consulate no later
7 than the established closing hour of the Polls on
8 Election Day.

9 (d) Absentee ballots received at a post office in
10 the Federated States of Micronesia on Election Day shall
11 be stamped with the time and date of their receipt.

12 (4) Disposition of absentee ballots by mail.

13 (a) Upon the receipt of an absentee ballot, the
14 national election commissioner, or his or her appointee,
15 shall open it, remove the ballot envelope, and examine
16 the affidavit. If the national election commissioner or
17 his or her appointee determines that the absentee ballot
18 is valid, the ballot envelope shall be deposited
19 unopened in a container retained for that purpose. The
20 container shall be securely sealed except for an opening
21 sufficient_to permit deposit of ballot envelopes and
22 shall be marked with the name and official title of the
23 national election commissioner, or his or her appointee,
24 and the words, 'This container holds absentee ballots
25 and must be opened only pursuant to law.' The national

1 election commissioner, or his or her designee, shall
2 safely keep each container secured in the commissioner's
3 office until Election Day.

4 (b) On Election Day, the national election
5 commissioner, or his or her designee, shall open the
6 container, extract and segregate the ballot envelopes,
7 and deliver such envelopes to the counting and
8 tabulation committee. Each candidate, or his or her
9 representative, shall have the opportunity to be present
10 during this process.

11 (c) An absentee ballot may be determined to be
12 invalid if:

13 (i) the affidavit is found to be
14 insufficient;

15 (ii) the signatures on the request for the
16 ballot and the affidavit do not correspond;

17 (iii) the request for the ballot was not
18 properly made or was untimely, as set forth in this
19 section;

20 (iv) the ballot was not returned in a timely
21 fashion, as set forth in this section;

22 (v) the ballot was returned in a bundle with
23 other ballots;

24 (vi) the voter is not qualified to vote;

25 (vii) the voter is not registered to vote;

1 (viii) the ballot envelope is open or has been
2 opened and resealed; or

3 (ix) the voter has already voted.

4 (d) The ballot envelope of an invalid absentee
5 ballot shall not be opened and the national election
6 commissioner or his appointee shall mark across its face
7 'Rejected,' and write the reason for the rejection, and
8 shall preserve the same in the manner and for the period
9 of time required under this title for regular ballots
10 cast in an election. At the end of this time period,
11 the invalid absentee ballots shall be destroyed without
12 being opened in the manner provided under this title."

13 Section 46. Title 9 of the Code of the Federated States of
14 Micronesia, as amended, is hereby further amended by adding a new
15 section 603 of chapter 6 to read as follows:

16 "Section 603. Voting absentee ballot at a mobile
17 Polling Place.

18 (1) Registered Voters who are confined, as set forth
19 in paragraph 601(2)(a), shall be entitled to vote by
20 absentee ballot at a mobile Polling Place.

21 (2) Written requests to vote at a mobile Polling
22 Place, using the forms required by the rules and
23 regulations promulgated pursuant to this title, must be
24 submitted to the national election commissioner not more
25 than 120 days before Election Day. If the absentee

1 voter is unable to personally complete and deliver the
2 request form to vote at a mobile Polling Place, then the
3 absentee voter can request the assistance of a family
4 member.

5 (3) voting by absentee ballot at a mobile Polling
6 Place shall take place either on Election Day or the day
7 immediately preceding Election Day.

8 (4) Absentee voters voting at a mobile Polling Place
9 shall vote in such manner as to ensure secrecy of ballot
10 and to preclude tampering with the ballots of such
11 voters and other election fraud; provided, that any
12 voter who by reason of physical disability is unable to
13 mark his or her ballot shall be authorized to receive
14 assistance in the marking thereof.

15 (5) The National Election Director may require
16 affidavits and other written statements from absentee
17 voters voting at a mobile Polling Place and from
18 election officials who assist these voters to vote."

19 Section 47. Title 9 of the Code of the Federated States of
20 Micronesia, as amended, is hereby further amended by adding a new
21 section 604 of chapter 6 to read as follows:

22 "Section 604. Voting absentee ballot in another
23 Congressional Election District in the State of
24 registration.

25 (1) Registered Voters who are outside their

1 Congressional Election District of registration, but
2 inside their State of registration, may vote at a VAAPP
3 Polling Place if the following conditions are met:

4 (a) the voter is present in his or her State on
5 Election Day;

6 (b) the voter is lawfully registered to vote in
7 his or her Congressional Election District;

8 (c) the voter submits to the national election
9 commissioner of the State of registration a written
10 VAAPP request using the forms required by the rules and
11 regulations promulgated pursuant to this title; and

12 (d) the national election commissioner of the
13 State of registration receives the written VAAPP request
14 at least seven days before the National Election.

15 (e) Notwithstanding subsections (c) or (d), a
16 voter with a valid Voter Identification Card may vote at
17 any VAAPP Polling Place designated for his or her
18 Congressional Election District without submitting a
19 written request.

20 (2) The national election commissioner, or his or her
21 designee, shall review all VAAPP requests for a
22 particular Congressional Election District, and shall
23 request that the National Election Director place on a
24 VAAPP Signature List for that Congressional Election
25 District all the information contained on the National

1 Voter Register for those absentee voters who submitted
2 valid and timely requests. No later than six days
3 before a National Election, the national election
4 commissioners shall post at the National Election Office
5 in their State the VAAPP Signature List for each VAAPP
6 Polling Place in their State.

7 (3) The National Election Director, or his or her
8 designee, shall strike out or delete the entry of the
9 absentee voter on the Signature List for that voter's
10 regular Polling Place. The VAAPP absentee voter shall
11 not be allowed to cast a ballot at his or her regular
12 Polling Place on Election Day.

13 (4) The seven-day notice requirement in subsection(1)
14 of this section may be waived if the following
15 conditions are met:

16 (a) in a prior National Election, the absentee
17 voter submitted a written VAAPP request in which he or
18 she indicated his or her desire to vote at the same
19 VAAPP Polling Place in future National Elections until
20 such time as the voter provides written notification to
21 the national election commissioner that he or she wishes
22 to resume voting at his or her regular Polling Place; or

23 (b) the national election commissioner makes a
24 finding in writing that an absentee voter was unable to
25 give sufficient notice because of circumstances beyond

1 his or her control, and that the waiver would not
2 prevent compliance with any other provision of this
3 section."

4 Section 48. Title 9 of the Code of the Federated States of
5 Micronesia, as amended, is hereby further amended by adding a new
6 section 605 of chapter 6 to read as follows:

7 "Section 605. Voting absentee ballot at a special
8 Polling Place in another State.

9 (1) Registered Voters who are absent from their State
10 of registration on Election Day may cast their votes in
11 another State within the Federated States of Micronesia
12 at a special Polling Place.

13 (2) Not less than 60 days prior to a general election,
14 or 45 days prior to a special election, the National
15 Election Director shall designate the locations of the
16 special Polling Places within the Federated States of
17 Micronesia.

18 (3) Requests to vote absentee ballot at a special
19 Polling Place must be in writing, using the forms
20 required by the rules and regulations promulgated
21 pursuant to this_title, and received by the national
22 election commissioner of the State of registration not
23 less than 30 days prior to a general election or 10 days
24 before a special election; provided however, no written
25 request shall be required if in a previous National

1 Election the absentee voter submitted a request in which
2 he or she indicated his or her desire to vote at the
3 same special Polling Place in future National Elections
4 until such time as the voter provides written
5 notification to the national election commissioner that
6 he or she wishes to resume voting at his or her regular
7 Polling Place. Provided, further, that a voter with a
8 valid Voter Identification Card may vote at any special
9 Polling Place designated for his her Congressional
10 Election District without submitting a written request.

11 (4) The national election commissioner, or his or her
12 designee, shall review all special Polling Place
13 requests for a particular Congressional Election
14 District, and shall request that the National Election
15 Director place on a special Polling Place Signature List
16 for that Congressional Election District all the
17 information contained on the National Voter Register for
18 those absentee voters who submitted valid and timely
19 requests. No later than six days before a National
20 Election, the national election commissioners shall post
21 at the National Election Office in their State the
22 special Polling Place Signature List for each special
23 Polling Place in their State.

24 (5) The National Election Director, or his or her
25 designee, shall strike out or delete the entry of an

1 absentee voter included on a special Polling Place
2 Signature list from the Signature List for that voter's
3 regular Polling Place. The absentee voter shall not be
4 allowed to cast a ballot at his or her regular Polling
5 Place on Election Day."

6 Section 49. Title 9 of the Code of the Federated States of
7 Micronesia, as amended, is hereby further amended by adding a new
8 section 606 of chapter 6 to read as follows:

9 "Section 606. Voting absentee ballot prior to traveling
10 outside the State.

11 (1) Registered Voters who will be traveling outside
12 their State of registration on Election Day may cast a
13 ballot at a traveler Polling Place prior to their
14 departure from the State if they meet the following
15 conditions:

16 (a) the voter is lawfully registered to vote in
17 his or her Congressional Election District;

18 (b) the voter submits in person to the national
19 election commissioner of the State of registration a
20 written request to cast a ballot prior to traveling
21 outside his or her State of registration, using the
22 forms required by the rules and regulations promulgated
23 pursuant to this title, not more than 30 days and not
24 less than one day before the National Election; and

25 (c) the voter submits proof, in the form of an

1 airline or passenger ship ticket, of his or her travel
2 plans.

3 (2) Upon meeting the conditions specified in
4 subsection 1 of this section, the national election
5 commissioner, or his or her designee, shall issue the
6 traveler absentee voter the same voting materials that
7 are issued to absentee voters by mail as specified in
8 subsection 602(3). The same procedures for marking,
9 returning, and disposition of absentee ballots by mail
10 specified in subsection 602(3) and (4) shall apply to
11 the marking, returning and disposition of traveler
12 absentee ballots.

13 (3) The National Election Director, or his or her
14 designee, shall strike out or delete the entry of the
15 absentee voter on the Signature List for that voter's
16 regular Polling Place. The traveler absentee voter
17 shall not be allowed to cast a ballot at his or her
18 regular Polling Place on Election Day."

19 Section 50. Title 9 of the Code of the Federated States of
20 Micronesia, as amended, is hereby further amended by enacting a
21 new chapter 7 entitled "Procedure for Conduct of National
22 Elections.

23 Section 51. Title 9 of the Code of Federated States of
24 Micronesia, as amended, is hereby further amended by adding a new
25 section 701, of chapter 7 to read as follows:

1 Section 701. Supervision of Polling Places.

2 (1) The national election commissioner of each State
3 shall ensure that Polling Places are properly supervised
4 by election board members and such other election and
5 law enforcement officials as the National Election
6 Director or the national election commissioner shall
7 deem necessary.

8 (2) Public schools and other public places shall be
9 utilized where practicable as polling places. Rent
10 shall not be charged or paid for the use of public
11 places but may be charged and paid for private places,
12 where public places are unavailable.

13 Section 52. Title 9 of the Code of the Federates States of
14 Micronesia, as amended, is hereby further amended by adding a new
15 section 702 of chapter 7 to read as follows:

16 "Section 702. Equipping and supplying Polling Places.
17 Each Polling Place shall be provided with the necessary
18 number of ballot boxes, locks, official ballots,
19 Signature Lists, pencils, envelopes, affidavits,
20 inventory sheets, and all other necessary supplies."

21 Section 53. Title 9 of the Code of the Federates States of
22 Micronesia, as amended, is hereby further amended by adding a new
23 section 703 of chapter 7 to read as follows:

24 "Section 703. Opening and closing of Polls.

25 (1) Except as otherwise provided in this section, at

1 exactly 7:00 a.m. of the day of the election, a member
2 of the board of election shall proclaim aloud at each
3 place of election that the Polls are open and shall be
4 kept open until 5:00 p.m., of the same day, after which
5 time the Polls shall be closed.

6 (2) If, at the hour of closing, there are any voters
7 in the Polling Place, or in line at the door, who are
8 qualified to vote and have not been able to do so, the
9 Polling Place shall remain open a sufficient time to
10 enable them to vote.

11 (3) If an election for State office is held on the
12 same day as a national election and the time for closing
13 is later than 5:00 p.m., then the closing time for the
14 State election shall prevail."

15 Section 54. Title 9 of the Code of the Federates States of
16 Micronesia, as amended, is hereby further amended by adding a new
17 section 704 of chapter 7 to read as follows:

18 "Section 704. Checking the register; issuing of
19 ballots.

20 (1) A person appearing at any Polling Place to vote,
21 including absentee Polling Places specified in
22 subsections 601(3)(b), (c), (d) and (e), shall report
23 his or her full name to the election board members. If
24 the person has been issued a Voter Identification Card,
25 he or she must present that voter Identification Card to

1 the election board members in order to vote. If the
2 person_has not been issued a Voter Identification Card,
3 then he or she shall present other proof of identity as
4 required under the rules and regulations promulgated
5 pursuant to this title.

6 (2) An election board member shall then check the
7 Signature List to determine whether or not the person
8 appearing is a Registered Voter for that Congressional
9 Election District and Municipality, and if so, shall
10 announce the name appearing on the Signature List. Once
11 the person's identity has been established and entry has
12 been found on the Signature List, he or she shall sign
13 his or her full name next to his or her entry on the
14 Signature List. An election board member shall then
15 issue the person an official ballot, and, if the person
16 has presented a Voter Identification Card, shall mark
17 the person's Voter Identification Card so as to indicate
18 that he or she has already voted in that National
19 Election.

20 (3) No person shall be permitted to cast a ballot in a
21 National Election at a Polling Place unless his or her
22 name appears on the Signature List for that Polling
23 Place and he or she signs the Signature List; provided,
24 however, that a person whose name does not appear on the
25 Signature List but who presents a valid Voter

1 Identification Card for that Polling Place which
2 indicates that he or she has not yet voted in that
3 National Election, such person shall be permitted to
4 cast a ballot after signing a supplemental Signature
5 List.

6 (4) Any election board member, poll watcher or
7 Registered Voter may challenge the identity or
8 eligibility to vote of any person appearing at the
9 Polling Place to vote on Election Day in accordance with
10 section 708 of this chapter.

11 (5) An election board member shall record in the
12 official log book for the Polling Place the full name,
13 date of birth, sex and municipality of registration of
14 any person not allowed to cast a ballot as a result of
15 subsections (3) or (4) of this section. The election
16 board member shall also record in the official log book
17 the reason for disallowing the person to vote. The
18 person not allowed to vote shall then sign the log book
19 next to his or her entry.

20 (6) The National Election Director shall establish by
21 rules and regulations additional security measures to
22 prevent election fraud and irregularities at the Polling
23 Places."

24 Section 55. Title 9 of the Code of the Federated States of
25 Micronesia, as amended, is hereby further amended by adding a new

1 section 705 of chapter 7 to read as follows:

2 "Section 705. Campaigning on Election Day.

3 (1) No campaigning shall occur from 12:00 a.m. until
4 the close of the Polls on Election Day. All campaign
5 materials shall be removed by candidates, or their
6 supporters, from Public Property prior to 12:00 a.m. on
7 Election Day.

8 (2) No candidate or candidate supporter shall provide
9 free or discounted food, drinks or other items of value,
10 or free or discounted services, other than private
11 transportation services, to voters on Election Day.

12 (3) No candidate shall be allowed within 100 feet of
13 any Polling Place except for the purpose of casting his
14 ballot."

15 Section 56. Title 9 of the Code of the Federated States of
16 Micronesia, as amended, is hereby further amended by adding a new
17 section 706 of chapter 7 to read as follows:

18 "Section 706. Sale or consumption of alcohol on
19 Election Day. No alcoholic beverages shall be sold,
20 consumed in public or otherwise provided to any person
21 during Election Day while the Polls are open."

22 Section 57. Title 9 of the Code of the Federated States of
23 Micronesia, as amended, is hereby further amended by adding a new
24 section 707 of chapter 7 to read as follows:

25 "Section 707. Poll watchers. Each candidate shall be

1 entitled to have not more than two poll watchers at each
2 Polling Place."

3 Section 58. Title 9 of the Code of the Federated States of
4 Micronesia, as amended, is hereby further amended by adding a new
5 section 708 of chapter 7 to read as follows:

6 "Section 708. Complaints at the Polling Place.

7 (1) Any person may file an oral or written complaint
8 of any election irregularity with a member of the
9 election board present at the Polling Place.

10 (2) The board member shall give any individual against
11 whom the complaint is made time to present witnesses and
12 an explanation, if any, but in no event shall time be
13 granted so as to prevent the election board from making
14 a decision prior to the time for the closing of the
15 Polls.

16 (3) The complainant, or the individual against whom
17 the complaint is made, may appeal the decision of the
18 election board to the national election commissioner of
19 the State concerned. The national election commissioner
20 shall, as soon as possible, examine the findings of the
21 election board and may hear witnesses if he or she deems
22 it necessary. The national election commissioner shall
23 render a decision prior to the time of the closing of
24 the Polls or as soon as practicable thereafter.

25 (4) The aggrieved party may appeal the decision of the

1 national election commissioner to the National Election
2 Director in accordance with section 802 of this title.

3 (5) An election board member shall record in the
4 official log book for the Polling Place the name, date
5 of birth, sex and municipality of registration of the
6 person making the complaint and the person against whom
7 the complaint is made. The election board member shall
8 also record in the log book the basis of the complaint
9 and any decision reached by the election board. In
10 addition, the complainant, the individual against whom
11 the complaint was made, any witnesses, board members or
12 poll watchers may write their comments regarding the
13 complaint or the election board's decision in the log
14 book.

15 (6) The National Election Director shall promulgate
16 rules and regulations on how to resolve, in a timely
17 manner, complaints at a Polling Place."

18 Section 59. Title 9 of the Code of the Federated States of
19 Micronesia, as amended, is hereby further amended by adding a new
20 section 709 of chapter 7 to read as follows:

21 "Section 709. Disposition of ballot boxes after
22 completion of voting. After all voting is completed,
23 all ballot boxes shall be secured and locked. The
24 locked boxes and all other supplies provided to the
25 Polling Places by the national election commissioner

1 shall be collected by election officials and delivered
2 to the national election commissioner of the State
3 concerned, or his or her designee, by the most
4 expeditious means available. Election officials shall
5 certify to said national election commissioner that the
6 ballots so delivered were cast in accordance with
7 provisions of this title."

8 Section 60. Title 9 of the Code of the Federated States of
9 Micronesia, as amended, is hereby further amended by adding a new
10 section 710 of chapter 7 to read as follows:

11 "Section 710. Counting of ballots; announcement of
12 unofficial results.

13 (1) The National Election Director, upon the
14 recommendation of the national election commissioner of
15 the relevant State, shall establish counting and
16 tabulation committees in each State. Each counting and
17 tabulation committee shall be composed of not less than
18 three members.

19 (2) Each counting and tabulation committee shall
20 publicly count and tally all votes cast and determine
21 the acceptability thereof, provided, however, that no
22 persons other than members of the counting and
23 tabulation committee, the candidate, the candidate's
24 poll watcher, and such other election or law enforcement
25 officials as the National Election Director or the

1 national election commissioner shall deem necessary,
2 shall be permitted within 100 feet of the counting and
3 tabulation of ballots.

4 (3) The counting and tabulation of ballots cast shall
5 begin upon receipt of the ballot box, if such activity
6 is centralized, or upon the close of the Polling Place,
7 if such activity is decentralized.

8 (4) Public announcement of the unofficial results of
9 the counting and tabulation of the ballots by each
10 counting and tabulation committee shall be made by the
11 national election commissioner in the manner set forth
12 in regulations promulgated pursuant to this title."

13 Section 61. Title 9 of the Code of the Federated States of
14 Micronesia, as amended, is hereby further amended by adding a new
15 section 711 of chapter 7 to read as follows:

16 "Title 711. Certification and declaration of election
17 results.

18 (1) Upon completion of the counting and tabulation of
19 election results by the national election commissioners,
20 and no later than three days after the unofficial
21 election results of all four States have been received
22 by the National Election Director, the National Election
23 Director shall certify the election results and shall
24 declare as the winning candidates for the Congress of
25 the Federated States of Micronesia the candidates

1 receiving the plurality of votes in each Congressional
2 Election District.

3 (2) Upon certification and declaration of the results,
4 the National Election Director shall immediately provide
5 to all election candidates notice of such certification
6 in the most practical and expeditious manner available.

7 (3) In the case where there is an irregularity
8 preventing certification of the results in any
9 Congressional Election District, the results from such
10 district shall be delayed until such irregularity is
11 resolved, but the results from the other Congressional
12 Election Districts shall be certified and declared in
13 accordance with this section."

14 Section 62. Title 9 of the Code of the Federated States of
15 Micronesia, as amended, is hereby further amended by adding a new
16 section 712 of chapter 7 to read as follows:

17 "Section 712. Resolution of ties. After all votes have
18 been tabulated by the national election commissioner and
19 his or her designees and certified to by the National
20 Election Director, if two or more candidates shall have
21 received an equal number of votes, such tie shall be
22 resolved by a runoff election between those candidates
23 held within 30 days. The candidate receiving the
24 plurality of votes in the runoff shall be declared the
25 winner by the National Election Director, and the result

1 shall be certified under the procedures of section 711
2 of this chapter."

3 Section 63. Title 9 of the Code of the Federated States of
4 Micronesia, as amended, is hereby further amended by adding a new
5 section 713 of chapter 7 to read as follows:

6 "Section 713. Rejected or spoiled ballots.

7 (1) All ballots which have been declared invalid due
8 to defacement or other irregularity shall be sorted and
9 a notation placed upon them indicating that they are
10 rejected ballots. Upon completion of the counting of
11 the ballots, the rejected ballots shall be placed in the
12 ballot box and returned by the counting and tabulating
13 committee to the national election commissioner with the
14 validly cast ballots.

15 (2) Two or more markings in one voting square or a
16 mark_made partly within and partly without a voting
17 square or space does not make a ballot void.

18 (3) Any voter who spoils a ballot may return it to a
19 member of the election board and receive another in its
20 place. He shall be given one ballot at a time;
21 provided, that the number of ballots given him is not to
22 exceed three in all.

23 (4) A ballot shall not be rejected for any technical
24 error which does not render it impossible to determine
25 the voter's choice, even though the ballot is soiled or

1 partially defaced.

2 (5) If for any reason a ballot is imperfectly marked
3 and it is impossible to determine the voter's choice for
4 any office or issue, his or her ballot shall not be
5 counted for that office or issue, but the rest of his or
6 her ballot, if properly marked, shall be counted."

7 Section 64. Title 9 of the Code of the Federated States of
8 Micronesia, as amended, is hereby further amended by adding a new
9 section 714 of chapter 7 to read as follows:

10 "Section 714. Write-in votes. Write-in votes may be
11 used in National Elections. Any name written upon a
12 ballot shall be counted as a vote for the person whose
13 name is so written for the office under which it is
14 written."

15 Section 65. Title 9 of the Code of the Federated States of
16 Micronesia, as amended, is hereby further amended by adding a new
17 section 715 of chapter 7 to read as follows:

18 "Section 715. Preservation of ballots and election
19 materials. All cast, unused, rejected and spoiled
20 ballots, and all official forms used by the election
21 boards, the counting and tabulation committees and other
22 election officials shall be preserved and secured in a
23 safe location to be determined by the National Election
24 Director and national election commissioners until the
25 time periods for challenging an election result under

1 chapter 8 of this title have expired, or such later date
2 if so ordered by the Appellate Division of the Supreme
3 Court of the Federated States of Micronesia. All
4 ballots, and any other official forms the National
5 Election Director specifies through rules and
6 regulations promulgated pursuant to this title, shall
7 thereafter be promptly destroyed."

8 Section 66. Title 9 of the Code of the Federated States of
9 Micronesia, as amended, is hereby further amended by enacting a
10 new chapter 8 entitled "Procedure for Petitions and Appeals".

11 Section 67. Title 9 of the Code of the Federated States of
12 Micronesia, as amended, is hereby further amended by adding a new
13 section 801 of chapter 8 to read as follows:

14 "Section 801. Petitions for recount, revote or
15 challenging acceptability of votes.

16 (1) A petition for a recount may be filed by any
17 candidate who believes that there was fraud or error
18 committed in the canvassing, casting or return of votes
19 in a National Election.

20 (2) If a candidate believes that there was fraud or
21 error committed in the canvassing, casting or return of
22 votes in a National Election which cannot be corrected
23 by recount, a candidate may petition for a revote,
24 either in a Congressional Election District as a whole,
25 or in the portion thereof where the fraud or error took

1 place.

2 (3) Any other petition challenging the acceptability
3 of a vote or votes may be filed by any Registered Voter
4 who believes that there was fraud or error committed in
5 the canvassing, casting or return of votes in a National
6 Election. A petition under this subsection shall include
7 a petition by a candidate challenging a decision of the
8 National Election Director made under subsection 303(10)
9 of this title.

10 (4) A petition under subsections (1), (2) or (3) shall
11 be filed with the National Election Director. Such
12 petition shall contain:

13 (a) a statement of the nature, location and
14 extent of the election fraud or error that forms the
15 basis of the petition;

16 (b) a statement of the form of relief the
17 petitioner seeks;

18 (c) a list of election records and witnesses that
19 will establish the existence of election error or fraud,
20 specifying how each record or official listed is
21 relevant to allegations contained in the petition; and

22 (d) affidavits, documents and any other evidence
23 in support of the petition."

24 Section 68. Title 9 of the Code of the Federated States of
25 Micronesia, as amended, is hereby further amended by adding a new

1 section 802 of chapter 8 to read as follows:

2 "Section 802. Filing time frames.

3 (1) A petition for a recount or revote must be filed
4 within one week after the National Election Director
5 certifies the results of the National Election in the
6 Congressional Election District or State concerned.

7 (2) Any other petition challenging the acceptability
8 of a vote or votes must be filed before the National
9 Election Director certifies the results of the National
10 Election in the Congressional Election District or State
11 concerned, or within one week of Election Day, whichever
12 occurs first, provided that if a petition could not have
13 been filed within one week of Election Day as a result
14 of a delayed action or decision of the National Election
15 Director or a national election commissioner, then the
16 petition shall be filed prior to certification of the
17 election result for the relevant National Election
18 District or State.

19 (3) The winning candidate shall have one week to
20 respond to the petition.

21 (4) The National Election Director shall have 14 days
22 to decide whether to approve the petition."

23 Section 69. Title 9 of the Code of the Federated States of
24 Micronesia, as amended, is hereby further amended by adding a new
25 section 803 of chapter 8 to read as follows:

1 "Section 803. Standard of proof.

2 (1) The National Election Director shall grant a
3 petition for a recount where he or she determines that
4 the petitioner has shown by a preponderance of the
5 evidence that there is a substantial question of fraud
6 or error and that there is a substantial possibility
7 that the outcome of the election would be affected by a
8 recount.

9 (2) The National Election Director shall grant a
10 petition for a revote where he or she determines that
11 the petitioner has shown by a preponderance of the
12 evidence that it is more likely than not that the fraud
13 or error complained of could have resulted in the
14 election of a candidate who would not have won had the
15 fraud or error not occurred.

16 (3) The National Election Director shall grant any
17 other petition challenging the acceptability of a vote
18 or votes where he or she determines that the petitioner
19 has shown by preponderance of the evidence that fraud or
20 error occurred in the canvassing, casting or return of
21 votes in a National Election, and that the relief sought
22 is a reasonable and equitable means of remedying such
23 fraud or error.

24 (4) Notwithstanding subsection (1) of this section, a
25 petition for a recount must be granted if the difference

1 between the number of votes cast for the winning
2 candidate and the next highest candidate is one-half of
3 one percent or less of the total votes cast for all of
4 the candidates for that particular seat."

5 Section 70. Title 9 of the Code of the Federated States of
6 Micronesia, as amended, is hereby further amended by adding a new
7 section 804 of chapter 8 to read as follows:

8 "Section 804. Denial of petition; appeal to Supreme
9 Court.

10 (1) If the National Election Director decides to grant
11 or deny a petition, he or she shall record the reasons
12 for such decision in writing and provide a copy to the
13 petitioner, and where the petitioner is a losing
14 candidate, to the winning candidate, by the most
15 expeditious means practicable.

16 (2) Except with regard to a decision to provide a
17 recount, a petitioner, or where the petitioner is a
18 losing candidate, the winning candidate, may, within
19 five days after receipt of the decision of the National
20 Election Director granting or denying the petition,
21 appeal the decision to the Appellate Division of the
22 Supreme Court of the Federated States of Micronesia.
23 The Appellate Division of the Supreme Court shall review
24 the appeal to determine if the decision by the National
25 Election Director was:

1 (a) arbitrary, capricious, an abuse of
2 discretion, or otherwise not in accordance with law;

3 (b) in excess of statutory jurisdiction,
4 authority, or limitations, or a denial of legal right;

5 (c) without substantial compliance with the
6 procedures required by law; or

7 (d) unwarranted by the facts.

8 (3) If the Appellate Division of the Supreme Court
9 decides in favor of a recount or a revote, the National
10 Election Director shall be so notified and shall proceed
11 as provided in section 805 of this title.

12 (4) A decision of the Appellate Division of the
13 Supreme Court may have the effect of disallowing
14 challenged votes but shall not halt or delay balloting
15 or counting and tabulating.

16 Section 71. Title 9 of the Code of the Federated States of
17 Micronesia, as amended, is hereby further amended by adding a new
18 section 805 of chapter 8 to read as follows:

19 "Section 805. Approval of petition; notice of recount
20 or revote.

21 (1) If the National Election Director grants a recount
22 or a revote, or if so ordered by the Supreme Court
23 pursuant to section 804 of this title, he or she shall
24 cause notice of the recount or revote to be given in an
25 appropriate manner.

1 (2) A recount shall be held by the counting and
2 tabulating committee within ten days after the decision
3 of the National Election Director or order by the
4 Supreme Court. The counting and tabulating committee
5 shall make certificates of such determination under oath
6 showing the result of the election and what persons were
7 declared elected to fill office, one of which shall be
8 filed with the National Election Director, one with each
9 election board concerned, and one with the person filing
10 the_petition for recount.

11 (3) A revote shall occur as soon as practicable but in
12 no event more than 30 days after a decision by the
13 National Election Director or order by the Supreme
14 Court. The national election commissioner shall report
15 the results of the revote to the National Election
16 Director and the candidates.

17 (4) The person receiving the greatest number of votes
18 shall be deemed to have been elected, but if two or more
19 candidates shall receive an equal number of votes for
20 the office, the tie vote shall be resolved in accordance
21 with section 712 of this title."
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Section 72. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 6/20/06

Introduced by: /s/ Dohsis Halbert
Dohsis Halbert

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