

A BILL FOR AN ACT

To amend title 9 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 14-76, by amending sections 601 and 703 thereof, to allow certain persons to submit absentee ballot request forms on behalf of certain family members, to extend the opening hours of special polling places located outside the FSM to 10:00 p.m., and for other purposes.

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

1 Section 1. Section 601 of title 9 of the Code of the
2 Federated States of Micronesia is hereby amended to read as
3 follows:

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

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

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

12 (a) he or she is confined to home or hospital by
13 reason of illness or physical disability, or is
14 incarcerated for a crime, as will prevent him or her
15 from coming to the Polling Place to cast a ballot on
16 Election Day; or

17 (b) he or she is prevented from coming to the
18 Polling Place in the Congressional Election District of

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

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

9 (a) by mail;

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

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

13 (d) by voting at a special Polling Place; or

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

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

17 (5) Any Registered Voter wishing to vote by absentee
18 ballot must submit a written request, using the forms
19 specified in the rules and regulations promulgated
20 pursuant to this title, to the national election
21 commissioner of the State in which the voter is
22 registered. The request shall be signed and dated by
23 the Registered voter and shall include the following
24 information, as well as any additional information the
25 National Election Director may require:

1 (a) the voter's full and correct name and date of
2 birth;

3 (b) the voter's current place of residence and
4 mailing address;

5 (c) the voter's Municipality and Congressional
6 Election District of registration;

7 (d) the voter's reasons for being absent from his
8 or her Congressional Election District on Election Day;
9 and

10 (e) the type of absentee voting the voter seeks
11 to use.

12 (6) Only the Registered Voter seeking to vote by
13 absentee ballot may submit an absentee ballot request to
14 the national election commissioner. With the exception
15 of confined voting pursuant to section 603 of this
16 chapter, all absentee ballot request forms must be
17 individually mailed or delivered in person to the
18 national election commissioner by the Registered Voter
19 making the request; provided, however, that a Registered
20 Voter mailing or delivering in person his or her own
21 absentee ballot request from may mail or deliver in
22 person, along with his or her absentee request form, the
23 absentee ballot request form of his or her spouse,
24 children and parents. Bulk delivery of absentee request
25 forms by hand, mail or other means shall not be accepted

1 and shall be considered invalid."

2 Section 2. Section 703 of title 9 of the Code of the
3 Federated States of Micronesia is hereby amended to read as
4 follows:

5 "Section 703. Opening and closing of Polls.

6 (1) Except as otherwise provided in this section, at
7 exactly 7:00 a.m. of the day of the election, a member
8 of the board of election shall proclaim aloud at each
9 place of election that the Polls are open and shall be
10 kept open until 5:00 p.m., of the same day, after which
11 time the Polls shall be closed, provided, however that
12 special Polling Places located outside the Federated
13 States of Micronesia shall be kept open until 10:00
14 p.m., of the same day, after which time the Polls shall
15 be closed.

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

21 (3) If an election for State office is held on the
22 same day as a national election and the time for closing
23 is later than 5:00 p.m., (or later than 10:00 p.m. in
24 the case of a special Polling Place located outside the
25 Federated States of Micronesia), then the closing time

1 for the State election shall prevail."

2 Section 3. This act shall become law upon approval by the
3 President of the Federated States of Micronesia or upon its
4 becoming law without such approval.

5

6 Date: 1/9/07

Introduced by: /s/ Simiram Sipenuk
Simiram Sipenuk
(by request)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24