
A BILL FOR AN ACT

To amend the Revised National Election Act of 2005 by amending section 602 of title 9 of the Code of the Federated States of Micronesia to increase the period for requesting an absentee ballot by mail from 120 days to 150 days prior to election day and to provide for a definite turn around period for the mailing back of absentee ballot, and for other purposes.

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

1 Section 1. Section 602 of title 9 of the Code of the Federated
2 States of Micronesia is hereby amended, to read as follows:

3 "Section 602. Voting absentee ballot by mail.

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

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

9 (a) In the case of a general election, the
10 request to vote absentee ballot by mail, using the forms
11 required by the rules and regulations promulgated
12 pursuant to this title, must be received by the national
13 election commissioner of the State in which the voter is
14 registered not more than [~~120~~150] days but not less than
15 40 days before Election Day.

16 (b) In the case of a special election, the request to
17 vote absentee ballot by mail must be received by the
18 national election commissioner of the State in which the

1 voter is registered not more than 50 days but not less
2 than 35 days before the day of the special election.

3 (c) If the absentee voter currently resides in a
4 foreign country where the Federated States of Micronesia
5 maintains an embassy or consulate, then a request to
6 vote absentee ballot by mail may alternatively be sent
7 to the embassy or consulate, which shall then forward a
8 copy of the request to the National Election Director,
9 or his or her designee, for verification and processing.
10 The absentee voter shall indicate on the request form
11 whether he or she intends to pick up his or her absentee
12 ballot at the embassy or consulate.

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

20 (e) Upon receipt of a request to vote absentee ballot
21 by mail, the name of the requester and the time and the
22 date of receipt of the request must be recorded. The
23 national election commissioner, shall, no later than 2
24 days from receipt of the request, act on the request and
25 mail back to the requester an absentee ballot provided

1 ~~that printed ballots are already available. [at least 30~~
2 ~~days before a National Election, mail an absentee ballot~~
3 ~~to any absentee voter who has requested an absentee~~
4 ~~ballot in accordance with this section; provided,~~
5 ~~however, that for thosea]~~ Absentee voters who have
6 indicated on their request forms that they intend to
7 pick up their absentee ballot at an embassy or consulate
8 shall retrieve their ballot from the embassy or
9 consulate.~~7 [†]~~ The National Election Director shall
10 provide sufficient absentee ballots to the embassy or
11 consulate 10 days before a National election.

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

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

19 (a) An absentee ballot by mail shall include the
20 following parts: an official ballot, a ballot envelope,
21 an affidavit prescribed by the National Election
22 Director, and a covering reply envelope.

23 (b) The absentee voter shall mark the ballot in
24 the usual manner provided by law and in such manner that
25 no person can see or know how the ballot is marked. The

1 absentee voter shall then deposit the ballot in the
2 envelope and securely seal the same. The absentee voter
3 shall then complete and execute the affidavit. The
4 ballot envelope and the affidavit shall then be enclosed
5 and sealed in the covering reply envelope.

6 (c) Absentee ballots and affidavits must be
7 received by the national election commissioner of the
8 State issuing the absentee ballot no later than the
9 established closing hour of the Polls on Election Day.
10 If an absentee voter resides in a foreign country where
11 the Federated States of Micronesia maintains an embassy
12 or consulate, and the absentee voter had submitted his
13 or her request to vote absentee ballot to that embassy
14 or consulate, then the absentee voter may alternatively
15 deliver his or her absentee ballot and affidavit to that
16 embassy or consulate. The absentee ballot and affidavit
17 must be received by the embassy or consulate no later
18 than the established closing hour of the Polls on
19 Election Day.

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

23 (4) Disposition of absentee ballots by mail.

24 (a) Upon the receipt of an absentee ballot, the
25 national election commissioner, or his or her appointee,

1 shall open it, remove the ballot envelope, and examine
2 the affidavit. If the national election commissioner or
3 his or her appointee determines that the absentee ballot
4 is valid, the ballot envelope shall be deposited
5 unopened in a container retained for that purpose. The
6 container shall be securely sealed except for an opening
7 sufficient to permit deposit of ballot envelopes and
8 shall be marked with the name and official title of the
9 national election commissioner, or his or her appointee,
10 and the words, 'This container holds absentee ballots
11 and must be opened only pursuant to law.' The national
12 election commissioner, or his or her designee, shall
13 safely keep each container secured in the commissioner's
14 office until Election Day.

15 (b) On Election Day, the national election
16 commissioner, or his or her designee, shall open the
17 container, extract and segregate the ballot envelopes,
18 and deliver such envelopes to the counting and
19 tabulation committee. Each candidate, or his or her
20 representative, shall have the opportunity to be present
21 during this process.

22 (c) An absentee ballot may be determined to be
23 invalid if:

24 (i) the affidavit is found to be
25 insufficient;

1 (ii) the signatures on the request for the
2 ballot and the affidavit do not correspond;

3 (iii) the request for the ballot was not
4 properly made or was untimely, as set forth in this
5 section;

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

8 (v) the ballot was returned in a bundle with
9 other ballots;

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

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

12 (viii) the ballot envelope is open or has been
13 opened and resealed; or

14 (ix) the voter 1 has already voted.

15 (d) The ballot envelope of an invalid absentee
16 ballot shall not be opened and the national election
17 commissioner or his appointee shall mark across its face
18 'Rejected,' and write the reason for the rejection, and
19 shall preserve the same in the manner and for the period
20 of time required under this title for regular ballots
21 cast in an election. At the end of this time period, the
22 invalid absentee ballots shall be destroyed without
23 being opened in the manner provided under this title."

24 Section 12. Effective Date. This act shall become law upon
25 approval by the President of the Federated States of Micronesia or

1 upon its becoming law without such approval.

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3 Date: 12/4/09

Introduced by: /s/ Joe N. Suka

Joe N. Suka
(by request)

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