

V J H O

A BILL FOR AN ACT

To further amend title 9 of the Code of the Federated States of Micronesia, as amended, by further amending section 301, as amended by Public Laws Nos. 7-122 and 8-97, by further amending section 302, as amended by Public Laws Nos. 5-70 and 8-97, by further amending section 303, as amended by Public Law No. 8-97, by further amending section 402, as amended by Public Law No. 8-97, by further amending section 703, as amended by Public Law No. 5-70, and by further amending section 810, as amended by Public Law No. 8-97, for the purpose of amending the law relating to national elections, and for other purposes.

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

1 Section 1. Section 301 of title 9 of the Code of the
2 Federated States of Micronesia, as amended by Public Laws Nos.
3 7-122 and 8-97, is hereby further amended to read as follows:

4 "Section 301. Appointment of National Election
5 Officials.

6 (1) The President shall appoint one National
7 Election Director with the advice and consent of the
8 Congress. The National Election Director shall be a
9 citizen of the Federated States of Micronesia. The
10 National Election Director shall serve until
11 resignation, or until removed from office upon a
12 determination by the President that such removal is
13 deemed necessary and a successor is appointed by the
14 President with the advice and consent of the Congress.

15 (2) The ~~President~~ National Election Director shall
16 appoint a national election commissioner for each of the
17 four States. ~~with the advice and consent of the~~
18 ~~Congress~~; National election commissioners shall not
19 concurrently serve as State election commissioners;
20 provided, however, that if any current national election
21 commissioner is also serving as a State election
22 commissioner, he or she may continue to serve as
23 National election commissioner until such time as a new
24 appointment by the ~~President~~ National Election Director
25 becomes effective. Each national election commissioner

1 shall be a citizen of the State for which he is
2 appointed to serve as national election commissioner;
3 provided, that national election commissioners may be
4 appointed by the President for the national elections
5 occurring in March 1993, and special elections resulting
6 therefrom, and may serve without advice-and-consent
7 confirmation for those elections. All appointments made
8 prior hereto shall expire 45 days after the effective
9 date of this act, unless the names of said Commissioners
10 are resubmitted to Congress and approved prior thereto."

11 Section 2. Section 302 of title 9 of the Code of the
12 Federated States of Micronesia, as amended by Public Laws Nos.
13 5-70 and 8-97, is hereby further amended to read as follows:

14 "Section 302. Powers and duties of the National
15 Election Director. The National Election Director shall
16 have the responsibility for the overall supervision and
17 administration of all National elections, and shall
18 perform such duties as are prescribed by law, which
19 include, but are not limited to the following:

20 (1) to supervise and direct the four national
21 election commissioners in their administration of all
22 national and special elections and performances of all
23 duties pursuant to section 303 of chapter 3 of this
24 title;

25 (2) to approve the appointment by the four national

1 election commissioners of all election board members
2 pursuant to section 303 of chapter 3 of this title;

3 (3) to request such reports from election board or
4 national election commissioners as may be required by
5 law or regulation or as the National Election Director
6 may deem necessary;

7 (4) to review all nomination petitions received by
8 the four national election commissioners pursuant to
9 section 303 of chapter 3 of this title;

10 (5) to maintain a national election register;

11 (6) to review and investigate all voting and
12 registration irregularities, and any other alleged
13 violations of this title;

14 (7) to implement rules and regulations for
15 absentee ballots for conduct of all national elections;

16 (8) to issue in accordance with chapter 1 of title
17 of this code regulations not inconsistent with law to
18 implement this title;

19 (9) to certify the results of all national
20 elections;

21 (10) to rule on petitions for recount pursuant to
22 chapter 9 of this title; and

23 (11) to determine and prescribe forms of ballots
24 and the forms of all blanks, cards of instruction,
25 pollbooks, tally sheets, and all forms and blanks

1 required by the provisions of this title for use by
2 candidates, boards, committees, and voters, and supply
3 the same to the national election commissioners and
4 boards of election/;

5 (12) to list all candidates for election on the
6 ballot for each election district in alphabetical order;

7 (13) to establish absentee polling places within
8 the Federated States of Micronesia, as may be required
9 or as the National Election Director may deem suitable
10 and convenient to the public; and

11 (14) to be the allottee of election funds unless
12 otherwise provided for in the act appropriating such
13 funds."

14 Section 3. Section 303 of title 9 of the Code of the
15 Federated States of Micronesia, as amended by Public Law No.
16 8-97, is hereby further amended to read as follows:

17 "Section 303. Powers and duties of national election
18 commissioner. A national election commissioner shall
19 have the responsibility for the overall supervision and
20 administration of the election within his State and
21 shall perform such duties as are prescribed by law,
22 which include, but not limited to the following:

23 (1) to appoint all members of the several boards of
24 election in his or her State as provided for in this
25 title;

1 (2) to require such reports from the several boards
2 as may be required by law or regulation or as the
3 national election commissioner may deem necessary;

4 (3) to establish voting precincts within each
5 election district and designated appropriate polling
6 places within each voting precinct, upon recommendations
7 of the members of the board of election of the
8 particular district;

9 (4) to receive nomination petitions;

10 (5) to list all candidates for election on the
11 ballot for each election district in alphabetical order;

12 (6) to register or cause to be registered all
13 voters in his State and to maintain the General State
14 Register as provided in this title;

15 (7) to prepare from the General State Register a
16 registered voters list for each voting precinct prior to
17 any election;

18 (8) to promulgate in accordance with chapter 1 of
19 title 17 of this code local rules and regulations which
20 are consistent with rules and regulations promulgated by
21 the National Election Director pursuant to section 302
22 of chapter 3 of this title; and

23 (9) to assist the National Election Director in
24 maintaining the national election register; and

25 (9) to report directly to, execute his

1 responsibilities, and perform his duties as lawfully
2 directed and authorized by the National Election
3 Director in accordance with the provisions of this
4 title."

5 Section 4. Section 402 of title 9 of the Code of the
6 Federated States of Micronesia, as amended by Public Law No.
7 8-97, is hereby further amended to read as follows:

8 "Section 402. Powers and duties. Each board of
9 election member shall have the following powers and
10 duties:

11 (1) to perform all duties prescribed by law;

12 (2) to supervise and manage each polling place in
13 the capacity of a pollworker;

14 (3) to receive, preserve, and maintain ballot
15 boxes, locks, maps, cards of instructions, and other
16 supplies and equipment necessary to conduct the
17 election;

18 (4) to give such instruction deemed necessary for
19 the orderly conduct of the election;

20 (5) to provide for the issuance of all notices and
21 publications concerning the election;

22 (6) to review and examine the sufficiency and
23 validity of nominating petitions and other documents
24 where the national election commissioner or the National
25 Election Director designates the board to act in his

1 stead;

2 (7) to receive and transmit all ballot boxes,
3 locked and sealed, to the national election
4 commissioner;

5 (8) to receive, investigate, and decide complaints
6 concerning election irregularities and determine the
7 residence qualifications of voters, subject to review
8 according to chapter 9 of this title;

9 (9) to recommend to the national election
10 commissioner designation or appropriate polling places
11 within each voting precinct or election district, as may
12 be deemed suitable and convenient to the public;

13 (10) to perform such other duties as are prescribed
14 by law or rules issued by the election commission or
15 National Election Director; and

16 (11) to register electors."

17 Section 5. Section 703 of title 9 of the Code of the
18 Federated States of Micronesia, as amended by Public Law No.
19 5-70, is hereby further amended to read as follows:

20 "Section 703. Request for ballot.

21 (1) Any registered voter qualified to vote in any
22 election may request and cast an absentee ballot with
23 the national election commissioner; provided, that he
24 meets the requirements as set forth in section 701 of
25 this title.

1 (2) Any registered voter qualified to vote by
2 absentee ballot may, not more than 120 days, but before
3 the close of the polling place on the day of the
4 election, request the national election commissioner in
5 writing for an absentee ballot to be voted at the
6 election. The national election commissioner shall make
7 available to any voter residing in a location where an
8 FSM Consulate Office or Embassy is located an
9 application for an absentee ballot from such office.
10 The Any request for an absentee ballot shall be signed
11 by the voter who intends to cast the absentee ballot and
12 include information stating the voter's voting precinct
13 or municipality, election district, name of his polling
14 place within his municipality, reasons for being absent,
15 address to which he wishes his ballot forwarded and the
16 establishment of his right to a ballot."

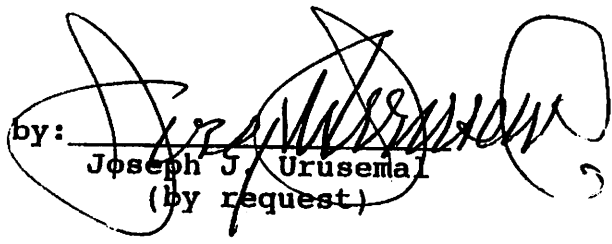
17 Section 6. Section 810 of title 9 of the Code of the
18 Federated States of Micronesia, as amended by Public Law No. 8-
19 97, is hereby further amended to read as follows:

20 "Section 810. Certification of election results. Upon
21 completion of the counting and tabulation of election
22 results by the national election commissioners, the
23 National Election Director shall, within three days of
24 the election, certify the results and shall declare as
25 the winning candidates for the Congress of the Federated

1 States of Micronesia from each election district the
 2 candidates receiving the plurality of votes cast in each
 3 election. Upon certification of the results, the
 4 National Election Director shall immediately provide to
 5 all election candidates notice of such certification in
 6 the most practicable and expeditious manner available."

7 Section 7. This act shall become law upon approval by the
 8 President of the Federated States of Micronesia or upon its
 9 becoming law without such approval.

10
 11 Date: 12/09/96

Introduced by: 
 Joseph J. Urusemal
 (by request)

13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25