

A BILL FOR AN ACT

To further amend title 9 of the Code of the Federated States of Micronesia, as amended, by amending sections 202, 302, 402, 603, 604, 605, 703 and 704, and by enacting new sections 202A and 707, for the purpose of changing certain election procedure deadlines, restricting campaigning for write-in candidates, providing for special polling places, and for other purposes.

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

1 Section 1. Section 202 of title 9 of the Code of the Federated
2 States of Micronesia, as amended by Public Law No. 11-62, is hereby
3 further amended to read as follows:

4 "Section 202. Nomination by petition.

5 (1) Nomination of candidates shall be made by petition
6 initiated by a candidate; provided, that said nomination
7 petition shall specify whether the candidate is seeking a
8 four-year or a two-year term of membership of the Congress.

9 (2) The name of any candidate for election shall be printed
10 on an official ballot to be used for choosing candidates only
11 if, at least [~~90~~] 120 days prior to such election, a
12 nomination [~~paper~~] petition shall have been filed in the
13 office of the national election commissioner of the State
14 concerned and signed by at least 25 qualified voters of the
15 State or single-member congressional district wherein he
16 seeks election, as the case may be.

17 (3) There shall be deposited with the nomination [~~paper~~]
18 petition a filing fee of \$100.00, which shall be paid over to

1 the General Fund of the Federated States of Micronesia as a
2 local revenue available for appropriation by the Congress.
3 ~~[Any person who is elected as a write-in candidate shall,~~
4 ~~after certification of the election results, pay a \$100.00~~
5 ~~filing fee.]~~

6 (4) The national election commissioner of the State
7 concerned shall, upon receipt of the nomination [~~paper~~]
8 petition, endorse thereon the day, hour, and minute that such
9 nomination [~~paper~~] petition is received."

10 Section 2. Title 9 of the Code of the Federated States of
11 Micronesia, as amended, is hereby further amended by enacting a new
12 section 202A to read as follows:

13 "Section 202A. Write-in candidates.

14 (1) No person shall campaign on behalf of himself or
15 another as a write-in candidate.

16 (2) Any person who is elected as a write-in candidate
17 shall, after certification of the election results, pay the
18 \$100.00 filing fee."

19 Section 3. Section 302 of title 9 of the Code of the Federated
20 States of Micronesia, as amended by Public Law No. 11-62, is hereby
21 further amended to read as follows:

22 "Section 302. Powers and duties of the National Election
23 Director.

24 The National Election Director shall have the responsibility
25 for the overall supervision and administration of all

1 National elections, and shall perform such duties as are
2 prescribed by law, which include, but are not limited to the
3 following:

4 (1) to supervise and direct the four national election
5 commissioners in their administration of all national and
6 special elections and in the performance of their duties
7 pursuant to section 303 of chapter 3 of this title;

8 (2) to approve the appointment by the four national
9 election commissioners of all election board members and
10 other election personnel or short term staff pursuant to
11 section 303 of chapter 3 of this title;

12 (3) to request such reports from election board or national
13 election commissioners as may be required by law or
14 regulation or as the National Election Director may deem
15 necessary;

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

19 (5) to maintain a national election register;

20 (6) to review and investigate all voting and registration
21 irregularities, and any other alleged violations of this
22 title;

23 (7) to implement rules and regulations for the conduct of
24 regular and absentee balloting in all national elections;

25 (8) to issue regulations not inconsistent with law to

1 implement this title, in accordance with chapter 1 of title
2 17;

3 (9) to certify and declare the results of all national
4 elections;

5 (10) to rule on petitions for recount and petitions alleging
6 other election irregularities pursuant to chapter 9 of this
7 title;

8 (11) to determine and prescribe forms for all ballots,
9 blanks, cards of instruction, pollbooks, tally sheets, and
10 other materials required by the provisions of this title for
11 use by candidates, boards, committees, and voters, and to
12 supply the same to the national election commissioners and
13 boards of election;

14 (12) to list all candidates for election on the ballot for
15 each election district in alphabetical order by last name;
16 [and]

17 (13) to designate Special Polling Places pursuant to section
18 707 of this title; and

19 [~~(13)~~](14) to be the allottee of election funds unless
20 otherwise provided for in the act appropriating such funds."

21 Section 4. Section 402 of title 9 of the Code of the Federated
22 States of Micronesia, as amended by Public Law No. 11-62, is hereby
23 further amended to read as follows:

24 "Section 402. Powers and duties of election board.

25 Each board of election member shall have the following powers

1 and duties:

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

3 (2) to supervise and manage each polling place, including
4 Special Polling Places, in the capacity of a pollworker;

5 (3) to receive, preserve, and maintain ballot boxes, locks,
6 maps, cards of instructions, and other supplies and equipment
7 necessary to conduct elections;

8 (4) to give such instruction deemed necessary for the
9 orderly conduct of elections;

10 (5) to provide for the issuance of all notices and
11 publications concerning elections;

12 (6) to review and examine the sufficiency and validity of
13 nominating petitions and other documents where the national
14 election commissioner or the National Election Director
15 designates the board to act in his stead;

16 (7) to receive and transmit all ballot boxes locked and
17 sealed, to the national election commissioner;

18 (8) to receive, investigate, and decide on complaints
19 concerning election irregularities and determine the
20 residence qualifications of voters, subject to review
21 according to chapter 9 of this title;

22 (9) to recommend to the national election commissioner
23 designation of appropriate polling places within each voting
24 precinct or election district, as may be deemed suitable and
25 convenient to the public;

1 (10) to perform such other duties as are prescribed by law
2 or rules issued by the national election commissioner or
3 National Election Director; and

4 (11) to register electors."

5 Section 5. Section 603 of title 9 of the Code of the Federated
6 States of Micronesia, as amended by Public Law No. 11-62, is hereby
7 further amended to read as follows:

8 "Section 603. Printing and distributing.

9 (1) [~~The~~] Official ballots [~~should~~] shall be printed by
10 order of the National Election Director, at Government
11 expense, [~~;- provided, that the National Election Director~~
12 ~~shall complete the printing of official ballots~~] and no later
13 than [~~50~~] 60 days before the election. Under the direction
14 of the National Election Director, the national election
15 commissioner shall deliver an adequate number of ballots to
16 each election precinct.

17 (2) At least [~~55~~] 65 days before the election, the National
18 Election Director shall print a sample ballot, clearly
19 designated as such, and shall forthwith submit copies of the
20 same to [~~the~~] each State's national election commissioner for
21 distribution to the members of the several boards of election
22 in that State and to the several candidates at their
23 addresses as given on their nomination [~~papers~~] petitions
24 [~~;~~]. [~~and the members of the boards~~] Each board of election
25 shall [~~post~~] cause to be posted a copy of the [~~same~~] sample

1 ballot in a conspicuous place in their office or a public
2 place."

3 Section 6. Section 604 of title 9 of the Code of the Federated
4 States of Micronesia, as amended by Public Law No. 11-62, is hereby
5 further amended to read as follows:

6 "Section 604. Withdrawal of candidates.

7 (1) Any candidate may withdraw before an election by giving
8 notice in writing to the member or members of the board of
9 election, to the national election commissioner or to the
10 National Election Director, whichever is more practical, in
11 the election district or State in which such candidate was
12 seeking nomination or election. If a candidate withdraws or
13 dies after the printing of the ballots, the national election
14 commissioner shall cause the name of the candidate so
15 withdrawing, or the name of any candidate who has died, to be
16 stricken from the ballots and in that regard, may require the
17 services of the board of election of the district or precinct
18 in which any person was a candidate and shall notify in
19 writing such board of election of the withdrawal or death,
20 whereupon notice thereof shall, before the opening of the
21 polls on election day, be posted at the polling place.

22 (2) If a candidate withdraws his name later than [~~65~~] 80
23 days before an election and the ballots are in the process of
24 being or have been printed, and it becomes necessary in the
25 opinion of the National Election Director or national

1 election commissioner or the board of election for a
2 reprinting of ballots or a striking out of the candidate's
3 name by a reprint blockout, all expenses thereof, except in
4 case of a withdrawal necessitated for medical cause and so
5 certified by a physician, shall be a charge against the
6 withdrawing candidate and shall be paid by him within sixty
7 days after such withdrawal to the national election
8 commissioner. Monies so received shall be deposited in the
9 General Fund of the Federated States of Micronesia, as a
10 local revenue general realization, available for
11 appropriation by the Congress of the Federated States of
12 Micronesia.

13 (3) Any person who, directly or indirectly, physically
14 threatens or intimidates any candidate so as to cause or
15 attempt to cause the candidate to withdraw from an election
16 is guilty of a national offense and upon conviction shall be
17 fined not more than \$2,000, or imprisoned for not more than
18 five years, or both."

19 Section 7. Section 605 of title 9 of the Code of the Federated
20 States of Micronesia, as amended by Public Law No. 11-62, is hereby
21 further amended to read as follows:

22 "Section 605. Substitute candidates.

23 (1) In the case of the death, withdrawal, or
24 disqualification of a candidate[~~s~~] after the deadline for
25 filing nominations, a substitute candidate[~~s~~] may be

1 nominated prior to [~~60~~] 75 days before the date of an
2 election.

3 (2) A person nominated as a substitute for a candidate
4 nominated by petition must be nominated by petition in the
5 same manner as the candidate who has died, withdrawn, or been
6 disqualified.

7 (3) [~~The~~] In the case of substitute candidates, the
8 national election commissioner of the State concerned [~~in the~~
9 ~~case of a substitute candidate filling a vacancy caused by~~
10 ~~death, withdrawal, or disqualification of a candidate~~] shall
11 cause the name of any substitute candidate to be placed upon
12 the proper ballots by reprinting, over-printing, or through
13 the use of stamps or such other means as the national
14 election commissioner may deem satisfactory for [~~the~~] that
15 purpose [~~and may require the services of~~].

16 (4) The members of the board of election [~~who may be~~] in
17 the election district or precinct in which [~~such a~~
18 ~~person~~]there is a substitute candidate shall assist the
19 national election commissioner, as needed, to fulfill the
20 requirements of subsection (3) of this section. The board of
21 election shall also post a notice at the polling place of the
22 name and office sought by any [~~such~~] substitute candidate."

23 Section 8. Section 703 of title 9 of the Code of the Federated
24 States of Micronesia, as amended by Public Law No. 11-62, is hereby
25 further amended to read as follows:

1 "Section 703. Request for ballot.

2 (1) Any registered voter qualified to vote in any election
3 may request and cast an absentee ballot with the national
4 election commissioner, provided he meets the requirements as
5 set forth in section 701 of this title.

6 (2) Any registered voter qualified to vote by absentee
7 ballot may, not more than 120 days before the close of the
8 polling place on the day of the election, request the
9 national election commissioner in writing for an absentee
10 ballot to be voted at the election[~~;~~ ~~provided, that~~].

11 (3) [~~an~~] An otherwise qualified voter who requested to cast
12 an absentee ballot outside of the State in which he intends
13 to vote is solely responsible for ensuring that his request
14 for an absentee ballot shall be received by the national
15 election commissioner of the State concerned no later than
16 [~~60~~] 75 days before the election[~~,~~ ~~and~~].

17 (4) [~~any~~] Any such request for an absentee ballot received
18 by the national election commissioner concerned later than
19 [~~60~~] 75 days before the election shall be rejected by the
20 national election commissioner concerned, unless the request
21 is:

22 (a) postmarked and mailed before the [~~60~~] 75 days; and

23 (b) [~~is~~] received by the national election
24 commissioner of the State concerned no later than [~~51~~] 65
25 days before the election.

1 (5) Delayed and lost mails for absentee ballot requests
2 shall not create any obligation of the National Election
3 Director [~~and~~] or the national election commissioners of the
4 States to provide absentee ballots at any time after the time
5 periods set forth in this chapter have expired.

6 (6) [~~The~~] Each request for an absentee ballot must be
7 personally signed by the voter seeking to vote by absentee
8 ballot, and [~~it~~] shall include, at a minimum, information
9 stating:

10 (a) the voter's voting precinct[~~7~~];

11 (b) the voter's election district[~~7~~];

12 (c) the voter's reasons for being absent[~~7~~];

13 (d) the address to which the voter wishes his ballot
14 forwarded; and

15 (e) information establishing the voter's right to a
16 ballot.

17 (7) Only the person seeking to vote by absentee ballot may
18 submit an absentee ballot request; absentee ballots may not
19 be obtained by individuals on behalf of others."

20 Section 9. Section 704 of title 9 of the Code of the Federated
21 States of Micronesia, as amended by Public Law No. 11-62, is hereby
22 further amended to read as follows:

23 "Section 704. Marking and return of ballot - voting at
24 polls.

25 (1) The national election commissioner of each State or the

1 board of election, as the case may be, shall, at least [50]
2 60 days prior to an election, provide to any person who may
3 be entitled to vote by absentee ballot outside of the State
4 concerned, and who requests the same in accordance with
5 section 703(2) of this chapter, an official ballot, a ballot
6 envelope, an affidavit prescribed by the national election
7 commissioner, and a covering reply envelope. The absentee
8 voter shall mark the ballot in the usual manner provided by
9 law and in such manner that no person can see or know how the
10 ballot is marked except as provided in section 702 of this
11 title. The absentee voter shall then deposit the ballot in
12 the envelope and securely seal the same. The absentee voter
13 shall then complete and execute the affidavit. The ballot
14 envelope and the affidavit shall then be enclosed and sealed
15 in the covering reply envelope and shall be mailed to reach
16 the national election commissioner of the State issuing the
17 absentee ballot not later than the established closing hour
18 of the polls on the day of the election except as provided in
19 section 702 of this title.

20 (2) It is unlawful for any person who has voted an absentee
21 ballot to cast a ballot at the polls on election day."

22 Section 10. Title 9 of the Code of the Federated States of
23 Micronesia, as amended by Public Law No. 11-62, is hereby further
24 amended by enacting a new section 707 to read as follows:

25 "Section 707. Special Polling Places.

1 (1) Within the Federated States of Micronesia. Not less
2 than 60 days prior to an election, the National Election
3 Director shall, after consultation with the relevant state's
4 national election commissioner, designate one polling place
5 in each state as a Special Polling Place where citizens
6 residing in that state, but registered to vote in another
7 state, may cast their votes on election day.

8 (2) Outside the Federated States of Micronesia. The
9 National Election Director may, as he deems necessary and
10 proper, designate specific locations outside the Federated
11 States of Micronesia as Special Polling Places, provided at
12 least 500 citizens of the Federated States of Micronesia
13 reside within 10 miles of such location. Such designation
14 shall be made by the National Election Director not less than
15 90 days before an election.

16 (3) A citizen residing outside his or her state of
17 registration, may cast his or her vote at a Special Polling
18 Place, PROVIDED such citizen has met the requirements of
19 subsection (3) of this section.

20 (4) Any citizen intending to vote at a Special Polling
21 Place designated by the National Election Director shall
22 register his or her intent to do so by notifying the national
23 election commissioner in his or her state of registration.
24 Such notification shall be made in writing and must be
25 received by the relevant national election commissioner not

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