

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 though 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
20 Micronesia;

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

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

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

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

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

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

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

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

25 (10) 'National Voter Register' means the list of the

1 all Registered Voters in the Federated States of
2 Micronesia who registered to vote with a National
3 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' means referring to all or any Polling
10 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 resource that are owned, operated or controlled by
16 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 employees 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 District that any person seeking to vote on
7 Election Day must sign at their designated Polling Place
8 before being issued a ballot;

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

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

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

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

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

1 Municipality, date of birth, sex signature and other
2 identifying information, and that provides a means of
3 indicating whether that Register Voters has already cast
4 a ballot in each National Election."

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

8 "Section 103. Eligible Voters.

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

12 (1) is living;

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

15 (3) is a Resident of a State;

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

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

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

24 Section 6. Title 9 of the Code of the Federated States of
25 Micronesia, as amended, is hereby further amended by adding a new

1 section 104 of chapter 1 to read as follows:

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

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

8 "Section 105. General elections.

9 (1) All general elections for Members shall be held
10 biennially in each odd-numbered year on the first
11 Tuesday following the first Monday in March; provided,
12 that where a natural disaster or other event precludes
13 holding the election on the foregoing date, the
14 President may postpone the election in the affected
15 Congressional Election District, Municipality or Polling
16 Place until the next available date on which the natural
17 disaster or other event no longer exists, excluding
18 weekends and national holidays.

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

25 Section 8. Title 9 of the Code of the Federated States of

1 Micronesia, as amended, is hereby further amended by adding a new
2 section 106 of chapter 1 to read as follows:

3 "Section 106. Special elections.

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

7 (2) The National Election Director shall schedule a
8 special election to occur 50 days after receipt of
9 notification of the need for a special election;
10 provided, that where a natural disaster or other event
11 precludes holding the election on the foregoing date,
12 the President may postpone the election in the affected
13 Congressional Election District, Municipality or Polling
14 Place until the next available date on which the natural
15 disaster or other event no longer exists, excluding
16 weekends and national holidays.

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

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

25 (b) Other vacancies - seated Congress. Any other

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

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

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

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

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

1 Micronesia, as amended, is hereby further amended by adding a new
2 section 107 of chapter 1 to read as follows:

3 "Section 107. Election revolving fund.

4 (1) All future appropriations for National Elections
5 and all fees and penalties derived from the operations
6 of the National Elections shall be deposited in an
7 election revolving fund. Any unexpended monies in this
8 fund shall not revert to the General Fund at the end of
9 the fiscal year.

10 (2) The election revolving fund shall be administered
11 by the National Election Director in accordance with the
12 provisions of this title and any other applicable laws.

13 (3) The National Election Director shall report to
14 Congress on the status of the election revolving fund as
15 the close of each fiscal year.

16 (4) Within one year prior to a general election, or 40
17 days prior to a special election, Congress shall
18 appropriate a sum adequate to defray the administrative
19 and contingent expenses of conducting National Elections
20 as provided by this title."

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

24 "Section 108. Use of Public Property or Public
25 Employees for Campaign Activities.

1 (1) No Public Property shall be made available without
2 cost to a candidate in a National Election, or his or
3 her supporters, for campaign activities; provided,
4 however, that campaign materials may be displayed on
5 Public Property without cost so long as the campaign
6 materials do not damage or deface that property and the
7 candidate, or his or her supporters, remove such
8 materials prior to 12:00 a.m. on Election Day pursuant
9 to section 705 of this title.

10 (2) If Public Property is made available to a
11 candidate in a National Election, or his or her
12 supporters, such property shall be made available on an
13 equal basis to all opposing candidates and their
14 supporters.

15 (3) No candidate shall use the services of Public
16 Employee for campaign activities during working hours or
17 while such employees are conducting government
18 business."

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

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

23 (1) If any broadcast or print media, either public or
24 private, permits a candidate in a National Election, or
25 her or her supporters, to use its facilities or

1 publications, it shall afford access on an equal basis
2 to all opposing candidates, or their supporters, without
3 editorship. No obligations is imposed under this
4 section upon any broadcast or print media to allow the
5 use of its facilities or publications by any candidate
6 in a National Election. Appearance by, or mention of, a
7 candidate in any bona fide news story or interviews
8 shall not be deemed to be use of a broadcast facility or
9 publication within the meaning section.

10 (2) All broadcast and print media carrying campaign
11 advertisements shall indicate the candidate, or
12 supporters of the candidate, responsible for the
13 advertisement.

14 (3) No broadcast or print media shall permit use of
15 its facilities or publications by any candidate in a
16 National Election, or his or her supports, on Election
17 Day."

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

21 "Section 110. Affidavit to be sworn. The affidavits
22 required pursuant to this title shall be sworn to before
23 any officer or person authorized by law, this title, or
24 regulations issued pursuant thereto, to administer
25 oaths, except for the affidavit accompanying absentee

1 ballots which does not need to be witnessed."

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

5 "Section 111. Violations.

6 (1) Any person who knowingly violates any of the
7 provisions of this title or any rules or regulations
8 promulgated pursuant thereto, or commits any of the
9 unlawful acts set forth herein or elsewhere in this
10 title, for which a penalty is not otherwise provided,
11 shall be punished by a fine not to exceed \$500, or
12 imprisonment for not more than one year, or both.

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

16 (a) Give, procure, promise or lend or offer to
17 give, procure, promise or lend anything of value of the
18 purpose of inducing or compelling a person to vote or
19 refrain from voting for any particular person or issue,
20 or to sign or refrain from signing a nomination
21 petition;

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

25 (c) Use or attempt to use any means of force,

1 threat, intimidation or coercion against any person to
2 vote or refrain from voting any particular person or
3 issue, or to sign or refrain from signing a nomination
4 petition;

5 (d) Use or attempt to use any candidate so as to
6 cause or attempt to cause the candidate to withdraw from
7 an election;

8 (e) Give or present false information regarding
9 identify, citizenship, address, period of residence, or
10 other material information, when voting or registering
11 to vote;

12 (f) Vote or attempt to vote more than once in the
13 same National Election at the same or another Polling
14 Place;

15 (g) Destroy, mutilate, deface, falsify, forge,
16 conceal or remove any record, register of voters.

17 (h) Fail to comply with lawful orders of election
18 officials or obstruct election officials from performing
19 their official duties.

20 (i) Publish a false statement of the withdrawal
21 of candidate for election;

22 (j) Provide false or incomplete information
23 regarding campaign contributions or expenditures in a
24 report submitted to the National Election Director, or
25 his or her designee, pursuant to this title or rules and

1 regulations promulgated pursuant to this title;

2 (k) Prior to, during or after the counting of the
3 ballots, or prior to, during or after the final
4 certification of the vote of any election, (i) place
5 anything other than a ballot in a ballot box; (ii) add
6 or mix a forged ballot with other ballots; or (iii) add
7 or mix a forged application to vote with other
8 applications to vote;

9 (l) Except as permitted by this title mark a
10 ballot or cast a vote so that it can be observed by
11 another person, or observe another person lawfully
12 marking a ballot or lawfully casting a vote; and

13 (m) Without authorization of the National
14 Election Director, print, copy imitate, or distribute,
15 or cause to be printed, copied, imitated, or distributed
16 any ballot that is so substantially similar in style or
17 content to the official ballot as to cause the
18 likelihood of confusion with the official ballot.

19 (3) Anyone who commits one of the acts enumerated in
20 subsection (2) of this section shall be guilty of a
21 National offense and upon conviction shall be fined not
22 more than \$2,000, or imprisoned for not more than five
23 years, or both.

24 (4) Any person who, directly or indirectly, personally
25 or through another, knowingly accepts anything of value

1 for voting or refraining from voting for any particular
2 person or issue, or for signing or refraining from
3 signing a nomination petition shall be guilty of a
4 National offense and upon conviction shall be fined not
5 more than \$500, or imprisoned for not more than one
6 year, or both.

7 (5) Notwithstanding the violations provided in this
8 section, it shall not be unlawful for a person to
9 provide voters with private means of transportation to
10 and from the Polling Place on election Day so long as no
11 public funds are expended in providing this service."

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

15 "Section 112. Construction of the act. Election
16 officials shall construe this title in a manner that
17 permits all voters and candidates a fair and equal
18 opportunity to participate in elections but also in a
19 manner that will avoid defeating the real will of the
20 electors by and unduly strict application,
21 interpretation and enforcement of the formalities and
22 procedures set forth herein."

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

1 "Section 113. Authority to promulgate rules and
2 regulations. The National Election director, with the
3 approval of the President, shall have the power to
4 promulgate such rules and regulations as are deemed
5 advisable to administer and carry into effect the
6 provisions of this title in accordance with title 17 of
7 the Code of the Federated States of Micronesia."

8 Section 16. Title 9 of the Code of the Federated States of
9 Micronesia, as amended, is hereby further amended by enacting a
10 new chapter 2 entitled "Candidate".

11 Section 17. Title 9 of the Code of the Federated States of
12 Micronesia, as amended, is hereby further amended by adding a new
13 section 201 of chapter 2 to read as follows:

14 "Section 201. Qualifications of Senators. To be
15 eligible for election as a Member of the Congress of the
16 Federated States of Micronesia, a person shall:

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

18 (2) be a Resident for at least five years of the State
19 from which he or she is seeking election;

20 (3) be a citizen of the Federated States of Micronesia
21 for at least 15 years;

22 (4) not be under a judgment of mental incompetency or
23 insanity; and

24 (5) not have been convicted of a felony by a State or
25 National Court of the Federated States of Micronesia or

1 its predecessor Government of the Trust Territory of the
2 Pacific Islands."

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

6 "Section 202. Nomination by petition.

7 (1) Nomination of candidates shall require submission
8 of a nomination paper, including a petition and an
9 affidavit, to the national election commissioner of the
10 State concerned.

11 (2) The petition shall be initiated by a candidate and
12 shall specify whether the candidate is running for a
13 four-year or a two-year term seat in Congress. The
14 petition shall be signed by at least 25 qualified voters
15 of the Congressional Election District wherein the
16 candidate seeks election in the case of a two-year term
17 seat, or of the State wherein the candidate seeks
18 election in the case of a four-year term seat.

19 (3) The affidavit shall be completed and signed by the
20 candidate and affirm that the candidate fulfills the
21 qualifications of Senators as set forth in section 201
22 of this chapter.

23 (4) The name of any candidate shall be printed on an
24 official ballot to be used for choosing candidates only
25 if, at least 120 days prior to a general election or 40

1 days prior to a special election, a nomination paper
2 shall have been filed in the office of the national
3 election commissioner of the State concerned. There
4 shall be deposited with the nomination paper a filing
5 fee of \$100. The national election commissioner of the
6 State concerned shall, upon receipt of the nomination
7 paper, endorse thereon the day, hour, and minute that
8 such nomination paper is received. Any person who is
9 elected as a write-in candidate shall, after
10 certification of the election results, pay a \$100 fee
11 and submit the affidavit, but not the petition, required
12 by this section."

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

16 "Section 203. Withdrawal of candidates.

17 (1) Any candidate may withdraw his or her candidacy
18 before a general election by giving notice in writing to
19 the national election commissioner of the State in which
20 the candidate is seeking election to forward to the
21 National Election Director, or directly to the National
22 Election Director, whichever is more practical.

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

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

4 "Section 204. Substitution of Candidates.

5 (1) Where the death, disqualification or, in the case
6 of a general election, withdrawal of a candidate(s) more
7 than 70 days before a general election or 30 days before
8 a special election has resulted in either no candidates
9 or an unopposed candidate running for a particular seat
10 in Congress, substitute candidates may be nominated for
11 that seat prior to 60 days before a general election, or
12 20 days before of a special election.

13 (2) Where the death, disqualification or withdrawal of
14 a candidate(s) under subsection (1) of this section
15 occurs less than 70 days before a general election or 30
16 days before a special election, the National Election
17 Director shall determine whether it is feasible to
18 conduct the National Election as scheduled, and if it is
19 not feasible, the President shall postpone the National
20 election pursuant to subsection (1) of section 105 or
21 subsection (2) of section 106 of this title.

22 (3) A person nominated as a substitute candidate must
23 be nominated by petition in the same manner as the
24 candidate who has dies, withdraw, or been disqualified."

25 Section 21. Title 9 of the Code of the Federated States of

1 Micronesia, as amended, is hereby further amended by adding a new
2 section 205 of chapter 2 to read as follows:

3 "Section 205. Campaign fundraising and expenditures.
4 The National Election Director may require each
5 candidate to submit periodic reports on all campaign
6 contributions received and campaign expenditures made by
7 or on behalf of the candidate during the 120-day period
8 leading up to a National Election. Failure to submit
9 such reports shall result in the disqualification of the
10 candidate from the National Election."

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

14 "Section 206. Congress as sole judge of its Members.
15 The Congress shall be the sole judge of the elections,
16 returns, and qualifications of its Members; provided,
17 however, that in case of a tie vote at the election, the
18 winner shall be determined in a runoff election between
19 the candidates so tied in accordance with section 712 of
20 this title."

21 Section 23. Title 9 of the Code of the Federated States of
22 Micronesia, as amended, is hereby further amended by adding a new
23 section 207 of chapter 2 to read as follows:

24 "Section 207. Convening, organization, elections of
25 President and Vice President. A newly elected Congress

1 shall convene on the date its Members commence their
2 terms of office and be organized no later than the
3 fourth day immediately following the convening day. The
4 President and Vice President may be elected only after
5 the Congress is fully organized. To be eligible for the
6 office of the President and Vice President, a Member
7 must be a member of Congress for a four-year term, and
8 shall also have been a resident for at least 15 years
9 and Citizen by birth of the Federated States of
10 Micronesia."

11 Section 24. Title 9 of the Code of the Federated States of
12 Micronesia, as amended, is hereby further amended by enacting a
13 new chapter 3 entitled "Election Officials".

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

17 "Section 301. National election officials in general.

18 (1) All individuals appointed, hired or otherwise
19 assigned to perform functions pursuant to this title
20 shall not run for elected office or otherwise
21 participate in election campaigns during the term of
22 their appointment.

23 (2) All individuals appointed, hired or otherwise
24 assigned to perform functions pursuant to this title
25 shall not be considered public service employees under

1 title 52 of the Code of the Federated States of
2 Micronesia.

3 (3) All individuals appointed, hired or otherwise
4 assigned to perform functions pursuant to this title
5 shall be governed by the following code of conduct:

6 (a) Respect the law

7 (b) Respect human rights and equality

8 (c) Respect the community, culture, customs and
9 traditions

10 (d) Build the public trust

11 (e) Not participate or appear to participate in
12 political activities

13 (f) Ensure visibility and transparency for all
14 processes

15 (g) Act honestly at all times

16 (h) Act with impartiality in decision-making and
17 declare any conflicts or interest

18 (i) Be professional, knowledgeable, and act with
19 integrity

20 (j) Be responsive, accurate, and decisive

21 (k) Be polite, firm and efficient

22 (l) Not compromise the secrecy of the ballot"

23 Section 26. Title 9 of the Code of the Federated States of
24 Micronesia, as amended, is hereby further amended by adding a new
25 section 302 of chapter 3 to read as follows:

1 "Section 302. Appointment of national election
2 officials.

3 (1) National Election Director.

4 (a) The President shall appoint one National
5 Election Director with the advice and consent of the
6 Congress. The National Election Director shall be a
7 Resident of a State of the Federated States of
8 Micronesia.

9 (b) The National Election Director shall serve
10 until resignation, or until removed from office upon a
11 determination by the President that such removal is
12 necessary. An appointment of a successor shall then be
13 made by the President with the advice and consent of the
14 Congress.

15 (2) National election commissioners.

16 (a) The National Election Director shall, after
17 consultation with the governor of the State concerned,
18 appoint a national election commissioner for each State.

19 (b) National election commissioners serve for a
20 term of four years, which term shall commence upon
21 appointment, subject to removal by the National Election
22 Director for cause; provided, that they shall be
23 employed full-time and compensated pursuant to
24 employment contracts during their four-year terms only
25 for such period(s) of time as deemed necessary by the

1 National Election Director for the purpose of preparing
2 for and administering an upcoming National Election.

3 (c)National election commissioners shall not
4 concurrently serve as State election commissioners;
5 provided, however, that if any current national election
6 commissioner is nominated to serve as a State election
7 commissioner, he or she may continue to serve as
8 national election commissioner until such time as a new
9 appointment by the National Election Director becomes
10 effective.

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

14 (3)Election board and counting and tabulation committee
15 members.

16 (a)The national election commissioner of each State,
17 with the approval of the National Election Director,
18 shall appoint an election board for each Polling Place
19 on or before January 2nd of each election year. There
20 shall be at least two board members at each Polling
21 Place.

22 (b)The national election commissioner of each State,
23 with the approval of the National Election Director,
24 shall appoint members of the counting and tabulation
25 committee for each Polling Place on or before January 2nd

1 of each election year. There shall be at least three
2 committee members for each Polling Place.

3 (c)Election board and counting and tabulation committee
4 members shall serve shall the completion of the
5 electoral process for a general or special election in a
6 given election year, or until resignation of removal
7 from office for cause by the National Election Director
8 after consultation with the national election
9 commissioner for the State concerned; provided, that
10 they shall be compensated pursuant to employment
11 contracts only for such period(s) of time as deemed
12 necessary by the national election commissioner for the
13 purpose of preparing for and administering an upcoming
14 election.

15 (d)Election board and counting and tabulation committee
16 members shall be legal Residents of the State and
17 Congressional Election District for which they are
18 appointed to serve."

19 Section 27. Title 9 of the Code of the Federated States of
20 Micronesia, as amended, is hereby further amended by adding a new
21 section 303 of chapter 3 to read as follows:

22 "Section 303. Powers and duties of the National
23 Election Director. The National Election Director shall
24 have responsibility for the overall supervision and
25 administration of all National Elections, and shall

1 perform such duties as are prescribed by law or
2 regulation, which include, but are not limited to
3 following:

4 (1)to supervise and direct the four national election
5 commissioners in their administration of all general and
6 special elections and in the performance of their
7 duties;

8 (2)to approve the appointment by the four national
9 election commissioners of all election board members,
10 counting and tabulation committee members, and other
11 temporary or permanent election staff;

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

15 (4)to review and approval all nomination papers received
16 by the four national election commissioners pursuant to
17 section 202 of this title;

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

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

23 (7)to require financial reporting of campaign
24 fundraising and spending by candidates and their
25 supporters in National Elections;

1 (8)to certify and declare the results of all National
2 Elections;
3 (9)to review and investigate all registration and
4 election irregularities, and any other alleged
5 violations of this title, and where appropriate, to seek
6 the assistance of other departments and agencies within
7 the National government with such investigations;
8 (10)upon a finding that significant election
9 irregularities at a Polling Place have affected the
10 outcome of the election at the Polling Place, order a
11 recount or exclusion of the votes cast at the Polling
12 Place, a revote at the Polling Place, or any other
13 remedy the National Election Director deems necessary to
14 ensure a free and fair election;
15 (11)to rule on petitions alleging election
16 irregularities pursuant to chapter 8 of this title;
17 (12)to determine and prescribe forms of affidavits,
18 applications, petitions, ballots, Signature Lists,
19 National Voter Register, cards of instruction, poll
20 books, tally sheets, Voter Identification Cards, and
21 other materials required by the provisions of this title
22 for use by candidates, boards, committee, and voters,
23 and to supply the same to the national election
24 commissions, election boards and counting and tabulation
25 committees;

1 (13)to list all candidates for election on the ballot
2 for each Congressional Election District in alphabetical
3 order by first name;

4 (14)to be the allottee of election funds unless
5 otherwise provided for in the act appropriating such
6 funds;

7 (15)to designate appropriate Polling Place within the
8 Municipalities of each Congressional Election District,
9 upon recommendations of the national election
10 commissioners; and

11 (16)to administer the National Election Offices and
12 appoint and supervise the election staff of the National
13 Election Offices."

14 Section 28. Title 9 of the Code of the Federated States of
15 Micronesia, as amended, is hereby further amended by adding a new
16 section 304 of chapter 3 to read as follows:

17 "Section 304. Powers and duties of national election
18 commissioners. Subject to the authority of the National
19 Election Director, each national election commissioner
20 shall have responsibility for the overall supervision
21 and administration of the election within his or her
22 State and shall perform such duties as are prescribed by
23 law, which include, but are not limited to the
24 following:

1 (1)to appoint, subject to the approval of the National
2 Election Director, all election board members, counting
3 and tabulating committee members and each other
4 temporary or permanent election staff;
5 (2)to require such reports from the several election
6 boards and counting and tabulation committees as may be
7 required by law or regulation or as the national
8 election commissioner may deem necessary;
9 (3)to recommend of the National Election Director
10 Polling Place within each Congressional Election
11 District;
12 (4)to receive nomination papers;
13 (5)to register voters for National Elections;
14 (6)not less than 20 days prior to each election, to
15 prepare from the National Voter Register a Signature
16 List for each Polling Place;
17 (7)to assist the National Election Director in
18 maintaining the National Voter Register required by
19 section 401 of this title;
20 (8)to administer a National Election Office in the State
21 and supervise the election staff of that office;
22 (9)to report directly to the National Election Director;
23 and
24 (10)to perform such other duties as the National
25 Election Director may from time to time assign."

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 305 of chapter 3 to read as follows:

4 "Section 305. Powers and duties of election boards.

5 Each election board member shall have the following
6 powers and duties:

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

9 (2)to supervise and manage the Polling Place to which
10 the board member has been assigned;

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

14 (4)to report any election irregularities to the national
15 election commissioner and National Election Director,
16 and to assist in investigating and resolving such
17 irregularities;

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

21 (6)to give such instruction deemed necessary for the
22 orderly conduct of the election;

23 (7)to provide for the issuance of all notices and
24 publications concerning elections;

1 (8)to review and examine the sufficiency and validity or
2 nominating papers and other documents where the national
3 election commissioner of the National Election Director
4 designates the board to act in his or her stead;

5 (9)to receive and transmit all ballot boxes, locked and
6 sealed, to the counting and tabulation committee; and

7 (10)to perform such other duties as the national
8 election commissioner or National Election Director may
9 from time to time assign to the board member."

10 Section 30. Title 9 of the Code of the Federated States of
11 Micronesia, as amended, is hereby further amended by adding a new
12 section 306 of chapter 3 to read as follows:

13 "Section 306. Powers and duties of counting and
14 tabulation committees. Each counting and tabulation
15 committee member shall have the following powers and
16 duties:

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

19 (2)to conduct the counting and tabulation process for
20 the Polling Place to which the committee member has been
21 assigned;

22 (3)to report to the national election commission and
23 National Election Director any violations of this title
24 or the applicable rules and regulations;

1 (4)to report any election irregularities to the national
2 election commissioner and National Election Director,
3 and to assist in investigating and resolving such
4 irregularities;

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

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

10 (7)to review and examine the sufficiency and validity of
11 any affidavits submitted along with cast ballots;

12 (8)to receive and transmit all ballot boxes, locked and
13 sealed, to the national election commissioner; and

14 (9)to perform such other duties as the national election
15 commissioner or National Election Director may from time
16 to time assign to the committee member."

17 Section 31. Title 9 of the Code of the Federated States of
18 Micronesia, as amended, is hereby further amended by enacting a
19 new chapter 4 entitled "Registration."

20 Section 32. Title 9 of the Code of the Federated States of
21 Micronesia, as amended, is hereby further amended by adding a new
22 section 401 of chapter 4 to read as follows:

23 "Section 401. National Voter Register.

24 (1)There shall be one unified National Voter Register
25 for all of the Federated States of Micronesia, which

1 shall consist of the full name, date of birth, sex,
2 State, Congressional Election District and Municipality
3 of residence, registration number and other identifying
4 information that the National Election Director deems
5 appropriate, of all Registered Voters who are currently
6 eligible to vote.

7 (2)A Registered Voters shall only have one entry on the
8 National Voter Register.

9 (3)The National Election Director shall be responsible
10 for creating, maintaining and preserving the National
11 Voter Register with the assistance of the national
12 election commissioners.

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

15 (5)Reconciling State Voters Register

16 (a)On a periodic basis, the National Election Director
17 shall reconcile the National Voter Register with the
18 State Voter Register thereby ensuring that all
19 Registered Voters on the State Voter Registers are also
20 listed on the National Voter Register.

21 (b)Thirty days before a National Election, the National
22 Election Director shall perform a final reconciliation
23 of the State and National voter registers before the
24 Signature lists are generated from the National Voter
25 Register.

1 (c)When reconciling the State Voter Register with the
2 National Voter Register, the National Election Director
3 shall ensure that a Registered Voter has only one entry
4 on the National Voter Register pursuant to subsection
5 (2) of this section.

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

8 Section 33. Title 9 of the Code of the Federated States of
9 Micronesia, as amended, is hereby further amended by adding a new
10 section 402 of chapter 4 to read as follows:

11 "Section 402. Registration required; re-registration
12 prohibited.

13 (1)No person shall be entitled to vote in any National
14 Election, or to be listed upon the National Voter
15 Register, or upon any Signature List, who fails to
16 register to vote with the National Election Office or
17 State Election Office at least 30 days prior to Election
18 Day.

19 (2)A person having once been registered with the
20 National Election Office or State Election Office shall
21 not re-register, or be required to re-register, in a
22 National Election, except:

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

25 (b) in the event voting records are lost or

1 destroyed, the National Election Director may require
2 the re-registration of those voters whose records are
3 lost or destroyed."

4 Section 34. Title 9 of the Code of the Federated States of
5 Micronesia, as amended, is hereby further amended by adding a new
6 section 403 of chapter 4 to read as follows:

7 "Section 403. Eligibility to register; place of
8 registration and voting.

9 (1) Every Citizen who fulfills the requirements
10 enumerated in section 103 of this title may register to
11 vote in the National Elections in the State,
12 Congressional Election District and Municipality in
13 which her or she currently resides.

14 (2) Except as provided in section 406 of this chapter,
15 a person shall register to vote at a National Election
16 Office or State Election Office in the State in which
17 the person is a Resident. The national election
18 commissioners, with the approval of the National
19 Election Director, may designate other locations within
20 a State where person may register to vote or may conduct
21 mobile registration drives.

22 (3) No person shall register to vote in National
23 Elections in any State, Congressional Election District
24 or Municipality other than the one in which he or she
25 currently resides.

1 (4) Once a person has registered to vote in National
2 Elections in a State and Congressional Election
3 District, he or she shall not vote in a National
4 Election for another State or Congressional Election
5 District without first filing a change of registration
6 request form and receiving written notice of approval of
7 that request pursuant to section 405 of this chapter.

8 (5) Except as provided in chapter 6 of this title, no
9 person shall vote in National Elections in any State,
10 Congressional Election District or Municipality other
11 than the one in which he or she currently resides;
12 provided, however, that where there is a mistake in
13 placing the name of a voter on the Signature List of a
14 Polling Place in a State, Congressional Election
15 District or Municipality in which he or she does not
16 reside, such voter shall nevertheless be allowed to vote
17 therein, if otherwise qualified. The election board
18 member of the particular Polling Place where such voter
19 has voted shall notify the national election
20 commissioner of the affected State of the error in order
21 that such voter shall be place on the correct Signature
22 List for the next National Election.

23 (6) If a person is a Resident of more than one State,
24 or resides in more than one Congressional Election
25 District, he or she may choose in which State or

1 Congressional Election District to register to vote for
2 National Elections, but he or she shall register to vote
3 in only one State and Congressional Election District."

4 Section 35. Title 9 of the Code of the Federated States of
5 Micronesia, as amended, is hereby further amended by adding a new
6 section 404 of chapter 4 to read as follows:

7 "Section 404. Registration procedures.

8 (1) A person desiring to register to vote in National
9 Elections shall complete such applications and
10 affidavits, shall take such oaths, and present such
11 personal documentation and witnesses, as required by the
12 rules and regulations promulgated by the National
13 Election Director pursuant this title.

14 (2) Regardless of the place of registration, all
15 completed applications and affidavits of registration
16 shall be transmitted to the national election
17 commissioner of the relevant state for final approval
18 and entry onto the National Voter Register.

19 (3) Every completed application or affidavit of
20 registration shall be maintained and preserved at the
21 National Election Office of the State of registration
22 until such time as the Registered Voter who completed
23 the application or affidavit is deceased or is otherwise
24 no longer eligible to vote.

25 (4) All completed applications and affidavits of

1 registration shall be open to public inspection during
2 regular business hours.

3 (5) The National Election Director may issue Voter
4 Identification Cards to all Registered Voters at or
5 after the time of registration. Upon issuing a Voter
6 Identification Card to a Registered Voter, the National
7 Election Director, or his or her designee, shall make a
8 notation next to that Registered Voter's entry on the
9 National Voter Register. A Registered Voter who has
10 been issued a Voter Identification Card must present
11 that card before being issued a ballot at his or her
12 Polling Place."

13 Section 36. Title 9 of the Code of the Federated States of
14 Micronesia, as amended, is hereby further amended by adding a new
15 section 405 of chapter 4 to read as follows:

16 "Section 405. Change of registration.

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

25 (2) Any Registered Voter who (a) changes his or her

1 State of residency, and (b) wishes to register to vote
2 in National Elections in his or her new State of
3 residency, must file a change of registration request
4 form and supporting documentation, as required by the
5 rules and regulations promulgated pursuant to this
6 title, with the national election commissioner of the
7 new State of residence.

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

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

1 registration, the national election commissioner of the
2 new State of residence shall cause the entry on the
3 National Voter Register for that Registered Voter to be
4 amended to reflect the change in residency, and advise
5 the national election commissioner of the former State
6 of residence to remove the Registered Voter from any
7 list maintained in that State.

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

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

17 Section 37. Title 9 of the Code of the Federated States of
18 Micronesia, as amended, is hereby further amended by adding a new
19 section 406 of chapter 4 to read as follows:

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

1 regulations promulgated pursuant this title to the
2 national election commissioner of his or her State of
3 residency."

4 Section 38. Title 9 of the Code of the Federated States of
5 Micronesia, as amended, is hereby further amended by enacting a
6 new chapter 5 entitled "Procedure for Ballot".

7 Section 39. Title 9 of the Code of the Federated States of
8 Micronesia, as amended, is hereby further amended by adding a new
9 section 501 of chapter 5 to read as follows:

10 "Section 501. Official ballots required; specimen
11 ballots.

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

21 (2) The National Election Director shall have printed
22 two exact copies of each official ballot which is to be
23 used in the National Election, for each Polling Place,
24 such copies to have printed thereon, in large bold
25 letters, and with ink of a color plainly contracting to

1 the color of the paper used, the word "Specimen." Two
2 copies of each such specimen ballot shall be forwarded
3 to the national election commissioner of each State and
4 the members of the election board at the same time with
5 the official ballots, and the election board members
6 shall post one of each specimen ballot on either side of
7 the entrance of the Polling Place or other places
8 plainly in sight for the general public."

9 Section 40. Title 9 of the Code of the Federated States of
10 Micronesia, as amended, is hereby further amended by adding a new
11 section 502 of chapter 4 to read as follows:

12 "Section 502. Contents of ballots.

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

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

1 Section 41. Title 9 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by adding a new
3 section 503 of chapter 4 to read as follows:

4 "Section 503. Printing and distributions of ballots.

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

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

1 Section 42. Title 9 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by adding a new
3 section 504 of chapter 4 to read as follows:

4 "Section 504. Amendments to ballots.

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

18 (2) If a candidate withdraws his name later than 80
19 days before a general election, or is disqualified at
20 any time before a National Election, and it becomes
21 necessary in the opinion of the National Election
22 Director for a reprinting of ballots or a striking out
23 of the candidate's name by a reprint blackout, all
24 expenses thereof, except in case of a withdrawal
25 necessitated for medical cause and so certified by a

1 physician, shall be a charge against the withdrawing or
2 disqualified candidate and shall be paid by him within
3 60 days after such withdrawal or disqualification to the
4 National Election Director.

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

17 Section 43. Title 9 of the Code of the Federated States of
18 Micronesia, as amended, is hereby further amended by adding a new
19 section 505 of chapter 4 to read as follows:

20 "Section 505. Packaging and sealing of ballots record
21 of distribution. When printed, the ballots shall be
22 fastened together in consecutively numbered blocks of 25
23 each in such manner that each ballot may be detached and
24 removed separately. The National Election Director
25 shall forward the ballots to the national election

1 commissioner of each State who will forward them to the
2 members of the election board in sealed packages. Which
3 shall not be opened until the opening of the Polls on
4 Election Day. The national election commissioners shall
5 keep a record of the number of ballots sent to each
6 election board, and on Election Day the election boards
7 shall confirm the total number of ballots received from
8 the national election commissioner on their inventory
9 sheet for the Polling Place."

10 Section 44. Title 9 of the Code of the Federated States of
11 Micronesia, as amended, is hereby further amended by enacting a
12 new chapter 6 entitled "Procedure for Absentee Voters".

13 Section 45. Title 9 of the Code of the Federated States of
14 Micronesia, as amended by adding new 601 of chapter 6 to read as
15 follows:

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

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

20 (2) Any Registered Voter qualified as an "absentee
21 voters" and entitled to vote according to the provisions
22 set forth in this chapter if:

23 (a) he or she is confined to home or hospital by
24 reason of illness or physical disability, or is
25 incarcerated for a crime, as will prevent him or her

1 from coming to the Polling Place to cast a ballot on
2 election Day; or

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

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

13 (a) by mail;

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

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

17 (d) by voting at a traveler Polling Place.

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

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

1 the Registered voter and shall include the following
2 information, as well as any additional information the
3 National Election Director decides:

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

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

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

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

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

15 (6) Only the Registered Voter seeking to vote by
16 absentee ballot may submit an absentee ballot request to
17 the national election commissioner. With the exception
18 of confined voting pursuant to section603 of this
19 chapter, all absentee ballot request forms must be
20 individually mailed or delivered in person to the
21 national election commissioner by the Registered Voter
22 making the request. Bulk delivery of absentee request
23 forms by hand, mail or other means shall not be accepted
24 and shall be considered invalid."

25 Section 46. Title 9 of the Code of the Federated States of

1 Micronesia, as amended, is hereby further amended by adding a new
2 section 602 of chapter 6 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) Deadline 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 days but not less than 30
15 days before Election Day.

16 (b) In the case of a special election, the
17 request to vote absentee ballot by mail must be received
18 by the national election commissioner of the State in
19 which the voter is registered not more than 50 days but
20 not less than 30 days before the day of the special
21 election.

22 (c) If the absentee voter currently resides in a
23 foreign country where the Federated States of Micronesia
24 maintains an embassy or consulate, then a request to
25 vote absentee ballot by mail may alternatively be sent

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

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

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

25 (f) The national election commissioner, or his or

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

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

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

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

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

1 deliver his or her absentee ballot and affidavit to that
2 embassy or consulate. The absentee ballot and affidavit
3 must e received by the embassy or consulate no later
4 than the established the closing hour of the Polls on
5 Election Day.

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

9 (4) Disposition of absentee ballots by mail.

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

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

7 (c) An absentee ballot may be determined to be
8 invalid if

9 (i) the affidavit is found to be
10 insufficient;

11 (ii) the signatures on the request for the
12 ballot and the affidavit do not correspond;

13 (iii) the request for the ballot was not
14 properly made or was untimely, as set forth in this
15 section;

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

18 (v) the ballot was returned in a bundle with
19 other ballots;

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

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

22 (viii) the ballot envelope is open or has been
23 opened and resealed; or

24 (ix) the voter has already voted.

25 (d) The ballot envelope of an invalid absentee

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

9 Section 47. Title 9 of the Code of the Federated States of
10 Micronesia, as amended, is hereby further amended by adding a new
11 section 603 of chapter 6 to read as follows:

12 "Section 603. Voting absentee ballot at a mobile
13 Polling Place.

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

17 (2) Written requests to vote at a mobile Polling
18 Place, using the forms required by the rules and
19 regulations promulgated pursuant to this title, must be
20 submitted to the National election commissioner not more
21 than 120 day before Election Day. If the absentee voter
22 is unable to personally complete and deliver the request
23 form to vote at a mobile Polling Place, then the
24 absentee voter can request the assistance of a family
25 member.

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

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

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

15 Section 48. Title 9 of the Code of the Federated States of
16 Micronesia, as amended, is hereby further amended by adding a new
17 section 604 of chapter 6 to read as follows:

18 "Section 604. Voting absentee ballot in another
19 Congressional election District in the State of
20 registration.

21 (1) Registered Voters who are outside their
22 Congressional Election District of registration, but
23 inside their State of registration, may vote at a VAAPP
24 Polling Place if the following conditions are met:

25 (a) the voter is present in his or her State on

1 Election Day;

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

4 (c) the voter submits to the national election
5 commissioner of the State of registration a written
6 VAAPP request using the forms required by the rules and
7 regulations promulgated pursuant to this title; and

8 (d) the national election commissioner of the
9 State of registration receives the written VAAPP request
10 at least seven days before the National Election.

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

16 (2) The national election commissioner, or his or her
17 designee, shall review all VAAPP requests for a
18 particular Congressional Election District, and shall
19 place on a VAAPP signature List for that Congressional
20 Election District all the information contained on the
21 National Voter Register for those absentee voters who
22 submitted valid and timely requests. No later than six
23 days before a National Election, the national election
24 commissioners shall post at the National Election Office
25 in their State the VAAPP Signature List for each VAAPP

1 Polling Place in their State.

2 (3) The national election commissioner, or his or her
3 designee, shall strike out or delete the entry of the
4 absentee voter on the signature List for that voter's
5 regular Polling Place. The VAAPP absentee voter shall
6 not be allowed to cast a ballot at his or her regular
7 Polling Place on Election Day.

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

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

19 (b) the national election commissioner makes a
20 finding in writing that an absentee voter was unable to
21 give sufficient notice because of circumstances beyond
22 his or her control, and that the waiver would not
23 prevent compliance with any other provision of this
24 section."

25 Section 49. Title 9 of the Code of the Federated States of

1 Micronesia, as amended, is hereby further amended by adding a new
2 section 605 of chapter 6 to read as follows:

3 "Section 605. Voting absentee ballot at a special
4 Polling Place in another State.

5 (1) Registered Voters who absent from their State of
6 registration on Election Day may cast their votes in
7 another state within the Federated States of Micronesia
8 at a special Polling Place.

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

14 (3) Requests to vote absentee ballot at a special
15 Polling Place must be in writing, using the forms
16 required by the rules and regulations promulgated
17 pursuant to this title, and received by the national
18 election commissioner of the State of registration not
19 less than 30 days prior to a general election or 10 days
20 before a special election; provided however, no written
21 request shall be required if in a previous National
22 Election the absentee voter submitted a request in which
23 he or she indicated his or her desire to vote at the
24 same special Polling Place in future National Elections
25 until such time that the voter provides written

1 notification to the national election commissioner that
2 he or she wishes to resume voting at his or her regular
3 Polling Place. Provided, further, that voter with a
4 valid Voter Identification Card may vote at any special
5 Polling Place designated for his her Congressional
6 Election District without submitting a written request.

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

19 (5) The national election commissioner of the State of
20 registration, or his or her designee, shall strike out
21 or delete the entry of the absentee voter on the
22 Signature List for that voter's regular Polling Place.
23 The absentee voter shall not be allowed to cast a ballot
24 at his or her regular Polling Place on Election Day."

25 Section 50. Title 9 of the Code of the Federated States of

1 Micronesia, as amended, is hereby further amended by adding a new
2 section 606 of chapter 6 to read as follows:

3 "Section 606. Voting absentee ballot prior to traveling
4 outside the State.

5 (1) Registered Voters who will be traveling outside
6 their State of registration on Election Day may cast a
7 ballot at a traveler Polling Place prior to their
8 departure from the State if they meet the following
9 conditions

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

12 (b) the voter submits in person to the National
13 election commissioner of the State of registration a
14 written request to cast a ballot prior to traveling
15 outside his or her State of registration, using the
16 forms required by the rules and regulations promulgated
17 pursuant to this title, not more than 30 days and not
18 less than one day before the National election; and

19 (c) the cover submits proof, in the form of
20 airline or passenger shit tickets, of his or her travel
21 plans.

22 (2) Upon meeting the conditions specified in
23 subsection 1 of this section, the national election
24 commissioner, or his or her designee, shall issue the
25 traveler absentee voter the same voting materials that

1 are issued to absentee voters by mail specified in
2 subsection 602(3). The same procedures for marking,
3 returning, and disposition of absentee ballots by mail
4 specified in subsection 602(3) and (4) shall apply to
5 the marking, returning and disposition of traveler
6 absentee ballots.

7 (3) The national election commissioner, 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 traveler absentee voter
11 shall not be allowed to cast a ballot at his or her
12 regular Polling Place on Election Day."

13 Section 51. Title 9 of the Code of the Federated States of
14 Micronesia, as amended, is hereby further amended by enacting a
15 new chapter 7 entitled "Procedure for Conduct of National
16 elections.

17 Section 52. Title 9 of the Code of Federated States of
18 Micronesia, as amended, is hereby further amended by adding a new
19 section 701 to read as follows:

20 "Section 701. Supervision of Polling Places.

21 (1) Except as otherwise provided in this section, at
22 exactly 7:00 a.m. of the day of the election, a member
23 of the board of election shall proclaim aloud at each
24 place of election that the Polls are open and shall be
25 kept open until 5:00 p.m., of the same day, after which

1 time the Polls shall be closed.

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

7 (3) If an election for State office is held on the
8 same day as the national election and the time for
9 closing is later than 5:00 p.m., then the closing time
10 for the State election shall prevail."

11 Section 55. Title 9 of the Code of the Federates States of
12 Micronesia, as amended, is hereby further amended by adding a new
13 section 704 of chapter 7 to read as follows:

14 "Section 704. Checking a register; issuing of ballots.

15 (1) A person appearing at any Polling Place to vote,
16 including absentee Polling Places specified in
17 subsections 601(3)(b), (c), (d) and (e), shall report
18 his or her full name to the election board members. If
19 the person has been issued a Voter Identification Card,
20 he or she must present that voter Identification Card to
21 the election board members in order to vote. If the
22 person has not been issued a Voter Identification Card,
23 then he or she shall present other proof of identity as
24 required under the rules and regulations promulgated
25 pursuant to this title.

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

13 (3) No person shall be permitted to cast a ballot in a
14 National Election at a Polling Place unless his or her
15 name appears on the Signature List for that Polling
16 Place and he or she signs the Signature List; provided,
17 however, that a person whose name does not appear on the
18 Signature List but who presents a valid Voter
19 Identification Card for that Polling Place which
20 indicates that he or she has not yet voted in that
21 National Election, such person shall be permitted to
22 cast a ballot after signing a supplemental signature
23 list.

24 (4) Any election board member, poll watcher or
25 Registered Voter may challenge the identity or

1 eligibility to vote of any person appearing at the
2 Polling Place to vote on Election Day in accordance with
3 section 708 of this chapter.

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

13 (6) The National Election Director shall establish by
14 rules and regulations additional security measures to
15 prevent election fraud and irregularities at the Polling
16 Places."

17 Section 56. Title 9 of the Code of the Federated States of
18 Micronesia, as amended, is hereby further amended by adding a new
19 section 705 of chapter 7 to read as follows:

20 "Section 705. Campaigning on election Day.

21 (1) No campaigning shall occur from 12:00 a.m. until
22 the close of the Polls on Election Day. All campaign
23 materials shall be removed by candidates, or their
24 supporters, from Public Property prior to 12:00 a.m. on
25 Election Day.

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

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

8 Section 57. Title 9 of the Code of the Federated States of
9 Micronesia, as amended, is hereby further amended by adding a new
10 section 706 of chapter 7 to read as follows:

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

15 Section 58. Title 9 of the Code of the Federated States of
16 Micronesia, as amended, is hereby further amended by adding a new
17 section 707 of chapter 7 to read as follows:

18 "Section 707. Poll watchers. Each candidate shall be
19 entitled to have not more than two poll watchers at each
20 Polling Place."

21 Section 59. title 9 of the Code of the Federated States of
22 Micronesia, as amended, is hereby further amended by adding a new
23 section 708 of chapter 7 to read as follows:

24 "Section 708. Complaints at the Polling Place.

25 (1) Any person may file an oral or written complaint

1 of any election irregularity with a member of the
2 election board present at the Polling Place.

3 (2) The board member shall give any individual against
4 whom the complaints made time to present witnesses and
5 an explanation, if any, but in no event shall time to
6 granted so as to prevent the election board from making
7 a decision prior to the time for the closing of the
8 Polls.

9 (3) The complaint, or the individual against whom the
10 complaint is made, may appeal the decision of the
11 election board to the national election commissioner of
12 the State concerned. The national election commissioner
13 shall, as soon as possible, examine the findings of the
14 election board and may hear witnesses if he or she deems
15 it necessary. The national election commissioner shall
16 render a decision prior to the time of the closing of
17 the Polls or as soon as practicable.

18 (4) The aggrieved party may appeal the decision of the
19 national election commissioner to the National Election
20 Director in accordance with section 802 of this title.

21 (5) An election board member shall record in the
22 official log book for the Polling Place the name, date
23 of birth, sex and municipality of registration of the
24 person making the complaint and the person against whom
25 the complaint is made. The election board member shall

1 also record in the logbook the basis of the complaint
2 and any decision reached by the election board. In
3 addition, the complaint, the individual against whom the
4 complaint was made, any witnesses, board members or poll
5 watchers may write their comments regarding the
6 complaint or the board's decision in the log book.

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

10 Section 60. title 9 of the Code of the Federated States of
11 Micronesia, as amended, is hereby further amended by adding a new
12 section 709 of chapter 7 to read as follows:

13 "Section 709. Disposition of ballot boxes after
14 completion of voting. After all voting is completed,
15 all ballot boxes shall be secured and locked. The
16 locked boxes and all other supplies provided to the
17 Polling Places by the national election commissioner
18 shall be collected by election officials and delivered
19 to the national election commissioner of the State
20 concerned, or his or her designee, by the most
21 expeditious means available and be certified to said
22 national election commissioner that the ballots so
23 delivered were cast in accordance with provisions of
24 this title."

25 Section 61. Title 9 of the Code of the Federated States of

1 Micronesia, as amended, is hereby further amended by adding a new
2 section 710 of chapter 7 to read as follows:

3 "Section 710. Counting of ballots; announcement of
4 unofficial results.

5 (1) The National Election Director, upon the
6 recommendation of the national election commissioner of
7 the relevant State, shall establish counting and
8 tabulation committees in each State. Each counting and
9 tabulation committee shall be composed of not less than
10 three members.

11 (2) Each counting and tabulation committee shall
12 publicly count and tally all votes cast and determine
13 the acceptability thereof, provided, however, that no
14 persons other than members of the counting and
15 tabulation committee, the candidate, the candidate's
16 poll watcher, and such other election or law enforcement
17 officials as the National Election Director or the
18 national election commissioner shall deem necessary,
19 shall be permitted within 100 feet of the counting and
20 tabulation of ballots.

21 (3) The counting and tabulation of ballots cast shall
22 begin upon receipt of the ballot box, if such activity
23 is centralized, or upon the close of the Polling Place,
24 if such activity is decentralized, whichever is
25 applicable.

1 (4) Public announcement of the unofficial results of
2 the counting and tabulation of the ballots by each
3 counting and tabulation committee shall be made by the
4 national election commissioner in the manner set forth
5 in regulations promulgated pursuant to this title."

6 Section 62. Title 9 of the Code of the Federated States of
7 Micronesia, as amended, is hereby further amended by adding a new
8 section 711 of chapter 7 to read as follows:

9 "Title 711. Certification and declaration of election
10 results.

11 (1) Upon completion of the counting and tabulation of
12 election results by the national election commissioners,
13 and no later than three days after the unofficial
14 election results of all four States have been received
15 by the National Election Director, the National Election
16 Director shall certify the election results and shall
17 declare as the winning candidates for the Congress of
18 the Federated States of Micronesia the candidates
19 receiving the plurality of votes in each Congressional
20 Election District.

21 (2) Upon certification and declaration of the results,
22 the National Election Director shall immediately provide
23 to all election candidates notice of such certification
24 in the most practical and expeditious manner available.

25 (3) In the case where there is an irregularity

1 preventing certification of the results in any
2 Congressional Election District, the results from such
3 district shall be delayed until such irregularity is
4 resolved, but the results from the other Congressional
5 Election Districts shall be certified and declared in
6 accordance with this section."

7 Section 63. Title 9 of the Code of the Federated States of
8 Micronesia, as amended, is hereby further amended by adding a new
9 section 712 of chapter 7 to read as follows:

10 "Section 712. Resolution of ties. After all votes have
11 been tabulated by the national election commissioner and
12 his or her designees and certified to by the National
13 Election Director, if two or more candidates shall have
14 received an equal number of votes, such tie shall be
15 resolved by a runoff election between those candidates
16 held within 30 days. The candidate receiving the
17 plurality of votes in the runoff shall be declared the
18 winner by the National Election Director, and the result
19 shall be certified under the procedures of section 711
20 of this chapter."

21 Section 64. Title 9 of the Code of the Federated States of
22 Micronesia, as amended, is hereby further amended by adding a new
23 section 713 to read as follows:

24 "Section 713. Rejected or spoiled ballots.

25 (1) All ballots which have been declared invalid due

1 to defacement or other irregularity shall be sorted and
2 a notation placed upon them indicating that they are
3 rejected ballots. Upon completion of the counting of
4 the ballots, the rejected ballots shall be placed in the
5 ballot box and returned by the counting and tabulating
6 committee to the national election commissioner with the
7 validly cast ballots.

8 (2) Two or more markings in one voting square or a
9 mark made partly within and partly without a voting
10 square or space does not make a ballot void.

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

16 (4) A ballot shall not be rejected for any technical
17 error which does not render it impossible to determine
18 the voter's choice, even thou the ballot is soiled or
19 partially defaced.

20 (5) If for any reason a ballot is imperfectly marked
21 and it is impossible to determine the voter's choice for
22 any office or issue, his ballot shall not be counted for
23 that office or issue, but the rest of his ballot, if
24 properly marked, shall be counted."

25 Section 65. Title 9 of the Code of the Federated States of

1 Micronesia, as amended, is hereby further amended by adding a new
2 section 714 of chapter 7 to read as follows:

3 "Section 714. Write-in votes. Write-in votes may be
4 used in National Elections. Any name written upon a
5 ballot shall be counted as a vote for the person whose
6 name is so written for the office under which it is
7 written."

8 Section 66. title 9 of the Code of the Federated States of
9 Micronesia, as amended, is hereby further amended by adding a new
10 section 715 of chapter 7 to read as follows:

11 "Section 715. Preservation of ballots and election
12 materials. All cast, unused, rejected and spoiled
13 ballots, and all official forms used by the election
14 boards, the counting and tabulation committees and other
15 election officials shall be preserved and secured in a
16 safe location to be determined by the National Director
17 and national election commissioners until the time
18 periods for challenging an election result under chapter
19 8 of this title have expired, or such later date if so
20 ordered by the Appellate Division of the supreme Court
21 of the Federated States of Micronesia. All ballots, and
22 any other official forms the National Election Director
23 specifies through rules and regulations promulgated
24 pursuant to this title, shall thereafter be promptly
25 destroyed."

1 Section 67. title 9 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by enacting a
3 new chapter 8 entitled "Procedure for Petitions and Appeals".

4 Section 68. Title 9 of the Code of the Federated States of
5 Micronesia, as amended, is hereby further amended by adding a new
6 section 801 of chapter 8 to read as follows:

7 "Section 801. Petitions for recount, revote or
8 challenging acceptability of votes.

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

13 (2) In the event of election fraud or error in the
14 canvassing, casting or return of votes in a National
15 Election which cannot be corrected by recount, a
16 candidate may petition for a revote, either in a
17 Congressional Election District as a whole, or in the
18 portion thereof where the fraud or error took place.

19 (3) Any other petition challenging the acceptability
20 of a vote or votes may be filed by any Registered Voter
21 who believes that there was fraud or error committed in
22 the canvassing, casting or return of votes in a National
23 Election.

24 (4) A petition under subsections (1), (2) or (3) shall
25 be filed with the National Election Director. Such

1 petition shall contain:

2 (a) a statement of the nature, location and
3 extent of the election fraud or error that forms the
4 basis of the petition;

5 (b) a statement of the form of relief the
6 petitioner seeks;

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

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

13 Section 69. Title 9 of the Code of the Federated States of
14 Micronesia, as amended, is hereby further amended by adding a new
15 section 802 of chapter 8 to read as follows:

16 "Section 802. Filing time frames.

17 (1) A petition for a recount or revote must be filed
18 within one week after the National Election Director
19 certifies the results of the National Election in the
20 Congressional Election District or State concerned.

21 (2) Any other petition challenging the acceptability
22 of a vote or votes must be filed before the National
23 Election Director certifies the results of the National
24 Election in the Congressional election District or State
25 concerned, or within one week of Election Day, whichever

1 occurs first

2 (3) The winning candidates shall have one week to
3 respond to the petition.

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

6 Section 70. Title 9 of the Code of the Federated States of
7 Micronesia, as amended, is hereby further amended by adding a new
8 section 803 of chapter 8 to read as follows:

9 "Section 803. Standard of proof.

10 (1) The National Election Director shall grant a
11 petition for a recount where he or she determines that
12 the petitioner has shown by a preponderance of the
13 evidence that there is a substantial question of fraud
14 or error and that there is a substantial possibility
15 that the outcome of the election would be affected by a
16 recount.

17 (2) The National Election Director shall grant a
18 petition for a revote where he or she determines that
19 the petitioner has shown by a preponderance of the
20 evidence that it is more likely than not that the fraud
21 or error complained of could have resulted in the
22 election of a candidate who would not have won had the
23 fraud or error not occurred.

24 (3) The National Election Director shall grant any
25 other petition challenging the acceptability of a vote

1 or votes where he or she determines that the petitioner
2 has shown by preponderance of the evidence that fraud or
3 error occurred in the canvassing, casting or return of
4 votes in a National Election, and that the relief such
5 fraud or error.

6 (4) Notwithstanding subsection (1) of this section, a
7 petition for a recount must be granted if the difference
8 between the number of votes cast for a winning
9 candidates and the next highest candidate is one-half of
10 one percent or less of the total votes cast for all of
11 the candidates for that particular seat."

12 Section 71. Title 9 of the Code of the Federated States of
13 Micronesia, as amended, is hereby further amended by adding a new
14 section 804 of chapter 8 to read as follows:

15 "Section 804. Denial of petition; appeal to Supreme
16 Count.

17 (1) If the National Election Director decides not to
18 approve a petition, he shall record the reasons for such
19 decision.

20 (2) A petitioner may, within five days after receipt
21 of the decision of the National Election Director
22 denying his or her petition, appeal his case to the
23 Appellate Division of the Supreme Court of the Federated
24 States of Micronesia. The Appellate Division of the
25 Supreme Court shall review the appeal to determine if

1 the decision by the National Election Director was:

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

4 (b) in excess of statutory jurisdiction,
5 authority, or limitations, or a denial of legal rights.

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

8 (d) unwarranted by the facts.

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

13 (4) A decision of the Appellate Division of the
14 supreme Court in favor of the petitioner may have the
15 effect of allowing or disallowing the challenged votes
16 but shall not enjoin or delay voting, re-voting,
17 counting or recounting in a National Election."

18 Section 72. Title 9 of the Code of the Federated States of
19 Micronesia, as amended, is hereby further amended by adding a new
20 section 805 of chapter 8 to read as follows:

21 "Section 805. Approval of petition; notice of recount
22 or revote.

23 (1) If the National Election Director grants a recount
24 or a revote, or if so ordered by the Supreme Court
25 pursuant to section 804 of this title, he or she shall

1 cause notice of the recount to be given in an
2 appropriate manner.

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

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

18 (4) The person receiving the greatest number of votes
19 shall be deemed to have been elected, but if two or more
20 candidates shall receive an equal number of votes for
21 the office, the tie vote shall be resolved in accordance
22 with section 712 of this title."

23 Section 73. Title 9 of the Code of the Federated States of
24 Micronesia, as amended, is hereby further amended by adding a new
25 section 806 of chapter 8 to read as follows:

