

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 through 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

1           Micronesia;

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

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

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

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

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

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

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

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

1 (10) 'National Voter Register' means the list of all  
2 Registered Voters in the Federated States of Micronesia  
3 who registered to vote with a National 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' may refer to two or more Polling Places,  
10 or all Polling 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 resources that are owned, operated or controlled  
16 by 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 employee 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 Day must sign at their designated Polling Place  
7 before being issued a ballot;

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

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

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

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

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

1 identifying information, and that provides a means of  
2 indicating whether that Registered Voter has already  
3 cast a ballot in each National Election."

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

7 "Section 103. Eligible Voters.

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

11 (1) is living;

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

14 (3) is a Resident of a State;

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

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

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

23 Section 6. Title 9 of the Code of the Federated States of  
24 Micronesia, as amended, is hereby further amended by adding a new  
25 section 104 of chapter 1 to read as follows:

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

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

7           "Section 105. General elections.

8           (1) All general elections for Members shall be held  
9           biennially in each odd-numbered year on the first  
10          Tuesday following the first Monday in March; provided,  
11          that where a natural disaster or other event precludes  
12          holding the election on the foregoing date, the  
13          President may postpone the election in the affected  
14          Congressional Election District, Municipality or Polling  
15          Place until the next available date on which the natural  
16          disaster or other event will not hinder voting,  
17          excluding weekends and national holidays.

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

24          Section 8. Title 9 of the Code of the Federated States of  
25          Micronesia, as amended, is hereby further amended by adding a new

1 section 106 of chapter 1 to read as follows:

2 "Section 106. Special elections.

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

6 (2) The National Election Director shall schedule a  
7 special election to occur 50 days after receipt of  
8 notification of the need for a special election;  
9 provided, that where a natural disaster or other event  
10 precludes holding the election on the foregoing date,  
11 the President may postpone the election in the affected  
12 Congressional Election District, Municipality or Polling  
13 Place until the next available date on which the natural  
14 disaster or other event will not hinder voting,  
15 excluding weekends and national holidays.

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

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

24 (b) *Other vacancies - seated Congress.* Any other  
25 vacancy in the Congress shall be filled for the

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

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

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

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

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

1 section 107 of chapter 1 to read as follows:

2 "Section 107. Election funding.

3 Within one year prior to a general election, or 40 days  
4 prior to a special election, Congress shall appropriate  
5 a sum adequate to defray the administrative and  
6 contingent expenses of conducting National Elections as  
7 provided by this title."

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

11 "Section 108. Use of Public Property or Public  
12 Employees for Campaign Activities.

13 (1) No Public Property shall be made available,  
14 without\_cost, to a candidate in a National Election, or  
15 his or her supporters, for campaign activities;  
16 provided, however, that campaign materials may be  
17 displayed on Public Property without cost so long as the  
18 campaign materials do not damage or deface that property  
19 and the candidate, or his or her supporters, remove such  
20 materials prior to 12:00 a.m. on Election Day pursuant  
21 to section 705 of this title.

22 (2) If Public Property is made available to a  
23 candidate\_in a National Election, or his or her  
24 supporters, such property shall be made available on an  
25 equal basis to all opposing candidates and their

1 supporters.

2 (3) Notwithstanding anything in subsections (1) and  
3 (2) of this section, no National Government vehicle  
4 shall be used by a candidate, or his or her supporters,  
5 for campaign activities.

6 (4) No candidate shall use the services of Public  
7 Employees for campaign activities during working hours  
8 or while such employees are conducting government  
9 business."

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

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

14 (1) If any broadcast or print media, either public or  
15 private, permits a candidate in a National Election, or  
16 his or her supporters, to use its facilities or  
17 publications, it shall afford access on an equal basis  
18 to all opposing candidates, or their supporters, without  
19 censorship. No obligation is imposed under this section  
20 upon any broadcast or print media to allow the use of  
21 its facilities or publications by any candidate in a  
22 National Election. Appearance by, or mention of, a  
23 candidate in any bona fide news story or interview shall  
24 not be deemed to be use of a broadcast facility or  
25 publication within the meaning of this section.

1           (2) All broadcast and print media carrying campaign  
2           advertisements shall clearly identify each campaign  
3           advertisement and shall indicate the candidate, or  
4           supporters of the candidate, responsible for the  
5           advertisement.

6           (3) No broadcast or print media shall permit use of  
7           its facilities or publications by any candidate in a  
8           National Election, or his or her supporters, on Election  
9           Day."

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

13                 "Section 110. Affidavit to be sworn. The affidavits  
14                 required pursuant to this title shall be sworn to before  
15                 any officer or person authorized by law, this title, or  
16                 regulations issued pursuant thereto, to administer  
17                 oaths, except for the affidavit accompanying absentee  
18                 ballots which does not need to be witnessed."

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

22                 "Section 111. Violations.

23                 (1) Any person who knowingly violates any of the  
24                 provisions of this title or any rules or regulations  
25                 promulgated pursuant thereto, or commits any of the

1 unlawful acts set forth herein or elsewhere in this  
2 title, for which a penalty is not otherwise provided,  
3 shall be punished by a fine not to exceed \$500, or  
4 imprisonment for not more than one year, or both.

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

8 (a) Give, procure, promise or lend or offer to  
9 give, procure, promise or lend anything of value for the  
10 purpose of inducing or compelling a person to vote or  
11 refrain from voting for any particular person or issue,  
12 or to sign or refrain from signing a nomination  
13 petition;

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

17 (c) Use or attempt to use any means of force,  
18 threat, intimidation or coercion against any person for  
19 the purpose of inducing or compelling the person to vote  
20 or refrain from voting for any particular person or  
21 issue, or to sign or refrain from signing a nomination  
22 petition;

23 (d) Use or attempt to use any means of force,  
24 threat, intimidation or coercion against any candidate  
25 so as to cause or attempt to cause the candidate to

1 withdraw from an election;

2 (e) Give or present false information regarding  
3 identity, citizenship, address, period of residence, or  
4 other material information, when voting or registering  
5 to vote;

6 (f) Vote or attempt to vote more than once in the  
7 same National Election at the same or another Polling  
8 Place;

9 (g) Destroy, mutilate, deface, falsify, forge,  
10 conceal or remove any record, register of voters,  
11 affidavit, vote return, tally sheet, ballot, or any  
12 other official National Election publication or computer  
13 programs, unless permitted to do so under this title or  
14 any rules or regulations promulgated pursuant thereto;

15 (h) Fail to comply with lawful orders of election  
16 officials or obstruct election officials from performing  
17 their official duties;

18 (i) Publish a false statement of the withdrawal  
19 of candidate for election;

20 (j) Prior to, during or after the counting of the  
21 ballots, or prior to, during or after the final  
22 certification of the vote of any election, (i) place  
23 anything other than a ballot in a ballot box; (ii) add  
24 or mix a forged ballot with other ballots; or (iii) add  
25 or mix a forged application to vote with other

1 applications to vote;

2 (k) Except as permitted by this title, mark a  
3 ballot or cast a vote so that it can be observed by  
4 another person, or observe another person lawfully  
5 marking a ballot or lawfully casting a vote; and

6 (l) Without authorization of the National  
7 Election Director, print, copy, imitate, or distribute,  
8 or cause to be printed, copied, imitated, or distributed  
9 any ballot that is so substantially similar in style or  
10 content to the official ballot as to cause the  
11 likelihood of confusion with the official ballot.

12 (3) Anyone who commits one of the acts enumerated in  
13 subsection (2) of this section shall be guilty of a  
14 national offense and upon conviction shall be fined not  
15 more than \$2,000, or imprisoned for not more than five  
16 years, or both.

17 (4) Any person who, directly or indirectly, personally  
18 or through another, knowingly accepts anything of value  
19 for voting or refraining from voting for any particular  
20 person or issue, or for signing or refraining from  
21 signing a nomination petition shall be guilty of a  
22 national offense and upon conviction shall be fined not  
23 more than \$500, or imprisoned for not more than one  
24 year, or both.

25 (5) Notwithstanding the violations provided in this

1 section, it shall not be unlawful for a person to  
2 provide voters with private means of transportation to  
3 and from the Polling Place on Election Day so long as no  
4 public funds are expended in providing this service."

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

8 "Section 112. Construction of the act. Election  
9 officials shall construe this title in a manner that  
10 permits all voters and candidates a fair and equal  
11 opportunity to participate in elections."

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

15 "Section 113. Authority to promulgate rules and  
16 regulations. The National Election director, with the  
17 approval of the President, shall have the power to  
18 promulgate such rules and regulations as are deemed  
19 advisable to administer and carry into effect the  
20 provisions of this title in accordance with title 17 of  
21 the Code of the Federated States of Micronesia."

22 Section 16. Title 9 of the Code of the Federated States of  
23 Micronesia, as amended, is hereby further amended by enacting a  
24 new chapter 2 entitled "Candidates".

25 Section 17. Title 9 of the Code of the Federated States of

1 Micronesia, as amended, is hereby further amended by adding a new  
2 section 201 of chapter 2 to read as follows:

3 "Section 201. Qualifications of Senators. To be  
4 eligible for election as a Member of the Congress, a  
5 person shall:

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

7 (2) be a Resident of the State from which he or she is  
8 seeking election on Election Day and for at least five  
9 years prior to that date;

10 (3) be a Citizen of the Federated States of Micronesia  
11 on Election Day and for at least 15 years prior to that  
12 date;

13 (4) not be under a judgment of mental incompetency or  
14 insanity; and

15 (5) not have been convicted of a felony by a State or  
16 National Court of the Federated States of Micronesia or  
17 its predecessor Government of the Trust Territory of the  
18 Pacific Islands."

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

22 "Section 202. Nomination of candidates.

23 (1) Nomination of candidates shall require submission  
24 of a nomination paper, including a petition and an

1 affidavit, to the national election commissioner of the  
2 State concerned.

3 (2) The petition shall be initiated by a candidate and  
4 shall specify whether the candidate is running for a  
5 four-year or a two-year term seat in Congress. The  
6 petition shall be signed by at least 25 qualified voters  
7 of the Congressional Election District wherein the  
8 candidate seeks election in the case of a two-year term  
9 seat, or of the State wherein the candidate seeks  
10 election in the case of a four-year term seat.

11 (3) The affidavit shall be completed and signed by the  
12 candidate and affirm that the candidate fulfills the  
13 qualifications of Senators as set forth in section 201  
14 of this chapter.

15 (4) The name of any candidate shall be printed on an  
16 official ballot to be used for choosing candidates only  
17 if, at least 120 days prior to a general election or 40  
18 days prior to a special election, a nomination paper  
19 shall have been filed in the office of the national  
20 election commissioner of the State concerned. There  
21 shall be deposited with the nomination paper a filing  
22 fee of \$100. The national election commissioner of the  
23 State concerned shall, upon receipt of the nomination  
24 paper, endorse thereon the day, hour, and minute that  
25 such nomination paper is received. Any person who is

1           elected as a write-in candidate shall, after  
2           certification of the election results, pay a \$100 fee  
3           and submit the affidavit, but not the petition, required  
4           by this section."

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

8           "Section 203. Withdrawal of candidates.

9           (1) Any candidate may withdraw his or her candidacy  
10          before a general election by giving notice in writing to  
11          the national election commissioner of the State in which  
12          the candidate is seeking election to forward to the  
13          National Election Director, or directly to the National  
14          Election Director, whichever is more practical.

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

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

21          "Section 204. Substitution of Candidates.

22          (1) Where the death, disqualification or, in the case  
23          of a general election, withdrawal of a candidate, or  
24          candidates, more than 70 days before a general election  
25          or 30 days before a special election has resulted in

1           either, no candidates or, an unopposed candidate running  
2           for a particular seat in Congress, substitute candidates  
3           may be nominated for that seat prior to 60 days before a  
4           general election, or 20 days before a special election.

5           (2) Where the death, disqualification or withdrawal of  
6           a candidate, or candidates, under subsection (1) of this  
7           section occurs less than 70 days before a general  
8           election or 30 days before a special election, the  
9           National Election Director shall determine whether it is  
10          feasible to conduct the National Election as scheduled,  
11          and if it is not feasible, the President shall postpone  
12          the National Election pursuant to subsection (1) of  
13          section 105 or subsection (2) of section 106 of this  
14          title.

15          (3) A person nominated as a substitute candidate must  
16          be nominated by petition in the same manner as the  
17          candidate who has died, withdrawn, or been  
18          disqualified."

19          Section 21. Title 9 of the Code of the Federated States of  
20          Micronesia, as amended, is hereby further amended by adding a new  
21          section 205 of chapter 2 to read as follows:

22                 "Section 205. Congress as sole judge of its Members.  
23                 The Congress shall be the sole judge of the elections,  
24                 returns, and qualifications of its Members; provided,  
25                 however, that in case of a tie vote in an election, the

1 winner shall be determined in a runoff election between  
2 the candidates so tied in accordance with section 712 of  
3 this title."

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

7 "Section 206. Convening, organization, elections of  
8 President and Vice President. A newly elected Congress  
9 shall convene on the date its Members commence their  
10 terms of office and be organized no later than the  
11 fourth day immediately following the convening day. The  
12 President and Vice President may be elected only after  
13 the Congress is fully organized. To be eligible for the  
14 office of the President and Vice President, a Member  
15 must be a member of Congress for a four-year term, and  
16 shall also have been a resident for at least 15 years  
17 and a Citizen by birth of the Federated States of  
18 Micronesia."

19 Section 23. Title 9 of the Code of the Federated States of  
20 Micronesia, as amended, is hereby further amended by enacting a  
21 new chapter 3 entitled "Election Officials".

22 Section 24. Title 9 of the Code of the Federated States of  
23 Micronesia, as amended, is hereby further amended by adding a new  
24 section 301 of chapter 3 to read as follows:

25 "Section 301. National election officials in general.

1           (1) All individuals appointed, hired or otherwise  
2           assigned to perform functions pursuant to this title  
3           shall not run for elected office or otherwise  
4           participate in election campaigns during the term of  
5           their appointment.

6           (2) All individuals appointed, hired or otherwise  
7           assigned to perform functions pursuant to this title  
8           shall not be considered public service employees under  
9           title 52 of the Code of the Federated States of  
10          Micronesia.

11          (3) All individuals appointed, hired or otherwise  
12          assigned to perform functions pursuant to this title  
13          shall:

- 14                   (a) Respect the law;
- 15                   (b) Respect human rights and equality;
- 16                   (c) Respect the community, culture, customs and  
17          traditions;
- 18                   (d) Build the public trust;
- 19                   (e) Not participate or appear to participate in  
20          political activities;
- 21                   (f) Ensure visibility and transparency for all  
22          processes;
- 23                   (g) Act honestly at all times;
- 24                   (h) Act with impartiality in decision-making and  
25          declare any conflicts of interest;

- 1 (i) Be professional, knowledgeable, and act with  
2 integrity;
- 3 (j) Be responsive, accurate, and decisive;
- 4 (k) Be polite, firm and efficient; and
- 5 (l) Not compromise the secrecy of the ballot."

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

9 "Section 302. Appointment of national election  
10 officials.

11 (1) National Election Director.

12 (a) The President shall appoint one National  
13 Election Director with the advice and consent of the  
14 Congress. The National Election Director shall be a  
15 Resident of a State of the Federated States of  
16 Micronesia.

17 (b) The National Election Director shall serve  
18 until resignation, or until removed from office upon a  
19 determination by the President that such removal is  
20 necessary. An appointment of a successor shall then be  
21 made by the President with the advice and consent of the  
22 Congress.

23 (2) National election commissioners.

1 (a) The President shall appoint a national  
2 election commissioner for each of the four States with  
3 the advice and consent of Congress.

4 (b) National election commissioners shall serve  
5 for a term of four years, which term shall commence upon  
6 appointment, subject to removal by the President for  
7 cause; provided, that they shall be employed full-time  
8 and compensated pursuant to employment contracts during  
9 their four-year terms only for such period(s) of time as  
10 deemed necessary by the National Election Director for  
11 the purpose of preparing for and administering an  
12 upcoming National Election.

13 (c) National election commissioners shall not  
14 concurrently serve as State election commissioners;  
15 provided, however, that if any current national election  
16 commissioner is nominated to serve as a State election  
17 commissioner, he or she may continue to serve as  
18 national election commissioner until such time as a new  
19 appointment by the President becomes effective.

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

23 (3) Election board and counting and tabulation  
24 committee members.

1 (a)The national election commissioner of each State,  
2 with the approval of the National Election Director,  
3 shall appoint an election board for each Polling Place  
4 on or before January 2<sup>nd</sup> of each election year. There  
5 shall be at least two board members at each Polling  
6 Place.

7 (b)The national election commissioner of each State,  
8 with the approval of the National Election Director,  
9 shall appoint members of the counting and tabulation  
10 committee for each Polling Place on or before January 2<sup>nd</sup>  
11 of an election year. There shall be at least three  
12 committee members for each Polling Place.

13 (c)Election board and counting and tabulation committee  
14 members shall serve until the completion of the  
15 electoral process for a general or special election in a  
16 given election year, or until resignation or removal  
17 from office for cause by the National Election Director  
18 after consultation with the national election  
19 commissioner for the State concerned; provided, that  
20 they shall be compensated pursuant to employment  
21 contracts only for such period(s) of time as deemed  
22 necessary by the national election commissioner for the  
23 purpose of preparing for and administering an upcoming  
24 election.

1 (d)Election board and counting and tabulation committee  
2 members shall be legal Residents of the State and  
3 Congressional Election District for which they are  
4 appointed to serve."

5 Section 26. Title 9 of the Code of the Federated States of  
6 Micronesia, as amended, is hereby further amended by adding a new  
7 section 303 of chapter 3 to read as follows:

8 "Section 303. Powers and duties of the National  
9 Election Director. The National Election Director shall  
10 have responsibility for the overall supervision and  
11 administration of all National Elections, and shall  
12 perform such duties as are prescribed by law or  
13 regulation, which include, but are not limited to, the  
14 following:

15 (1)to supervise and direct the four national election  
16 commissioners in their administration of all general and  
17 special elections and in the performance of their  
18 duties;

19 (2)to approve the appointment by the four national  
20 election commissioners of all election board members,  
21 counting and tabulation committee members, and other  
22 temporary or permanent election staff;

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

1 (4)to review and approve all nomination papers received  
2 by the four national election commissioners pursuant to  
3 section 202 of this title;

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

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

9 (7)not less than 20 days prior to each election, to  
10 prepare from the National Voter Register a Signature  
11 List for each Polling Place;

12 (8)to certify and declare the results of all National  
13 Elections;

14 (9)to review and investigate all registration and  
15 election irregularities, and any other alleged  
16 violations of this title, and where appropriate, to seek  
17 the assistance of other departments and agencies within  
18 the National Government with such investigations,  
19 provided, that in relation to assistance from the  
20 Department of Justice:

21 (a) the Secretary of Justice or an attorney employed  
22 by the Department of Justice shall not provide  
23 assistance to the National Election Director unless he  
24 or she makes a written request for legal advice, in

1           which the scope of the legal advice sought is clearly  
2           identified;

3           (b) when providing legal advice pursuant to paragraph  
4           (a) of this section, neither the Secretary of Justice  
5           nor any attorney employed by the Department of Justice  
6           shall make a decision in relation to a matter arising  
7           under this title independently of the National Election  
8           Director; and

9           (c) notwithstanding anything in this subsection,  
10          neither the Secretary of Justice nor any attorney  
11          employed by the Department of Justice shall actively  
12          participate in the conduct of a National Election,  
13          provided, that he or she may be present to observe and  
14          provide advice upon request;

15          (10) upon a finding that significant election  
16          irregularities at a Polling Place have affected the  
17          outcome of the election at the Polling Place, order a  
18          recount or exclusion of the votes cast at the Polling  
19          Place, a revote at the Polling Place, or any other  
20          remedy the National Election Director deems necessary to  
21          ensure a free and fair election;

22          (11) to rule on petitions alleging election  
23          irregularities pursuant to chapter 8 of this title;

1           (12)to refer to the Department of Justice any case in  
2           which he or she determines that a criminal prosecution  
3           for a violation of this title may be warranted;

4           (13)to determine and prescribe forms of  
5           affidavits, applications, petitions, ballots, Signature  
6           Lists, National Voter Register, cards of instruction,  
7           poll books, tally sheets, Voter Identification Cards,  
8           and other materials required by the provisions of this  
9           title for use by candidates, boards, committees, and  
10          voters, and to supply the same to the national election  
11          commissioners, election boards and counting and  
12          tabulation committees;

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

16          (15)to be the allottee of election funds unless  
17          otherwise provided for in the act appropriating such  
18          funds;

19          (16)to designate appropriate Polling Places within  
20          the Municipalities of each Congressional Election  
21          District, upon recommendations of the national election  
22          commissioners;

23          (17)to administer the National Election Offices  
24          and appoint and supervise the election staff of the  
25          National Election Offices; and

1 (18)to retain an elections advisor.

2 (a) The National Election Director may  
3 retain an elections advisor to provide independent legal  
4 advice in relation to any matter arising under this  
5 title including, but not limited to:

6 (i) the supervision and administration of  
7 National Elections;

8 (ii) the review and investigation of any  
9 registration and election irregularities, and any other  
10 alleged violations of this title;

11 (iii) any decision or determination the  
12 Election Director is required or authorized to make  
13 pursuant to this title; and

14 (iv) the referral, to the Department of  
15 Justice, of any case in which the Election Director  
16 determines that a criminal prosecution for a violation  
17 of this title may be warranted.

18 (b) An elections advisor shall not conduct criminal  
19 prosecutions on behalf of the National Government.

20 (c) The National Election Director shall not retain  
21 any person as an elections advisor unless he or she is  
22 licensed to practice law before the Supreme Court of the  
23 Federated States of Micronesia, is of good character,  
24 has not been convicted of a felony even if pardoned, and  
25 is not an employee of the National Government.

1           (d) The National Election Director shall advise the  
2           President and the Speaker of Congress in writing within  
3           14 days of entering into any retainer agreement with an  
4           elections advisor."

5           Section 27. Title 9 of the Code of the Federated States of  
6           Micronesia, as amended, is hereby further amended by adding a new  
7           section 304 of chapter 3 to read as follows:

8           "Section 304. Powers and duties of national election  
9           commissioners. Subject to the authority of the National  
10          Election Director, each national election commissioner  
11          shall have responsibility for the overall supervision  
12          and administration of the election within his or her  
13          State and shall perform such duties as are prescribed by  
14          law, which include, but are not limited to the  
15          following:

16          (1)to appoint, subject to the approval of the National  
17          Election Director, all election board members, counting  
18          and tabulating committee members and other temporary or  
19          permanent election staff;

20          (2)to require such reports from the several election  
21          boards and counting and tabulation committees as may be  
22          required by law or regulation or as the national  
23          election commissioner may deem necessary;

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1           (3)to recommend to the National Election Director  
2           Polling Places within each Congressional Election  
3           District;  
4           (4)to receive nomination papers;  
5           (5)to register voters for National Elections;  
6           (6)to assist the National Election Director in  
7           maintaining the National Voter Register required by  
8           section 401 of this title;  
9           (7)to administer a National Election Office in  
10          the State and supervise the election staff of that  
11          office;  
12          (8)to review and investigate all registration and  
13          election irregularities, and any other alleged  
14          violations of this title, and where appropriate, to seek  
15          the assistance of other departments and agencies within  
16          the National Government with such investigations,  
17          provided, that in relation to assistance from the  
18          Department of Justice:  
19               (a) the Secretary of Justice or an attorney employed  
20               by the Department of Justice shall not provide  
21               assistance to a national election commissioner unless he  
22               or she makes a written request for legal advice, in  
23               which the scope of the legal advice sought is clearly  
24               identified;

1           (b) when providing legal advice pursuant to paragraph  
2           (a) of this section, neither the Secretary of Justice  
3           nor any attorney employed by the Department of Justice  
4           shall make a decision in relation to a matter arising  
5           under this title independently of the National Election  
6           Director or the relevant national election commissioner;  
7           and

8           (c) notwithstanding anything in this subsection,  
9           neither the Secretary of Justice nor any attorney  
10          employed by the Department of Justice shall actively  
11          participate in the conduct of a National Election,  
12          provided that he or she may be present to observe and  
13          provide advice upon request;

14          (9)to report directly to the National Election Director;  
15          and

16          (10)to perform such other duties as the National  
17          Election Director may from time to time assign."

18          Section 28. Title 9 of the Code of the Federated States of  
19          Micronesia, as amended, is hereby further amended by adding a new  
20          section 305 of chapter 3 to read as follows:

21                 "Section 305. Powers and duties of election boards.  
22                 Each election board member shall have the following  
23                 powers and duties:

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

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

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

6           (4)to report any election irregularities to the national  
7           election commissioner and National Election Director,  
8           and to assist in investigating and resolving such  
9           irregularities;

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

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

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

17          (8)to review and examine the sufficiency and validity of  
18          nomination papers and other documents where the national  
19          election commissioner or the National Election Director  
20          designates the board to act in his or her stead;

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

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

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 306 of chapter 3 to read as follows:

4 "Section 306. Powers and duties of counting and  
5 tabulation committees. Each counting and tabulation  
6 committee member shall have the following powers and  
7 duties:

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

10 (2)to conduct the counting and tabulation process for  
11 the Polling Place to which the committee member has been  
12 assigned;

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

16 (4)to report any election irregularities to the national  
17 election commissioner and National Election Director,  
18 and to assist in investigating and resolving\_such  
19 irregularities;

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

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

1 (7)to review and examine the sufficiency and validity of  
2 any affidavits submitted along with cast ballots;  
3 (8)to receive and transmit all ballot boxes, locked and  
4 sealed, to the national election commissioner; and  
5 (9)to perform such other duties as the national election  
6 commissioner or National Election Director may from time  
7 to time assign to the committee member."

8 Section 30. Title 9 of the Code of the Federated States of  
9 Micronesia, as amended, is hereby further amended by enacting a  
10 new chapter 4 entitled "Registration."

11 Section 31. Title 9 of the Code of the Federated States of  
12 Micronesia, as amended, is hereby further amended by adding a new  
13 section 401 of chapter 4 to read as follows:

14 "Section 401. National Voter Register.

15 (1)There shall be one unified National Voter Register  
16 for all of the Federated States of Micronesia, which  
17 shall consist of the full name, date of birth, sex,  
18 State, Congressional Election District and Municipality  
19 of residence, registration number and other identifying  
20 information that the National Election Director deems  
21 appropriate, of all Registered Voters who are currently  
22 eligible to vote.

23 (2)A Registered Voter shall only have one entry on the  
24 National Voter Register.

1 (3)The National Election Director shall be responsible  
2 for creating, maintaining and preserving the National  
3 Voter Register with the assistance of the national  
4 election commissioners.

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

7 (5)Reconciling State Voter Register

8 (a)On a periodic basis, the National Election Director  
9 shall reconcile the National Voter Register with the  
10 State Voter Register thereby ensuring that all  
11 Registered Voters on the State Voter Registers are also  
12 listed on the National Voter Register.

13 (b)Thirty days before a National Election, the National  
14 Election Director shall perform a final reconciliation  
15 of the State and National Voter Registers before the  
16 Signature Lists are generated from the National Voter  
17 Register.

18 (c)When reconciling the State Voter Register with the  
19 National Voter Register, the National Election Director  
20 shall ensure that a Registered Voter has only one entry  
21 on the National Voter Register pursuant to subsection  
22 (2) of this section.

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

25 Section 32. Title 9 of the Code of the Federated States of

1 Micronesia, as amended, is hereby further amended by adding a new  
2 section 402 of chapter 4 to read as follows:

3 "Section 402. Registration required; re-registration  
4 prohibited.

5 (1)No person shall be entitled to vote in any National  
6 Election, or to be listed upon the National Voter  
7 Register, or upon any Signature List, who fails to  
8 register to vote with the National Election Office or  
9 State Election Office at least 30 days prior to Election  
10 Day.

11 (2)A person having once been registered with the  
12 National Election Office or State Election Office shall  
13 not re-register, or be required to re-register, in a  
14 National Election, except:

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

17 (b) in the event voting records are lost or  
18 destroyed, the National Election Director may require  
19 the re-registration of those voters whose records are  
20 lost or destroyed."

21 Section 33. Title 9 of the Code of the Federated States of  
22 Micronesia, as amended, is hereby further amended by adding a new  
23 section 403 of chapter 4 to read as follows:

24 "Section 403. Eligibility to register; place of  
25 registration and voting.

1           (1) Every Citizen who fulfills the requirements  
2           enumerated in section 103 of this title may register to  
3           vote in the National Elections in the State,  
4           Congressional Election District and Municipality in  
5           which he or she currently resides.

6           (2) Except as provided in section 406 of this chapter,  
7           a person shall register to vote at a National Election  
8           Office or State Election Office in the State in which  
9           the person is a Resident. The national election  
10          commissioners, with the approval of the National  
11          Election Director, may designate other locations within  
12          a State where a person may register to vote or may  
13          conduct mobile\_registration drives.

14          (3) No person shall register to vote in National  
15          Elections in any State, Congressional Election District  
16          or Municipality other than the one in which he or she  
17          currently resides.

18          (4) Once a person has registered to vote in National  
19          Elections in a State and Congressional Election  
20          District, he or she shall not vote in a National  
21          Election for another State or Congressional Election  
22          District without first filing a change of registration  
23          request form and receiving written notice of approval of  
24          that request\_pursuant to section 405 of this chapter.

25          (5) Except as provided in chapter 6 of this title, no

1 person shall vote in National Elections in any State,  
2 Congressional Election District or Municipality other  
3 than the one in which he or she currently resides;  
4 provided, however, that where there is a mistake in  
5 placing the name of a voter on the Signature List of a  
6 Polling Place in a State, Congressional Election  
7 District or Municipality in which he or she does not  
8 reside, such voter shall nevertheless be allowed to vote  
9 therein, if otherwise qualified. The election board  
10 member of the particular Polling Place where such voter  
11 has voted shall\_notify the national election  
12 commissioner of the affected State of the error in order  
13 that such voter shall be\_placed on the correct Signature  
14 List for the next National Election.

15 (6) If a person is a Resident of more than one State,  
16 or resides in more than one Congressional Election  
17 District, he or she may choose in which State or  
18 Congressional Election District to register to vote for  
19 National Elections, but he or she shall register to vote  
20 in only one State and Congressional Election District."

21 Section 34. Title 9 of the Code of the Federated States of  
22 Micronesia, as amended, is hereby further amended by adding a new  
23 section 404 of chapter 4 to read as follows:

24 "Section 404. Registration procedures.

25 (1) A person desiring to register to vote in National

1 Elections shall complete such applications and  
2 affidavits, take such oaths, and present such personal  
3 documentation and witnesses, as required by the rules  
4 and regulations promulgated by the National Election  
5 Director pursuant to this title.

6 (2) Regardless of the place of registration, all  
7 completed applications and affidavits of registration  
8 shall be transmitted to the national election  
9 commissioner of the relevant state for final approval  
10 and entry onto the National Voter Register.

11 (3) Every completed application or affidavit of  
12 registration shall be maintained and preserved at the  
13 National Election Office of the State of registration  
14 until such time as the Registered Voter who completed  
15 the application or affidavit is deceased or is otherwise  
16 no longer eligible to vote.

17 (4) All completed applications and affidavits of  
18 registration shall be open to public inspection during  
19 regular business hours.

20 (5) The National Election Director may issue Voter  
21 Identification Cards to all Registered Voters at or  
22 after the time of registration. All Voter  
23 Identification Cards shall be issued free of charge,  
24 provided that, there shall be a charge in an amount to  
25 be set out in the rules and regulations promulgated

1           pursuant to this title for issuing a Registered Voter  
2           with a replacement Voter Identification Card. Upon  
3           issuing a Voter Identification Card to a Registered  
4           Voter, the National Election Director, or his or her  
5           designee, shall make a notation next to that Registered  
6           Voter's entry on the National Voter Register. A  
7           Registered Voter who has been issued a Voter  
8           Identification Card must present that card before being  
9           issued a ballot at his or her Polling Place."

10          Section 35. Title 9 of the Code of the Federated States of  
11   Micronesia, as amended, is hereby further amended by adding a new  
12   section 405 of chapter 4 to read as follows:

13           "Section 405. Change of registration.

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

22           (2) Any Registered Voter who (a) changes his or her  
23   State of residency, and (b) wishes to register to vote  
24   in National Elections in his or her new State of  
25   residency, must file a change of registration request

1 form and supporting documentation, as required by the  
2 rules and regulations promulgated pursuant to this  
3 title, with the national election commissioner of the  
4 new State of residence.

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

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

1 amended to reflect the change in residency, and advise  
2 the national election commissioner of the former State  
3 of residence to remove the Registered Voter from any  
4 lists maintained in that State.

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

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

14 Section 36. Title 9 of the Code of the Federated States of  
15 Micronesia, as amended, is hereby further amended by adding a new  
16 section 406 of chapter 4 to read as follows:

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

1 Section 37. Title 9 of the Code of the Federated States of  
2 Micronesia, as amended, is hereby further amended by enacting a  
3 new chapter 5 entitled "Procedure for Ballots".

4 Section 38. Title 9 of the Code of the Federated States of  
5 Micronesia, as amended, is hereby further amended by adding a new  
6 section 501 of chapter 5 to read as follows:

7 "Section 501. Official ballots required; specimen  
8 ballots.

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

18 (2) The National Election Director shall have printed  
19 two exact copies of each official ballot which is to be  
20 used in the National Election, for each Polling Place,  
21 such copies to have printed thereon, in large bold  
22 letters, and with ink of a color plainly contrasting to  
23 the color of the paper used, the word 'Specimen.' Two  
24 copies of each such specimen ballot shall be forwarded  
25 to the national election commissioner of each State and

1 the members of the election board at the same time with  
2 the official ballots, and the election board members  
3 shall post one of each specimen ballot on either side of  
4 the entrance of the Polling Place or other places  
5 plainly in sight for the general public."

6 Section 39. Title 9 of the Code of the Federated States of  
7 Micronesia, as amended, is hereby further amended by adding a new  
8 section 502 of chapter 5 to read as follows:

9 "Section 502. Contents of ballots.

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

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

23 Section 40. Title 9 of the Code of the Federated States of  
24 Micronesia, as amended, is hereby further amended by adding a new  
25 section 503 of chapter 5 to read as follows:

1           "Section 503. Printing and distribution of ballots.

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

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

23          Section 41. Title 9 of the Code of the Federated States of  
24          Micronesia, as amended, is hereby further amended by adding a new  
25          section 504 of chapter 5 to read as follows:

1 "Section 504. Amendments to ballots.

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

15 (2) If a candidate withdraws his name later than 80  
16 days before a general election, or is disqualified at  
17 any time before a National Election, and it becomes  
18 necessary, in the opinion of the National Election  
19 Director, for a reprinting of ballots or a striking out  
20 of the candidate's name by a reprint blackout, all  
21 expenses thereof, except in case of a withdrawal  
22 necessitated for medical cause and so certified by a  
23 physician, shall be a charge against the withdrawing or  
24 disqualified candidate and shall be paid by him or her  
25 within 60 days after such withdrawal or disqualification

1 to the National Election Director.

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

14 Section 42. Title 9 of the Code of the Federated States of  
15 Micronesia, as amended, is hereby further amended by adding a new  
16 section 505 of chapter 5 to read as follows:

17 "Section 505. Packaging and sealing of ballots; record  
18 of distribution. When printed, the ballots shall be  
19 fastened together in consecutively numbered blocks of 25  
20 each in such manner that each ballot may be detached and  
21 removed separately. The National Election Director  
22 shall forward the ballots to the national election  
23 commissioner of each State who will forward them to the  
24 members of the election board in sealed packages, which  
25 shall not be opened until the opening of the Polls on

1 Election Day. The national election commissioners shall  
2 keep a record\_of the number of ballots sent to each  
3 election board, and on Election Day each election board  
4 shall confirm the total number of ballots received from  
5 the national election commissioner on their inventory  
6 sheet for the Polling Place."

7 Section 43. Title 9 of the Code of the Federated States of  
8 Micronesia, as amended, is hereby further amended by enacting a  
9 new chapter 6 entitled "Procedure for Absentee Voters".

10 Section 44. Title 9 of the Code of the Federated States of  
11 Micronesia, as amended, is hereby further amended by adding new  
12 601 of chapter 6 to read as follows:

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

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

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

21 (a) he or she is confined to home or hospital by  
22 reason of illness or physical disability, or is  
23 incarcerated for a crime, as will prevent him or her  
24 from coming to the Polling Place to cast a ballot on  
25 Election Day; or

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

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

11                   (a) by mail;

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

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

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

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

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

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

1 information, as well as any additional information the  
2 National Election Director may require:

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

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

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

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

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

14 (6) Only the Registered Voter seeking to vote by  
15 absentee ballot may submit an absentee ballot request to  
16 the national election commissioner. With the exception  
17 of confined voting pursuant to section 603 of this  
18 chapter, all absentee ballot request forms must be  
19 individually mailed or delivered in person to the  
20 national election commissioner by the Registered Voter  
21 making the request. Bulk delivery of absentee request  
22 forms by hand, mail or other means shall not be accepted  
23 and shall be considered invalid."

24 Section 45. Title 9 of the Code of the Federated States of  
25 Micronesia, as amended, is hereby further amended by adding a new

1 section 602 of chapter 6 to read as follows:

2 "Section 602. Voting absentee ballot by mail.

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

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

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

15 (b) In the case of a special election, the  
16 request to vote absentee ballot by mail must be received  
17 by the national election commissioner of the State in  
18 which the\_voter is registered not more than 50 days but  
19 not less than 35 days before the day of the special  
20 election.

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

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

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

14 (e) The national election commissioner, shall, at  
15 least 30 days before a National Election, mail an  
16 absentee ballot to any absentee voter who has requested  
17 an absentee ballot in accordance with this section;  
18 provided, however, that for those absentee voters who  
19 have indicated on their request forms that they intend  
20 to pick up their absentee ballot at an embassy or  
21 consulate, the National Election Director shall provide  
22 sufficient absentee ballots to the embassy or consulate  
23 10 days before a National election.

24 (f) The National Election Director, or his or her  
25 designee, shall strike out or delete the entry of the

1 absentee voter on the Signature List for that voter's  
2 regular Polling Place. The absentee voter shall not be  
3 allowed to cast a ballot at his or her regular Polling  
4 Place on Election Day.

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

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

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

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

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

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

10 (4) Disposition of absentee ballots by mail.

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

1 office until Election Day.

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

9 (c) An absentee ballot may be determined to be  
10 invalid if:

11 (i) the affidavit is found to be  
12 insufficient;

13 (ii) the signatures on the request for the  
14 ballot and the affidavit do not correspond;

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

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

20 (v) the ballot was returned in a bundle with  
21 other ballots;

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

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

24 (viii) the ballot envelope is open or has been  
25 opened and resealed; or

1 (ix) the voter has already voted.

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

11 Section 46. Title 9 of the Code of the Federated States of  
12 Micronesia, as amended, is hereby further amended by adding a new  
13 section 603 of chapter 6 to read as follows:

14 "Section 603. Voting absentee ballot at a mobile  
15 Polling Place.

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

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

1 absentee voter can request the assistance of a family  
2 member.

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

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

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

17 Section 47. Title 9 of the Code of the Federated States of  
18 Micronesia, as amended, is hereby further amended by adding a new  
19 section 604 of chapter 6 to read as follows:

20 "Section 604. Voting absentee ballot in another  
21 Congressional Election District in the State of  
22 registration.

23 (1) Registered Voters who are outside their  
24 Congressional Election District of registration, but  
25 inside their State of registration, may vote at a VAAPP

1 Polling Place if the following conditions are met:

2 (a) the voter is present in his or her State on  
3 Election Day;

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

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

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

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

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

1 before a National Election, the national election  
2 commissioners shall post at the National Election Office  
3 in their State the VAAPP Signature List for each VAAPP  
4 Polling Place in their State.

5 (3) The National Election Director, or his or her  
6 designee, shall strike out or delete the entry of the  
7 absentee voter on the Signature List for that voter's  
8 regular Polling Place. The VAAPP absentee voter shall  
9 not be allowed to cast a ballot at his or her regular  
10 Polling Place on Election Day.

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

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

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

1 section."

2 Section 48. Title 9 of the Code of the Federated States of  
3 Micronesia, as amended, is hereby further amended by adding a new  
4 section 605 of chapter 6 to read as follows:

5 "Section 605. Voting absentee ballot at a special  
6 Polling Place.

7 (1) Registered Voters who are absent from their State  
8 of registration on Election Day may cast their votes at  
9 a special Polling Place.

10 (2) Not less than 60 days prior to a general election,  
11 or 45 days prior to a special election, the National  
12 Election Director shall designate the locations of the  
13 special Polling Places, provided that, there shall be  
14 one special Polling Place in Guam and one special  
15 Polling Place in Honolulu and that these shall be the  
16 only special Polling Places located outside the  
17 Federated States of Micronesia.

18 (3) Requests to vote absentee ballot at a special  
19 Polling Place must be in writing, using the forms  
20 required by the rules and regulations promulgated  
21 pursuant to this\_title, and received by the national  
22 election commissioner of the State of registration not  
23 less than 30 days prior to a general election or 10 days  
24 before a special election; provided however, no written  
25 request shall be required if in a previous National

1 Election the absentee voter submitted a request in which  
2 he or she indicated his or her desire to vote at the  
3 same special Polling Place in future National Elections  
4 until such time as the voter provides written  
5 notification to the national election commissioner that  
6 he or she wishes to resume voting at his or her regular  
7 Polling Place. Provided, further, that a voter with a  
8 valid Voter Identification Card may vote at any special  
9 Polling Place designated for his her Congressional  
10 Election District without submitting a written request.

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

24 (5) The National Election Director, or his or her  
25 designee, shall review all requests to vote at a special

1 Polling Place outside the Federated States of  
2 Micronesia, and shall place on a special Polling Place  
3 signature list for that special Polling Place all the  
4 information contained on the National Voter Register for  
5 those absentee voters who submitted valid and timely  
6 requests. No later than six days before a National  
7 Election, the National Election Director, or his or her  
8 designee, shall post the special Polling Place Signature  
9 Lists for Guam and Honolulu in a publicly accessible  
10 place in each respective location to be set out in the  
11 regulations promulgated pursuant to this title.

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

19 Section 49. Title 9 of the Code of the Federated States of  
20 Micronesia, as amended, is hereby further amended by adding a new  
21 section 606 of chapter 6 to read as follows:

22 "Section 606. Voting absentee ballot prior to traveling  
23 outside the State.

24 (1) Registered Voters who will be traveling outside  
25 their State of registration on Election Day may cast a

1 ballot at a traveler Polling Place prior to their  
2 departure from the State if they meet the following  
3 conditions:

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

6 (b) the voter submits in person to the national  
7 election commissioner of the State of registration a  
8 written request to cast a ballot prior to traveling  
9 outside his or her State of registration, using the  
10 forms required by the rules and regulations promulgated  
11 pursuant to this title, not more than 30 days and not  
12 less than one day before the National Election; and

13 (c) the voter submits proof, in the form of an  
14 airline or passenger ship ticket, of his or her travel  
15 plans.

16 (2) Upon meeting the conditions specified in  
17 subsection 1 of this section, the national election  
18 commissioner, or his or her designee, shall issue the  
19 traveler absentee voter the same voting materials that  
20 are issued to absentee voters by mail as specified in  
21 subsection 602(3). The same procedures for marking,  
22 returning, and disposition of absentee ballots by mail  
23 specified in subsection 602(3) and (4) shall apply to  
24 the marking, returning and disposition of traveler  
25 absentee ballots.

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

7           Section 50. Title 9 of the Code of the Federated States of  
8           Micronesia, as amended, is hereby further amended by enacting a  
9           new chapter 7 entitled "Procedure for Conduct of National  
10          Elections.

11          Section 51. Title 9 of the Code of Federated States of  
12          Micronesia, as amended, is hereby further amended by adding a new  
13          section 701, of chapter 7 to read as follows:

14                Section 701. Supervision of Polling Places.

15                (1) The national election commissioner of each State  
16                shall ensure that Polling Places are properly supervised  
17                by election board members and such other election and  
18                law enforcement officials as the National Election  
19                Director or the national election commissioner shall  
20                deem necessary.

21                (2) Public schools and other public places shall be  
22                utilized where practicable as polling places. Rent  
23                shall not be charged or paid for the use of public  
24                places but may be charged and paid for private places,  
25                where public places are unavailable.

1 Section 52. Title 9 of the Code of the Federates States of  
2 Micronesia, as amended, is hereby further amended by adding a new  
3 section 702 of chapter 7 to read as follows:

4 "Section 702. Equipping and supplying Polling Places.  
5 Each Polling Place shall be provided with the necessary  
6 number of ballot boxes, locks, official ballots,  
7 Signature Lists, pencils, envelopes, affidavits,  
8 inventory sheets, and all other necessary supplies."

9 Section 53. Title 9 of the Code of the Federates States of  
10 Micronesia, as amended, is hereby further amended by adding a new  
11 section 703 of chapter 7 to read as follows:

12 "Section 703. Opening and closing of Polls.

13 (1) Except as otherwise provided in this section, at  
14 exactly 7:00 a.m. of the day of the election, a member  
15 of the board of election shall proclaim aloud at each  
16 place of election that the Polls are open and shall be  
17 kept open until 5:00 p.m., of the same day, after which  
18 time the Polls shall be closed.

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

24 (3) If an election for State office is held on the  
25 same day as a national election and the time for closing

1 is later than 5:00 p.m., then the closing time for the  
2 State election shall prevail."

3 Section 54. Title 9 of the Code of the Federates States of  
4 Micronesia, as amended, is hereby further amended by adding a new  
5 section 704 of chapter 7 to read as follows:

6 "Section 704. Checking the register; issuing of  
7 ballots.

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

19 (2) An election board member shall then check the  
20 Signature List to determine whether or not the person  
21 appearing is a Registered Voter for that Congressional  
22 Election District and Municipality, and if so, shall  
23 announce the name appearing on the Signature List. Once  
24 the person's identity has been established and entry has  
25 been found on the Signature List, he or she shall sign

1 his or her full name next to his or her entry on the  
2 Signature List. An election board member shall then  
3 issue the person an official ballot, and, if the person  
4 has presented a Voter Identification Card, shall mark  
5 the person's Voter Identification Card so as to indicate  
6 that he or she has already voted in that National  
7 Election.

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

19 (4) Any election board member, poll watcher or  
20 Registered Voter may challenge the identity or  
21 eligibility to vote of any person appearing at the  
22 Polling Place to vote on Election Day in accordance with  
23 section 708 of this chapter.

24 (5) An election board member shall record in the  
25 official log book for the Polling Place the full name,

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

8 (6) The National Election Director shall establish by  
9 rules and regulations additional security measures to  
10 prevent election fraud and irregularities at the Polling  
11 Places."

12 Section 55. Title 9 of the Code of the Federated States of  
13 Micronesia, as amended, is hereby further amended by adding a new  
14 section 705 of chapter 7 to read as follows:

15 "Section 705. Campaigning on Election Day.

16 (1) No campaigning shall occur from 12:00 a.m. until  
17 the close of the Polls on Election Day. All campaign  
18 materials shall be removed by candidates, or their  
19 supporters, from Public Property prior to 12:00 a.m. on  
20 Election Day.

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

25 (3) No candidate shall be allowed within 100 feet of

1           any Polling Place except for the purpose of casting his  
2           ballot."

3           Section 56. Title 9 of the Code of the Federated States of  
4 Micronesia, as amended, is hereby further amended by adding a new  
5 section 706 of chapter 7 to read as follows:

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

10          Section 57. Title 9 of the Code of the Federated States of  
11 Micronesia, as amended, is hereby further amended by adding a new  
12 section 707 of chapter 7 to read as follows:

13          "Section 707. Poll watchers. Each candidate shall be  
14 entitled to have not more than two poll watchers at each  
15 Polling Place."

16          Section 58. Title 9 of the Code of the Federated States of  
17 Micronesia, as amended, is hereby further amended by adding a new  
18 section 708 of chapter 7 to read as follows:

19          "Section 708. Complaints at the Polling Place.

20           (1) Any person may file an oral or written complaint  
21 of any election irregularity with a member of the  
22 election board present at the Polling Place.

23           (2) The board member shall give any individual against  
24 whom the complaint is made time to present witnesses and  
25 an explanation, if any, but in no event shall time be

1 granted so as to prevent the election board from making  
2 a decision prior to the time for the closing of the  
3 Polls.

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

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

16 (5) An election board member shall record in the  
17 official log book for the Polling Place the name, date  
18 of birth, sex and municipality of registration of the  
19 person making the complaint and the person against whom  
20 the complaint is made. The election board member shall  
21 also record in the log book the basis of the complaint  
22 and any decision reached by the election board. In  
23 addition, the complainant, the individual against whom  
24 the complaint was made, any witnesses, board members or  
25 poll watchers may write their comments regarding the

1 complaint or the election board's decision in the log  
2 book.

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

6 Section 59. Title 9 of the Code of the Federated States of  
7 Micronesia, as amended, is hereby further amended by adding a new  
8 section 709 of chapter 7 to read as follows:

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

21 Section 60. Title 9 of the Code of the Federated States of  
22 Micronesia, as amended, is hereby further amended by adding a new  
23 section 710 of chapter 7 to read as follows:

24 "Section 710. Counting of ballots; announcement of  
25 unofficial results.

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

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

17          (3) The counting and tabulation of ballots cast shall  
18          begin upon receipt of the ballot box, if such activity  
19          is centralized, or upon the close of the Polling Place,  
20          if such activity is decentralized.

21          (4) Public announcement of the unofficial results of  
22          the counting and tabulation of the ballots by each  
23          counting and tabulation committee shall be made by the  
24          national election commissioner in the manner set forth  
25          in regulations promulgated pursuant to this title."

1 Section 61. Title 9 of the Code of the Federated States of  
2 Micronesia, as amended, is hereby further amended by adding a new  
3 section 711 of chapter 7 to read as follows:

4 "Title 711. Certification and declaration of election  
5 results.

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

16 (2) Upon certification and declaration of the results,  
17 the National Election Director shall immediately provide  
18 to all election candidates notice of such certification  
19 in the most practical and expeditious manner available.

20 (3) In the case where there is an irregularity  
21 preventing certification of the results in any  
22 Congressional Election District, the results from such  
23 district shall be delayed until such irregularity is  
24 resolved, but the results from the other Congressional  
25 Election Districts shall be certified and declared in

1           accordance with this section."

2           Section 62. Title 9 of the Code of the Federated States of  
3 Micronesia, as amended, is hereby further amended by adding a new  
4 section 712 of chapter 7 to read as follows:

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

16          Section 63. Title 9 of the Code of the Federated States of  
17 Micronesia, as amended, is hereby further amended by adding a new  
18 section 713 of chapter 7 to read as follows:

19          "Section 713. Rejected or spoiled ballots.

20           (1) All ballots which have been declared invalid due  
21 to defacement or other irregularity shall be sorted and  
22 a notation placed upon them indicating that they are  
23 rejected ballots. Upon completion of the counting of  
24 the ballots, the rejected ballots shall be placed in the  
25 ballot box and returned by the counting and tabulating

1 committee to the national election commissioner with the  
2 validly cast ballots.

3 (2) Two or more markings in one voting square or a  
4 mark\_made partly within and partly without a voting  
5 square or space does not make a ballot void.

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

11 (4) A ballot shall not be rejected for any technical  
12 error which does not render it impossible to determine  
13 the voter's choice, even though the ballot is soiled or  
14 partially defaced.

15 (5) If for any reason a ballot is imperfectly marked  
16 and it is impossible to determine the voter's choice for  
17 any office or issue, his or her ballot shall not be  
18 counted for that office or issue, but the rest of his or  
19 her ballot, if properly marked, shall be counted."

20 Section 64. Title 9 of the Code of the Federated States of  
21 Micronesia, as amended, is hereby further amended by adding a new  
22 section 714 of chapter 7 to read as follows:

23 "Section 714. Write-in votes. Write-in votes may be  
24 used in National Elections. Any name written upon a  
25 ballot shall be counted as a vote for the person whose

1 name is so written for the office under which it is  
2 written."

3 Section 65. Title 9 of the Code of the Federated States of  
4 Micronesia, as amended, is hereby further amended by adding a new  
5 section 715 of chapter 7 to read as follows:

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

21 Section 66. Title 9 of the Code of the Federated States of  
22 Micronesia, as amended, is hereby further amended by enacting a  
23 new chapter 8 entitled "Procedure for Petitions and Appeals".

24 Section 67. Title 9 of the Code of the Federated States of  
25 Micronesia, as amended, is hereby further amended by adding a new

1 section 801 of chapter 8 to read as follows:

2 "Section 801. Petitions for recount, revote or  
3 challenging acceptability of votes.

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

8 (2) If a candidate believes that there was fraud or  
9 error committed in the canvassing, casting or return of  
10 votes in a National Election which cannot be corrected  
11 by recount, a candidate may petition for a revote,  
12 either in a Congressional Election District as a whole,  
13 or in the portion thereof where the fraud or error took  
14 place.

15 (3) Any other petition challenging the acceptability  
16 of a vote or votes may be filed by any Registered Voter  
17 who believes that there was fraud or error committed in  
18 the canvassing, casting or return of votes in a National  
19 Election. A petition under this subsection shall include  
20 a petition by a candidate challenging a decision of the  
21 National Election Director made under subsection 303(10)  
22 of this title.

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

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

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

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

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

12 Section 68. Title 9 of the Code of the Federated States of  
13 Micronesia, as amended, is hereby further amended by adding a new  
14 section 802 of chapter 8 to read as follows:

15 "Section 802. Filing time frames.

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

20 (2) Any other petition challenging the acceptability  
21 of a vote or votes must be filed before the National  
22 Election Director certifies the results of the National  
23 Election in the Congressional Election District or State  
24 concerned, or within one week of Election Day, whichever  
25 occurs first, provided that if a petition could not have

1           been filed within one week of Election Day as a result  
2           of a delayed action or decision of the National Election  
3           Director or a national election commissioner, then the  
4           petition shall be filed prior to certification of the  
5           election result for the relevant National Election  
6           District or State.

7           (3) The winning candidate shall have one week to  
8           respond to the petition.

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

11          Section 69. Title 9 of the Code of the Federated States of  
12          Micronesia, as amended, is hereby further amended by adding a new  
13          section 803 of chapter 8 to read as follows:

14          "Section 803. Standard of proof.

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

22          (2) The National Election Director shall grant a  
23          petition for a revote where he or she determines that  
24          the petitioner has shown by a preponderance of the  
25          evidence that it is more likely than not that the fraud

1 or error complained of could have resulted in the  
2 election of a candidate who would not have won had the  
3 fraud or error not occurred.

4 (3) The National Election Director shall grant any  
5 other petition challenging the acceptability of a vote  
6 or votes where he or she determines that the petitioner  
7 has shown by preponderance of the evidence that fraud or  
8 error occurred in the canvassing, casting or return of  
9 votes in a National Election, and that the relief sought  
10 is a reasonable and equitable means of remedying such  
11 fraud or error.

12 (4) Notwithstanding subsection (1) of this section, a  
13 petition for a recount must be granted if the difference  
14 between the number of votes cast for the winning  
15 candidate and the next highest candidate is one-half of  
16 one percent or less of the total votes cast for all of  
17 the candidates for that particular seat."

18 Section 70. Title 9 of the Code of the Federated States of  
19 Micronesia, as amended, is hereby further amended by adding a new  
20 section 804 of chapter 8 to read as follows:

21 "Section 804. Denial of petition; appeal to Supreme  
22 Court.

23 (1) If the National Election Director decides to grant  
24 or deny a petition, he or she shall record the reasons  
25 for such decision in writing and provide a copy to the

1           petitioner, and where the petitioner is a losing  
2           candidate, to the winning candidate, by the most  
3           expeditious means practicable.

4           (2) Except with regard to a decision to provide a  
5           recount, a petitioner, or where the petitioner is a  
6           losing candidate, the winning candidate, may, within  
7           five days after receipt of the decision of the National  
8           Election Director granting or denying the petition,  
9           appeal the decision to the Appellate Division of the  
10          Supreme Court of the Federated States of Micronesia.  
11          The Appellate Division of the Supreme Court shall review  
12          the appeal to determine if the decision by the National  
13          Election Director was:

14                   (a) arbitrary, capricious, an abuse of  
15                   discretion, or otherwise not in accordance with law;

16                   (b) in excess of statutory jurisdiction,  
17                   authority, or limitations, or a denial of legal right;

18                   (c) without substantial compliance with the  
19                   procedures required by law; or

20                   (d) unwarranted by the facts.

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

25          (4) A decision of the Appellate Division of the

1 Supreme Court may have the effect of disallowing  
2 challenged votes but shall not halt or delay balloting  
3 or counting and tabulating.

4 Section 71. Title 9 of the Code of the Federated States of  
5 Micronesia, as amended, is hereby further amended by adding a new  
6 section 805 of chapter 8 to read as follows:

7 "Section 805. Approval of petition; notice of recount  
8 or revote.

9 (1) If the National Election Director grants a recount  
10 or a revote, or if so ordered by the Supreme Court  
11 pursuant to section 804 of this title, he or she shall  
12 cause notice of the recount or revote to be given in an  
13 appropriate manner.

14 (2) A recount shall be held by the counting and  
15 tabulating committee within ten days after the decision  
16 of the National Election Director or order by the  
17 Supreme Court. The counting and tabulating committee  
18 shall make certificates of such determination under oath  
19 showing the result of the election and what persons were  
20 declared elected to fill office, one of which shall be  
21 filed with the National Election Director, one with each  
22 election board concerned, and one with the person filing  
23 the petition for recount.

24 (3) A revote shall occur as soon as practicable but in  
25 no event more than 30 days after a decision by the

1 National Election Director or order by the Supreme  
 2 Court. The national election commissioner shall report  
 3 the results of the revote to the National Election  
 4 Director and the candidates.

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

10 Section 72. This act shall become law upon approval by the  
 11 President of the Federated States of Micronesia or upon its  
 12 becoming law without such approval.

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August 14, 2006

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/s/ Joseph J. Urusemal  
 Joseph J. Urusemal  
 President  
 Federated States of Micronesia

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