

A BILL FOR AN ACT

To further amend title 9 of the Code of the Federated States of Micronesia, as amended, by repealing section 109, by renumbering section 110, by adding a new chapter 10 for the purpose of defining corrupt practices and providing penalties, and for other purposes.

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

1 Section 1. Section 109 of title 9 of the Code of the Federated States
2 of Micronesia is hereby repealed in its entirety.

3 Section 2. Section 110 of title 9 of the Code of the Federated States
4 of Micronesia is hereby renumbered as section 109.

5 Section 3. Title 9 of the Code of the Federated States of Micronesia
6 is hereby further amended by adding a new section 1000 to read as follows:

7 "Section 1000. Definitions. As used in this chapter:

8 (1) 'Candidate' means any person who has announced
9 to the public that he is a candidate for election or nomination
10 to any public office.

11 (2) 'Election' means any election in which there is
12 submitted to popular vote the names of any persons for
13 nomination or election to any office, or in which there is
14 submitted to popular vote or party vote any measure,
15 proposition or referendum.

16 (3) 'Political committee' means any one or more
17 persons who shall be elected, appointed, chosen or associated,
18 wholly or in part, for the purpose of directing the raising,
19 collecting or disbursing, and every two or more persons who
20 shall cooperate in the raising, collecting or disbursing, or in
21 controlling or directing the raising, collecting or disbursing of
22 money used or to be used to further or defeat the nomination
23 or election of any person, or any class or number of persons
24 to public office by popular vote, or in support or opposition to
25 any measure, referendum or proposition submitted to popular

1 vote."

2 Section 4. Title 9 of the Code of the Federated States of Micronesia
3 is hereby further amended by adding a new section 1001 to read as follows:

4 "Section 1001. Corrupt practices on election day
5 enumerated. It is a corrupt practice for any person on any
6 election day:

7 (1) To intimidate or attempt to intimidate an elector or
8 any of the election officers;

9 (2) To obstruct, hinder or attempt to obstruct or
10 hinder, or prevent or attempt to prevent, the forming of the
11 lines of the voters awaiting their opportunity or time to enter
12 the election booths."

13 Section 5. Title 9 of the Code of the Federated States of Micronesia
14 is hereby further amended by adding a new section 1002 to read as follows:

15 "Section 1002. General corrupt practices enumerated.

16 It is a corrupt practice for any person to commit directly or
17 indirectly by himself or through any other person, any of the
18 following acts:

19 (1) Aid or procure the commission of any act forbidden
20 by the laws of the Federated States of Micronesia relating to
21 elections;

22 (2) For any election board member, commissioner or
23 other election officer to fail to perform any of the duties
24 imposed upon him by law;

25 (3) Commission any crime or offense against

1 the elective franchise, or the encouragement, aiding or
2 assistance of a person in the commission of a crime or offense
3 against the elective franchise, to evade arrest or escape
4 conviction and punishment for such crime or offense, or the
5 providing, wholly or in part, for the expense of boarding,
6 lodging or maintaining a person at any place or domicile in any
7 election precinct for the purpose of securing the vote for
8 himself or any other person or proposition, or of registering
9 any person as a voter at any national election held within his
10 state, or the hiring or employing of a person to take or
11 maintain a place in or to otherwise obstruct or hinder or to
12 prevent the forming of the line of voters awaiting their
13 opportunity or time to enter the polling place of any election;

14 (4) Demand, solicit, ask or invite any payment or
15 contribution for any religious, charitable or other cause or
16 organization supposed to be primarily for the public good
17 from any candidate for nomination or election;

18 (5) Demand, solicit, ask or invite any candidate for
19 nomination or election for public office or party position or any
20 political committee to support any club or organization, to buy
21 tickets to any entertainment or ball, or to pay for space in any
22 book, program, periodical or publication. This shall not apply
23 to the solicitation of any business advertising in periodicals in
24 which the candidate was a regular advertiser prior to his
25 candidacy, nor to ordinary business advertising, nor to the

1 regular demands of any organization, religious, charitable or
2 otherwise, of which he was a member, or to which he was a
3 contributor for more than six months before his candidacy, or
4 to any ordinary contributions at church services;

5 (6) For any corporation or person, trustee or trustees,
6 owing or holding a majority of stock of a corporation carrying
7 on the business of a bank, savings bank, trust, trustee,
8 savings indemnity, safety deposit, any insurance, street
9 railway, telephone, telegraph, gas, electric light, heat or power
10 company, or any company having the right to condemn land or
11 to exercise franchises in public ways granted by the Federated
12 States of Micronesia, States, municipalities, districts or towns,
13 to pay or contribute any money or valuable in order to aid or
14 promote the nomination or election of any person, or in order
15 to aid or promote the interests, success, or defeat, of any
16 political party or political proposition;

17 (7) For any business corporation incorporated under
18 the laws or doing business in the Federated States of
19 Micronesia, or any officer or agent acting on behalf of such
20 corporation, to directly or indirectly give, pay, expend
21 contribute, or promise to give, pay, expend or contribute, any
22 money or other valuable thing in order to aid, promote or
23 prevent the nomination or election of any person, or defeat
24 any question or proposition submitted to popular vote, or in
25 order to aid, promote or antagonize the interests of any

1 political party; or

2 (8) For any person or persons or political committee to
3 solicit or receive from such corporation any gift, payment,
4 expenditure, contribution, or any promise to give, pay, expend
5 or contribute."

6 Section 6. Title 9 of the Code of the Federated States of Micronesia
7 is hereby further amended by adding a new section 1003 to read as follows:

8 "Section 1003. Limitation on purposes of expenditures. Any
9 person is guilty of corrupt practice if he, directly or indirectly,
10 by himself or through any other person or political committee,
11 in connection with or in respect of any election, pays, lends,
12 contributes or offers or promises to pay, lend or contribute
13 any money or other valuable consideration for any purpose
14 other than the following matters and services, at their
15 reasonable bona fide and customary value:

16 (1) Traveling expenses while campaigning;

17 (2) Fee for qualifying;

18 (3) Stenographic work;

19 (4) Clerks to address, prepare and mail campaign
20 literature;

21 (5) Telegram, telephone, postage, freight, and
22 stationery expenses;

23 (6) A list of voters;

24 (7) Office rent;

25 (8) Newspaper and radio advertising;

1 (9) Preparation, printing and publication of posters,
2 lithographs, banners, notices and literary material, reading
3 matter, cards and pamphlets;

4 (10) The compensation of agents to supervise and to
5 prepare and distribute such articles and advertisements;

6 (11) The rent of halls in which to address the voters;

7 (12) The hiring of bands or musicians; and

8 (13) The reasonable traveling expenses of his agents,
9 clerks and speakers. Any payment, contribution, expenditure,
10 or agreement, or offer, to pay, contribute or expend any
11 money or thing of value for any purpose whatsoever, except as
12 provided herein, is declared to be a corrupt practice."

13 Section 7. Title 9 of the Code of the Federated States of Micronesia
14 is hereby further amended by adding a new section 1004 to read as follows:

15 "Section 1004. Committee to receive, expend, audit and
16 disburse money or funds contributed. Within five days after the
17 announcement of his candidacy for the Congress of the
18 Federated States of Micronesia, each candidate for such office
19 shall file with the National Election Director, a statement
20 showing the name of not less than one and no more than five
21 persons elected to receive, expend, audit and disburse all
22 monies contributed, donated, subscribed or in any way
23 furnished or raised for the purpose of aiding or promoting the
24 nomination or election of such candidate together with written
25 acceptance or consent of such persons to act as such

1 committee, but any candidate, if he sees fit to do so, may
2 declare himself as the person chosen for such purpose. The
3 statement required herein shall be postmarked at any
4 Federated States of Micronesia post office not later than
5 midnight of the fifth day after the announcement of his
6 candidacy. Such committee shall appoint one of their members
7 to act as treasurer, who shall receive and disburse all monies
8 received by said committee; he shall keep a detailed account of
9 receipts, payments and liabilities. The said committee or its
10 treasurer shall have the wise furnished for or on behalf of the
11 candidate represented by said committee, and shall disburse
12 the same on proper vouchers. If any vacancy is created by
13 death, resignation or any other cause, said candidate may fill
14 such vacancy, or the remaining members shall discharge and
15 complete the duties required of said committee as if such a
16 vacancy had not been created. No candidate for nomination or
17 election shall expend any money directly or indirectly in aid of his
18 nomination or election except by contributing to the committee
19 designated by him."

20 Section 8. Title 9 of the Code of the Federated States of Micronesia
21 is hereby further amended by adding a new section 1005 to read as follows:

22 "Section 1005. Candidate acting as own committee.

23 (1) Any person who shall act as his own committee shall
24 be governed by the provisions of this chapter relating to
25 committee designated by candidates. Failure to make the

1 declaration of appointment or selection by any candidate as
2 required is declared to be a corrupt practice, and in addition,
3 the name of such candidate shall not be put upon the ballot for
4 that election.

5 (2) Penalty for failure to appoint or select committee.

6 The failure to perform any of the other acts herein required to
7 be performed, or the performing of the acts herein forbidden, is
8 a corrupt practice."

9 Section 9. Title 9 of the Code of the Federated States of Micronesia
10 is hereby further amended by adding a new section 1006 to read as follows:

11 "Section 1006. Contribution made to committee.

12 All contributions, donations and subscriptions made for or on
13 behalf of any candidate shall be made to the committee named
14 by such candidate. The making of any such expenditures in aid
15 of any candidate by any person, committee or corporation
16 other than the committee named and designated under the
17 preceding sections, is a corrupt practice."

18 Section 10. Title 9 of the Code of the Federated States of Micronesia
19 is hereby further amended by adding a new section 1007 to read as follows:

20 "Section 1007. Statement of campaign expenditures required.

21 Every committee appointed under this chapter and each and
22 every political committee as defined in subsection (3) of section
23 1000, shall file in the Office of the National Election
24 Commissioner in the state in which the candidate who

1 appointed said committee resides, if such candidate is a
2 candidate for Congress, and if the political committee is one in
3 support or opposition to any measure or proposition
4 submitted to popular vote, a detailed, itemized statements of
5 all expenditures made. It is provided, however, that the
6 committee of any candidate who is not opposed for nomination
7 or election shall not be required to file such statements."

8 Section 11. Title 9 of the Code of the Federated States of Micronesia
9 is hereby further amended by adding a new section 1008 to read as follows:

10 "Section 1008. Filing; contents. Within 15 days after a primary
11 or general election and within 30 days after any other election,
12 every committee shall file an itemized statement covering in
13 detail all of the expenditures made directly or indirectly, and all
14 obligations, debts or liabilities assumed or incurred by the time
15 of filing of said statement. Such statement shall include the
16 names of all contributors of amounts in excess of \$10.00, with
17 the amount given by each, and a list of all gifts, loans or
18 contributions made. Such statements shall itemize all money
19 expended in sums over \$5.00, and shall give the names of the
20 various persons to whom such money was paid, the specific
21 nature of each item purchased, by whom the service was
22 performed and the purpose for which it was expended. There
23 shall be attached to such statement an affidavit subscribed
24 and sworn to by the treasurer of said committee setting forth
25 in substance that the statement thus made is in all respects

1 true, and that the same is a full and detailed statement of all
2 monies, securities or equivalent coming under the control or
3 custody of the committee and by them expended directly or
4 indirectly. If any statement required herein shall have been
5 postmarked at any Federated States of Micronesia post office
6 not later than midnight of the last day on which such statement
7 is required to be filed, the committee mailing such statement
8 shall be deemed to have complied with the requirements of this
9 section as to filing such statement not later than such date."

10 Section 12. Title 9 of the Code of the Federated States of Micronesia
11 is hereby further amended by adding a new section 1009 to read as follows:

12 "Section 1009. Affidavit of candidate. If such statement is
13 filed by a committee on behalf of any candidate, there shall also
14 be attached to such statement an affidavit subscribed and
15 sworn to by said candidate, setting forth in substance that
16 said statement is to the best of his knowledge true in all
17 respects, and that he has not in person made any expenditures
18 or received any contributions which are not set forth and
19 covered by said statement. The failure of any committee
20 designated by any candidate to file the statements herein
21 required in the form and the time specified is a corrupt
22 practice."

23 Section 13. Title 9 of the Code of the Federated States of Micronesia
24 is hereby further amended by adding a new section 1010 to read as follows:

25 "Section 1010. Penalty for failure to produce statement.

1 If the statement required to be made after such election is not
2 made by any candidate or his appointed committee, a
3 certificate of election or nomination shall not be issued to such
4 candidate even if he is successful in such election. The failure of
5 any other political committee to file the statements herein
6 required in the form and at the time specified, is a corrupt
7 practice. The statements herein required to be filed are public
8 documents and shall be open to inspection by any citizen."

9 Section 14. Title 9 of the Code of the Federated States of Micronesia
10 is hereby further amended by adding a new section 1011 to read as follows:

11 "Section 1011. Bills, placards, advertisements, etc., to bear
12 name of committee. Every bill, placard, poster, pamphlet,
13 advertisement, newspaper advertisement, cartoon or other
14 printed matter having reference to an election, or to any
15 candidate, shall bear upon the face thereof the name and
16 address of the person or committee causing the same to be
17 published. The failure to place thereon the name and address
18 of such person or committee, or the printing, publishing or
19 circulating of any such printed matter without the same bearing
20 upon the face thereof the name and address of such person or
21 committee, is a corrupt practice."

22 Section 15. Title 9 of the Code of the Federated States of Micronesia
23 is hereby further amended by adding a new section 1012 to read as follows:

24 "Section 1012. Paid advertisement shall be so marked. All
25 paid political advertisements shall be marked, paid

1 advertisement. Any person who publishes or circulates any
2 campaign literature or political advertisement without the same
3 bearing on its face the name and address of the person or
4 committee causing the same to be published, or the owner of
5 any newspaper who publishes a political advertisement, is guilty
6 of a corrupt practice."

7 Section 16. Title 9 of the Code of the Federated States of Micronesia
8 is hereby further amended by adding a new section 1013 to read as follows:

9 "Section 1013. Penalties. Any person who does any act
10 defined or declared to be a corrupt practice under the election
11 or primary election laws of this state, or relating to the corrupt
12 practice law of this state, or who willfully fails or refuses to do
13 any act required of such person under this chapter, shall be
14 guilty of a felony, and shall, upon conviction, be fined not more
15 than five thousand dollars, or imprisoned for not more than five
16 years or both."

17 Section 17. Title 9 of the Code of the Federated States of Micronesia
18 is hereby further amended by adding a new section 1014 to read as follows:

19 "Section 1014. Illegal voting or attempting to vote.
20 Any person who votes more than once in any national election
21 held in his state, or deposits more than one ballot for the same
22 office at such election, or knowingly attempts to vote when he
23 is not entitled to do so, is guilty of illegal or fraudulent voting
24 and upon conviction thereof shall be fined not more than five
25 thousand dollars or imprisoned for not more than five years or

1 both."

2 Section 18. Title 9 of the Code of the Federated States of Micronesia
3 is hereby further amended by adding a new section 1015 to read as follows:

4 "Section 1015. Illegal voting at national elections.

5 Any person who falsely impersonates another and thereby or
6 otherwise fraudulently casts a vote to which he is not entitled,
7 or who having voted at such municipal election votes a second
8 time, whether in the same ward or another, or who having once
9 obtained registration in any ward causes himself to be
10 registered a second time, or attempts to obtain a second
11 registration, whether in the same or another name, or who aids
12 or assists another not so entitled, knowing him not to be so
13 entitled, to vote or obtain registration as a voter, shall be
14 guilty of a felony and upon conviction, shall be punished by
15 imprisonment for a period of not less than two and not more
16 than five years."

17 Section 19. Title 9 of the Code of the Federated States of Micronesia
18 is hereby further amended by adding a new section 1016 to read as follows:

19 "Section 1016. Bribing or attempting to influence a voter.

20 Any person who, by bribery or offering to bribe, or by any
21 other corrupt means, attempts to influence the vote of any
22 elector, or deters, disturbs or hinders any elector in placing his
23 vote at any election, shall upon conviction thereof, be fined not
24 less than one thousand dollars or imprisoned for not more than
25 5 years or both."

1 Section 20. Title 9 of the Code of the Federated States of Micronesia
2 is hereby further amended by adding a new section 1017 to read as follows:

3 "Section 1017. Buying votes. Any person who buys or offers
4 to buy any vote of any qualified elector at any election with the
5 payment of money or the promise to pay the same at any
6 future time, or by the gift of intoxicating liquor or other
7 valuable thing, shall be guilty of a misdemeanor, and upon
8 conviction thereof, shall be fined not less than five thousand
9 dollars or imprisoned for not more than 5 years or both."

10 Section 21. Title 9 of the Code of the Federated States of Micronesia
11 is hereby further amended by adding a new section 1018 to read as follows:

12 "Section 1018. Selling votes. Any qualified elector at any
13 election who takes or receives any money or other valuable
14 thing, upon the condition that the same shall be paid at any
15 future time, in exchange for the vote of such elector for any
16 particular candidate, or the promise to vote for any particular
17 candidate, shall be guilty of a misdemeanor, and upon
18 conviction, shall be fined not less than one thousand dollars or
19 not more than five thousand dollars or both."

20 Section 22. Title 9 of the Code of the Federated States of Micronesia
21 is hereby further amended by adding a new section 1019 to read as follows:

22 "Section 1019. Candidate barred by bribery. Any candidate
23 for office in any national election, upon conviction of bribing or
24 attempting to influence any voter under section 1115, shall in
25 addition to the fine or imprisonment, be declared ineligible and

1 not qualified to hold the office for which he was elected for that
2 term."

3 Section 23. Title 9 of the Code of the Federated States of Micronesia
4 is hereby further amended by adding a new section 1020 to read as follows:

5 "Section 1020. Altering or changing votes. Any person who
6 fraudulently alters or changes the vote of any elector, so that
7 the elector is prevented from voting as he intended, up on
8 conviction, shall be fined not more than five thousand dollars
9 and imprisoned for not more than 5 years."

10 Section 24. Title 9 of the Code of the Federated States of Micronesia
11 is hereby further amended by adding a new section 1021 to read as follows:

12 "Section 1021. Disturbing an elector. Any person who, on
13 election day, disturbs or prevents or attempts to prevent, any
14 elector from freely casting his vote shall, upon conviction, be
15 fined not less than one thousand dollars or imprisoned for not
16 more than five years or both."

17 Section 25. Title 9 of the Code of the Federated States of Micronesia
18 is hereby further amended by adding a new section 1022 to read as follows:

19 "Section 1022. Being intoxicated around voting place on
20 election day. Any person found drunk or intoxicated at or
21 around any polling place during any election day is guilty of a
22 felony and shall be fined not less than one thousand dollars or
23 imprisoned not more than one year."

24 Section 26. Title 9 of the Code of the Federated States of Micronesia
25 is hereby further amended by adding a new section 1023 to read as follows:

1 "Section 1023. Employer intimidating employee. Any person
2 who attempts by coercion, intimidation, or threats to
3 discharge or to lessen the remuneration of an employee, to
4 influence his vote in any election, who requires or demands an
5 examination or inspection by himself or another of an
6 employee's ballot, shall be guilty of a felony, and shall, upon
7 conviction, be fined not less than one thousand dollars."

8 Section 27. Title 9 of the Code of the Federated States of Micronesia
9 is hereby further amended by adding a new section 1024 to read as follows:

10 "Section 1024. Coercion of employees of corporations. Any
11 officer or agent of a corporation, or other person with
12 authority to discharge employees, who attempts by coercion,
13 intimidation, or threats to discharge or lessen the remuneration
14 of any employee, to influence his vote in any election, or who
15 requires or demands an examination or inspection by himself or
16 another of any employee's ballot, shall be guilty of a felony and
17 shall, upon conviction, be fined not less than one thousand
18 dollars."

19 Section 28. This act shall become law upon approval by the President
20 of the Federated States of Micronesia or upon it becoming law without such
21 approval.

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23 Date: 11/3/94

Introduced by: 
Kalisto Refalopei

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