A BILL FOR AN ACT

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

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

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

   "Section 202. Nomination by petition.

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

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

   (3) There shall be deposited with the nomination [paper] petition a filing fee of $100.00, which shall be paid over to
the General Fund of the Federated States of Micronesia as a local revenue available for appropriation by the Congress. [Any person who is elected as a write-in candidate shall, after certification of the election results, pay a $100.00 filing fee.]

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

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

"Section 202A. Write-in candidates.

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

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

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

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

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

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

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

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

(5) to maintain a national election register;

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

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

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

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

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

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

(12) to list all candidates for election on the ballot for each election district in alphabetical order by last name;

[and]

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

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

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

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

(1) to perform all duties prescribed by law;

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

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

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

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

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

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

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

(9) to recommend to the national election commissioner designation of appropriate polling places within each voting precinct or election district, as may be deemed suitable and convenient to the public;
Section 5. Section 603 of title 9 of the Code of the Federated States of Micronesia, as amended by Public Law No. 11-62, is hereby further amended to read as follows:

"Section 603. Printing and distributing.

(1) The Official ballots [should] shall be printed by order of the National Election Director [and no later than] 60 days before the election. Under the direction of the National Election Director, the national election commissioner shall deliver an adequate number of ballots to each election precinct.

(2) At least 65 days before the election, the National Election Director shall print a sample ballot, clearly designated as such, and shall forthwith submit copies of the same to each State's national election commissioner for distribution to the members of the several boards of election in that State and to the several candidates at their addresses as given on their nomination papers [and the members of the boards] Each board of election shall cause to be posted a copy of the sample
ballot in a conspicuous place in their office or a public place."

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

"Section 604. Withdrawal of candidates.

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

(2) If a candidate withdraws his name later than 80 days before an election and the ballots are in the process of being or have been printed, and it becomes necessary in the opinion of the National Election Director or national
election commissioner or the board of election for a renaming of ballots or a striking out of the candidate's name by a reprint blockout, all expenses thereof, except in case of a withdrawal necessitated for medical cause and so certified by a physician, shall be a charge against the withdrawing candidate and shall be paid by him within sixty days after such withdrawal to the national election commissioner. Monies so received shall be deposited in the General Fund of the Federated States of Micronesia, as a local revenue general realization, available for appropriation by the Congress of the Federated States of Micronesia.

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

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

"Section 605. Substitute candidates.

(1) In the case of the death, withdrawal, or disqualification of a candidate[s] after the deadline for filing nominations, a substitute candidate[s] may be
nominated prior to [60] 75 days before the date of an
election.

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

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

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

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

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

(2) Any registered voter qualified to vote by absentee ballot may, not more than 120 days before the close of the polling place on the day of the election, request the national election commissioner in writing for an absentee ballot to be voted at the election provisioned.

(3) An otherwise qualified voter who requested to cast an absentee ballot outside of the State in which he intends to vote is solely responsible for ensuring that his request for an absentee ballot shall be received by the national election commissioner of the State concerned no later than 60 days before the election.

(4) Any such request for an absentee ballot received by the national election commissioner concerned later than 60 days before the election shall be rejected by the national election commissioner concerned, unless the request is:

(a) postmarked and mailed before the 75 days; and
(b) received by the national election commissioner of the State concerned no later than 51 days before the election.
(5) Delayed and lost mails for absentee ballot requests shall not create any obligation of the National Election Director [and] or the national election commissioners of the States to provide absentee ballots at any time after the time periods set forth in this chapter have expired.

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

(a) the voter's voting precinct; 
(b) the voter's election district; 
(c) the voter's reasons for being absent; 
(d) the address to which the voter wishes his ballot forwarded; and 
(e) information establishing the voter's right to a ballot.

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

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

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

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

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

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

"Section 707. Special Polling Places."
(1) **Within the Federated States of Micronesia.** Not less than 60 days prior to an election, the National Election Director shall, after consultation with the relevant state's national election commissioner, designate one polling place in each state as a Special Polling Place where citizens residing in that state, but registered to vote in another state, may cast their votes on election day.

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

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

(4) Any citizen intending to vote at a Special Polling Place designated by the National Election Director shall register his or her intent to do so by notifying the national election commissioner in his or her state of registration. Such notification shall be made in writing and must be received by the relevant national election commissioner not
less than 45 days prior to the election. The form and 
substance of such notification shall be as specified by the 
National Election Director in election regulations issued 
pursuant to title 17 of the Code of the Federated States of 
Micronesia.

(5) Any citizen casting a vote at a Special Polling Place 
shall not be required to vote by absentee ballot."

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

Date: _____________ Introduced by:_______________________

Henry C. Asugar