
A BILL FOR AN ACT

To further amend title 9 of the Code of the Federated States of Micronesia, as amended, by amending sections 105, 108, 301, 303, 304, 305, 306, 402, 503, 504, 505, 506, 507, 509, 604, 707, 803, 805 and 809, and by enacting new section 819, to make changes to the National Election Code, and for other purposes.

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

1 Section 1. Section 105 of title 9 of the Code of the
2 Federated States of Micronesia is hereby amended to read as
3 follows:

4 "Section 105. Vacancies - Special election.

5 (1) After election of President and Vice President.

6 (a) After the election of the President and Vice
7 President, vacancies shall be declared by the Speaker of
8 Congress for the seats to which the President and Vice
9 President were originally elected as Members-at-large of
10 the Congress of the Federated States of Micronesia.

11 (b) Upon notification by the Speaker, the
12 [~~national election commissioner of the affected~~
13 ~~State~~]National Election Director shall schedule a
14 special election to occur 50 days after receipt of
15 notification.

16 (c) Each [A] candidate for the special election
17 must submit a petition for candidacy within 20 days
18 after the [~~national election commissioner~~]National
19 Election Director schedules the special election. After

1 all candidates are registered, the National Election
2 Director shall cause the ballots to be produced.

3 (d) Absentee ballots [are to] shall be available
4 from the National Election Director up to five days
5 before the election date.

6 (2) Other vacancies - seated Congress. Any other
7 vacancy in the Congress shall be filled for the
8 unexpired term by special election, except that an
9 unexpired term of one year or less shall be filled by
10 appointment by the chief executive of the State
11 affected. The appointee shall possess the
12 qualifications required by section 201 of this title and
13 shall serve only for the unexpired term.

14 (3) Other vacancies - death of declared winner.

15 (a) In case of death of a declared winner before
16 being sworn into office, the Governor of the State
17 affected shall notify the Speaker of the Congress of the
18 Federated States of Micronesia, who shall immediately
19 declare a vacancy and notify the National Election
20 Director.

21 (b) Upon notification by the Speaker, the
22 National Election Director shall schedule a special
23 election to occur 50 days after receipt of notification.

24 (c) Each candidate for the special election shall
25 submit a petition for candidacy within 20 days after the

1 National Election Director schedules the special
2 election. After all candidates are registered, the
3 National Election Director shall cause the ballots to be
4 produced.

5 (d) Absentee ballots shall be available from the
6 National Election Director up to five days before the
7 election date.

8 (4) Date of special election. If the date required by
9 this section for an election to be held falls on a
10 Saturday or Sunday, the election shall be held on the
11 first Tuesday following that Saturday or Sunday."

12 Section 2. Section 108 of title 9 of the Code of the
13 Federated States of Micronesia is hereby amended to read as
14 follows:

15 "Section 108. Affidavit to be sworn.

16 The affidavits required pursuant to this title shall be
17 sworn to before any officer or person authorized by
18 ~~[law]~~ this title, or regulations issued pursuant thereto,
19 to administer oaths, except [for the] that an affidavit
20 accompanying an absentee ballot ~~[s which does not need~~
21 ~~to]~~ need not be witnessed."

22 Section 3. Section 301 of title 9 of the Code of the
23 Federated States of Micronesia, as amended by Public Law No. 11-
24 62, is hereby further amended to read as follows:

25 "Section 301. Appointment of National Election

1 Officials.

2 (1) National Election Director.

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

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

14 (2) National election commissioners.

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

19 (b) National election commissioners serve for a
20 term of 4 years, which term shall commence upon
21 appointment, subject to removal by the National Election
22 Director for good cause; provided, that they shall be
23 employed full-time and compensated pursuant to
24 employment contracts during their four-year terms only
25 for such period(s) of time as deemed necessary by the

1 President of the FSM for the purpose of preparing for
2 and administering an upcoming election.

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

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

14 Section 4. Section 303 of title 9 of the Code of the
15 Federated States of Micronesia, as amended by Public Law No. 11-
16 62, is hereby further amended to read as follows:

17 "Section 303. Powers and duties of national election
18 commissioners.

19 Each national election commissioner shall have
20 responsibility for the overall supervision and
21 administration of the election within his state and
22 shall perform such duties as are prescribed by law,
23 which include, but are not limited to, the following:

24 (1) to appoint all members of the several boards of
25 election in his or her State as provided for in this

1 title;

2 (2) to require such reports from the several boards as
3 may be required by law or regulation or as the National
4 Election Director or national election commissioner may
5 deem necessary;

6 (3) to [~~establish~~] recommend to the National Election
7 Director voting precincts within each election district
8 and [~~designate~~] recommend appropriate polling places
9 within each voting precinct [~~, upon recommendations of~~
10 ~~the members of the board of election of the particular~~
11 ~~election district~~];

12 (4) to receive nomination petitions;

13 (5) to register or cause to be registered all the
14 voters in his State and, jointly with the state election
15 commissioner, to maintain the General State Register in
16 his State as provided in this title;

17 (6) prior to each election, to prepare from the
18 General State Register a "registered voters list" for
19 each voting precinct in his State [~~prior to any~~
20 ~~election~~];

21 (7) to promulgate, in accordance with chapter 1 of
22 title 17 of the Code of the Federated States of
23 Micronesia, local rules and regulations [~~which~~ that are
24 consistent with rules and regulations promulgated by the
25 National Election Director pursuant to section 302 of

1 chapter 3 of this title;

2 (8) to assist the National Election Director in
3 maintaining the [~~n~~]National [~~e~~]Election [~~r~~]Register
4 required by section 306 of this title;

5 (9) to report directly to the National Election
6 Director; and

7 (10) to execute his responsibilities and perform his
8 duties as lawfully directed and authorized by the
9 National Election Director in accordance with the
10 provisions of this title."

11 Section 5. Section 304 of title 9 of the Code of the
12 Federated States of Micronesia is hereby amended to read as
13 follows:

14 "Section 304. Striking names of disqualified voters.

15 (1) Not less than 60 days before each regular
16 election, the [~~The~~] national election commissioner of
17 each State, in conjunction with the state election
18 commissioner, shall ascertain[~~, not less than 6 months~~
19 ~~before each election,~~] from the Department of Public
20 Health or any informing department, information of the
21 death, adjudication of insanity or feeble-mindedness,
22 loss of citizenship, or any other disqualification to
23 vote of any person registered to vote in his State or
24 who he has reason to believe may be registered to vote
25 therein. [~~He~~]The national election commissioner shall

1 thereupon make such investigation as he may deem
2 necessary to prove or disprove such information, giving
3 the person concerned, if available, notice and an
4 opportunity to be heard. If, after such investigation,
5 the national election commissioner ~~[he]~~ finds that such
6 person is dead, incompetent, has lost his citizenship,
7 or is disqualified for any reason to vote, he shall
8 strike or direct that the name of such person be
9 stricken from the official registry and shall so notify
10 the National Election Director who shall cause the name
11 of such person to be stricken from the National Election
12 Register.

13 (2) The national election commissioner of each State
14 shall make and keep an index of all information
15 furnished to him under any requirements of law
16 concerning any of the matters mentioned in this section
17 and shall provide any person authorized by this title or
18 by regulation to receive affidavits on application for
19 registration with any information the latter may need to
20 ascertain whether or not any applicant is in any manner
21 disqualified to vote.

22 (3) Any person whose name is stricken from the
23 ~~[register of voters under this title]~~ National Election
24 Register may appeal in the manner provided by chapter 9
25 of this title."

1 Section 6. Title 9 of the Code of the Federated States of
2 Micronesia is hereby further amended by enacting a new section 305
3 to read as follows:

4 "Section 305. General State Register.

5 (1) 'General State Register' means the official
6 election register for a State, as jointly maintained by
7 that State's national election commissioner and state
8 election commissioner.

9 (2) The national election commissioner of each State
10 shall register or cause to be registered in the General
11 State Register all persons registered to vote in his
12 State.

13 (3) Each State's General State Register shall consist
14 of one or more volumes, with a general alphabetical
15 index of registered voters. The General State Register
16 shall be divided into as many parts as there are
17 election precincts in the election districts in the
18 State and shall have an index of precincts.

19 (4) Each State's General State Register shall be
20 maintained jointly and continuously by the national
21 election commissioner and the state election
22 commissioner of the relevant State.

23 (5) The General State Register shall be printed
24 uniformly in all states of the Federated States of
25 Micronesia and shall be open to public inspection at all

1 times during normal business hours.

2 (6) Each State's General State Register shall be
3 published and made available for public inspection at
4 least 60 days prior to any election."

5 Section 7. Section 306 of title 9 of the Code of the
6 Federated States of Micronesia is hereby amended to read as
7 follows:

8 "Section 306. National Election Register.

9 ~~[The National Election Director shall maintain a~~
10 ~~national election register comprised of the General~~
11 ~~State Register from each of the four States as provided~~
12 ~~for in section 304 of this title.]~~

13 (1) There shall be one unified National Election
14 Register, which shall consist of each State General
15 Register as jointly maintained by the national election
16 commissioner and the state election commissioner for the
17 relevant State.

18 (2) The National Election Director shall be
19 responsible for maintaining the National Election
20 Register.

21 (3) All changes and additions to the General State
22 Register of a State must also be made in the National
23 Election Register.

24 (4) The National Election Register shall be open to
25 public inspection at all times during normal business

1 hours.

2 (5) The National Election Register shall be published
3 and made available for public inspection at least 45
4 days prior to any election."

5 Section 8. Section 402 of title 9 of the Code of the
6 Federated States of Micronesia, as amended by Public Law No. 11-
7 62, is hereby further amended to read as follows:

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

9 Each board of election member shall have the following
10 powers and duties:

- 11 (1) to perform all duties prescribed by law;
- 12 (2) to supervise and manage each polling place in the
13 capacity of a pollworker;
- 14 (3) to receive, preserve, and maintain ballot boxes,
15 locks, maps, cards of instructions, and other supplies
16 and equipment necessary to conduct elections;
- 17 (4) to give such instruction deemed necessary for the
18 orderly conduct of the election;
- 19 (5) to provide for the issuance of all notices and
20 publications concerning elections;
- 21 (6) to review and examine the sufficiency and validity
22 of nominating petitions and other documents where the
23 national election commissioner or the National Election
24 Director designates the board to act in his stead;
- 25 (7) to receive and transmit all ballot boxes, locked

1 and sealed, to the national election commissioner;

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

6 [~~(9) to recommend to the national election commissioner~~
7 ~~designation of appropriate polling places within each~~
8 ~~voting precinct or election district, as may be deemed~~
9 ~~suitable and convenient to the public;~~]

10 ~~(10)]~~ (9) to perform such other duties as are prescribed
11 by law or rules issued by the national election
12 commissioner or National Election Director; and

13 [~~(11)]~~ (10) to register electors."

14 Section 9. Section 503 of title 9 of the Code of the
15 Federated States of Micronesia is hereby amended to read as
16 follows:

17 "Section 503. Registration required

18 (1) Except as otherwise provided by law, no [No]
19 person shall be entitled to vote in any election for
20 Members of the Congress of the Federated States of
21 Micronesia, or to be listed upon any [~~general~~]official
22 election register, or upon any precinct list, who fails
23 to register with the [~~formalities and subject to the~~
24 ~~restrictions and qualifications required by this~~
25 ~~title~~]state or national election offices.

1 (2) A voter having once been registered with either
2 the state or national election office shall not be
3 required to register again for any succeeding election,
4 except in case of change of name or residence, as
5 specified in section 507 of this chapter, or intervening
6 disqualification, as specified in section 305 of this
7 title.

8 (3) Notwithstanding the provisions of subsection (2)
9 of this section, in the event voting records are lost or
10 destroyed, the national election commissioner may
11 require the re-registration of those voters whose
12 records are lost or destroyed."

13 Section 10. Section 504 of title 9 of the Code of the
14 Federated States of Micronesia is hereby amended to read as
15 follows:

16 "Section 504. Application for registration - Affidavit.

17 (1) Any person qualified to and desiring to register
18 as a voter in any election district may present himself
19 at any time during business hours to any [of the]
20 member[s] of the board of election in that district
21 (herein empowered and authorized to administer oaths and
22 take acknowledgments), ~~or [persons authorized by law to~~
23 ~~administer oaths]~~ to any person authorized by the
24 National Election Director in regulations issued
25 pursuant to this title to administer oaths and accept

1 affidavits of registration, then and there to be
2 examined under oath as to his qualifications as an
3 elector.

4 (2) Each applicant desiring to register shall make and
5 subscribe to an application in substantially the
6 following form:

7 'AFFIDAVIT ON APPLICATION FOR REGISTRATION

8 Federated States of Micronesia

9 1. My full name is _____ .

10 2. I was born at _____ .

11 3. My date of birth is _____ .

12 4. My social security number is _____ .

13 5. I currently live at _____ .

14 6. My Election District No. is _____ , Box No. _____ .

15 [5] 7. I am a citizen of the Federated States of
16 Micronesia.

17 [6] 8. I was naturalized as a citizen of the Federated
18 States of Micronesia at ____ State on the ____ day of ____
19 in the year ____.

20 [7] 9. I have resided in the Federated States of
21 Micronesia not less than nine months, and in
22 Congressional Election District No. ____ in the State of
23 ____ not less than three months immediately preceding
24 this date on which I now offer to register to vote in
25 that district, to wit, on the ____ [~~date~~] day of [~~7-19~~]

1 in the year ____.

2 [~~8~~] 10. I am not currently under parole, probation, or
3 sentence for any felony for which I have been convicted
4 by any court of the Federated States of Micronesia or
5 any court within the jurisdiction of the United States.

6 [~~9~~] 11. I am not currently under a judgment of mental
7 incompetence or insanity.

8 [~~10~~] 12. I solemnly swear that the foregoing statements
9 are true, so help me God.

10 Subscribed and sworn to before me this ____ day of ____ [~~7~~
11 ~~19~~] in the year ____.

12 [~~This~~]The applicant shall strike out allegations
13 that are inapplicable and shall sign or make [~~a~~]his
14 mark on, and swear to the truth of the allegations
15 in, his application.

16 (3) In any case where the person who administers the
17 oath shall so desire or believe the same to be
18 expedient, he may demand that the applicant produce a
19 witness or witnesses to further substantiate the
20 allegations of his application."

21 Section 11. Section 505 title 9 of the Code of the Federated
22 States of Micronesia is hereby amended to read as follows:

23 "Section 505. Submission of affidavit of qualifications
24 to examiner.

25 (1) Every affidavit on application for registration

1 shall be submitted to the persons authorized to examine
2 the qualifications of electors, as set forth in section
3 504 of this title.

4 (2) Affidavits filed as part of a State's registration
5 and election procedure may be submitted in lieu of the
6 affidavit required by section 504 of this title."

7 Section 12. Section 506 of title 9 of the Code of the
8 Federated States of Micronesia is hereby amended to read as
9 follows:

10 "Section 506. Entry of a voter's name in the General
11 State Register - Filing of affidavits.

12 (1) If the person authorized to receive an
13 ~~[a]~~ Affidavit ~~[of a]~~ on Application for ~~[#]~~ Registration is
14 satisfied that the applicant is entitled to be
15 registered as a voter, he shall number the affidavit
16 consecutively as approved by him and shall transmit the
17 affidavit to the National Election Commissioner.

18 (2) [The] Upon receipt of an affidavit of registration,
19 the national election commissioner shall [thereupon]
20 enter or cause to be entered in the General State
21 Register the following facts:

- 22 (a) the number of the affidavit;
23 (b) the date of registration;
24 (c) the name of the applicant in full;
25 (d) ~~[the age of]~~ the applicant's date of birth;

1 (e) if naturalized, the date of such
2 naturalization;

3 (f) the applicant's social security number;
4 ~~[(f)]~~ (g) the current residence of the applicant; ~~[and]~~
5 ~~[(g)]~~ (h) election district and box number; and

6 (i) any other pertinent information which the
7 national election commissioner may deem necessary.

8 ~~[(2)]~~ (3) The national election commissioner shall ~~[also]~~
9 forthwith enter or cause to be entered the name so
10 registered in its proper place in the general
11 alphabetical index, together with a reference to the
12 page on which the registration appears. ~~[A voter having~~
13 ~~once been registered shall not be required to register~~
14 ~~again for any succeeding election, except in case of~~
15 ~~change of name or residence as specified in section 507~~
16 ~~of this chapter or intervening disqualification as~~
17 ~~specified in section 305 of this title; provided, that~~
18 ~~in the event the voting records are destroyed or lost,~~
19 ~~the national election commissioner may require the~~
20 ~~registration of voters.]~~

21 ~~[(3)]~~ (4) The national election commissioner shall file
22 the
23 accepted affidavits in consecutive numbers, and keep the
24 same in some convenient place so as to be open to public
25 inspection and examination."

1 Section 13. Section 507 of title 9 of the Code of the
2 Federated States of Micronesia is hereby amended to read as
3 follows:

4 "Section 507. Change of residence.

5 (1) Any voter who changes his residence from one
6 voting precinct to another, or who changes his name
7 after registration in any General State Register, [~~may~~
8 ~~register again in such General State Register under the~~
9 ~~proper voting precinct or the proper name, and] shall~~
10 file a Change of Registration form with the national
11 election commissioner of his or her State, as required
12 by regulation.

13 (2) Upon receipt of a change of registration, the
14 national election commissioner or his authorized
15 representative shall cancel the former registration by
16 drawing one or more lines through the name of such voter
17 as previously registered and enter or cause to be
18 entered his own signature and the date of such
19 cancellation with ink on the same line[~~; provided, that~~
20 ~~no~~].

21 (3) No such change of registration shall be allowed on
22 account of any change of residence or name made within
23 [~~90~~] 60 days before an election."

24 Section 14. Section 509 of title 9 of the Code of the
25 Federated States of Micronesia is hereby amended to read as

1 follows:

2 "Section 509. [~~National Election Register~~] Registered
3 voter who is unlisted.

4 [~~All changes or additions to the General State Register~~
5 ~~must also be made in the National Election Register.~~]

6 (1) Any eligible voter who has registered to vote
7 pursuant to the provisions of this title, whose name
8 does not appear in the General State Register or
9 precinct voting list, shall be permitted to vote only if
10 the following requirements are met:

11 (a) the individual wishing to vote presents a
12 valid identification and proof of residency;

13 (b) the individual wishing to vote completes an
14 'Affidavit for Registered Voter who is Unlisted'; and

15 (c) the affidavit required by subsection (2) of
16 this section is signed and witnessed by the election
17 board member present at the polling place.

18 (2) Procedure.

19 (a) The affidavit required by subsection (2) of
20 this section and the sealed ballot envelope of the
21 individual wishing to vote shall both be placed in a
22 sealed enveloped marked 'Affidavit and Ballot of
23 Unlisted Registered Voter'.

24 (b) The sealed envelope containing the sworn
25 affidavit and the individuals ballot envelope shall be

1 placed in the official ballot box for that polling
2 place.

3 (c) The ballot of the registered, but unlisted,
4 voter will be counted only if the voter's registration
5 is verified by the National Election Director."

6 Section 15. Section 604 of title 9 of the Code of the
7 Federated States of Micronesia, as amended by Public Law No. 11-
8 62, is hereby further amended to read as follows:

9 "Section 604. Withdrawal of candidates.

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

1 posted at the polling place.

2 (2) If a candidate withdraws his name later than 65
3 days before an election and the ballots are in the
4 process of or have been printed, and it becomes
5 necessary in the opinion of the National Election
6 Director [~~or national election commissioner or the board~~
7 ~~of election~~] for a reprinting of ballots or a striking
8 out of the candidate's name by a reprint blackout, all
9 expenses thereof, except in case of a withdrawal
10 necessitated for medical cause and so certified by a
11 physician, shall be a charge against the withdrawing
12 candidate and shall be paid by him within 60 [~~sixty~~]
13 days after such withdrawal to the national election
14 commissioner. Monies so received shall be deposited in
15 the General Fund of the Federated States of Micronesia,
16 as a local revenue general realization, available for
17 appropriation by the Congress of the Federated States of
18 Micronesia.

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

25 Section 16. Section 707 of title 9 of the Code of the

1 Federated States of Micronesia, as amended by Public Law No. 12-
2 49, is hereby further amended to read as follows:

3 "Section 707. Special polling places.

4 (1) Not less than 60 days prior to an election, the
5 National Election Director shall designate special
6 polling places where registered voters not residing in
7 their state of registration may cast their votes on
8 election day. For purposes of this section, 'election
9 day' means the actual date in the Federated States of
10 Micronesia on which elections are conducted in the FSM,
11 without regard to the actual date at any polling place
12 outside the FSM.

13 (2) A citizen registered to vote in a State of the
14 Federated States of Micronesia, but not residing in that
15 State, [~~but registered to vote in another state of the~~
16 ~~Federated States of Micronesia,~~] may cast his or her
17 vote at a special polling place, provided such citizen
18 has met the requirements of subsection (3) of this
19 section.

20 (3) Any citizen intending to vote at a special polling
21 place shall register his or her intent to do so by
22 notifying the national election commissioner in his or
23 her state of registration. Such notification shall be
24 made in writing and must be received by the relevant
25 national election commissioner not less than 30 days

1 prior to the election. The form and substance of such
2 notification shall be as specified by the National
3 Election Director in election regulations issued
4 pursuant to title 17 of the Code of the Federated States
5 of Micronesia."

6 Section 17. Section 803 of title 9 of the Code of the
7 Federated States of Micronesia is hereby amended to read as
8 follows:

9 "Section 803. Opening and closing of polls.

10 (1) Except as otherwise provided in this section,
11 ~~[A]~~at exactly seven a.m. of the day of the election, a
12 member of the board of election shall proclaim aloud at
13 each place of election that the polls are open and shall
14 be kept open until five p.m. ~~[7]~~ of the same day, or
15 eight
16 p.m. for any polling place outside the FSM, after which
17 time the polls shall be closed. ~~[; provided, that if]~~

18 (2) If, at the hour of closing, there are any other
19 voters in the polling place, or in line at the door, who
20 are qualified to vote and have not been able to do so
21 since appearing, the polls shall be kept open a
22 sufficient time to enable them to vote. ~~[; provided~~
23 ~~further, that if]~~

24 (3) If all registered voters appearing on a registered
25 voters list for any polling place have voted, that

1 polling place may close irrespective of the time of
2 day. [~~; provided further, that if~~]

3 (4) If an election for State office is held on the
4 same day as the national election and the time for
5 closing the state election polls is later than five
6 p.m., [then] the closing time for the State election
7 shall prevail."

8 Section 18. Section 805 of title 9 of the Code of the
9 Federated States of Micronesia, as amended by Public Law No. 11-
10 62, is hereby further amended to read as follows:

11 "Section 805. Campaigning and alcoholic beverages at
12 polling places.

13 No campaigning shall be conducted within 100 feet of a
14 ballot box on election day and no alcoholic beverages
15 shall be sold, consumed in public or otherwise provided
16 to any person during election day while the polls are
17 open. No candidate or voter shall be allowed within 100
18 feet of any ballot box except for the purpose of casting
19 his ballot. There shall be no campaigning over any
20 State broadcast station on election day."

21 Section 19. Section 809 of title 9 of the Code of the
22 Federated States of Micronesia is hereby amended to read as
23 follows:

24 "Section 809. Counting of ballots, announcement of
25 unofficial results.

1 The national election commissioner of each State shall
2 establish ~~[a]~~ counting and tabulation committees
3 composed of not less than ~~[five]~~ three members at each
4 polling place. The committee shall publicly count and
5 tally all votes cast and determine the acceptability
6 thereof. Such counting of ballots cast ~~[in any election~~
7 ~~district]~~ at a polling place shall begin after ~~[all the~~
8 ~~polls in such election district are]~~ the poll in that
9 location is closed and shall continue until all votes
10 cast at that polling place shall have been counted.
11 Each candidate or his authorized representative shall be
12 entitled to be present at the tabulation of the votes.
13 Upon the completion of the counting and tabulation of
14 all votes cast in ~~[the election district]~~ each polling
15 place, public announcement of the unofficial results
16 from that polling place shall be made by the national
17 election commissioner."

18 Section 20. Title 9 of the Code of the Federated States of
19 Micronesia is hereby further amended by enacting a new section 819
20 to read as follows:

21 "Section 819. Declaration of holiday.
22 The President may, by Presidential Directive, declare
23 the date of any election conducted pursuant to this
24 title a national holiday."

25 Section 21. This act shall become law upon approval by the

1 President of the Federated States of Micronesia or upon its
2 becoming law without such approval.

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4 Date: 11/06/02

Introduced by: /s/ Dohsis Halbert
Dohsis Halbert
(by request)

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