A BILL FOR AN ACT

To amend title 9 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 14-76, by amending sections 601 and 703 thereof, to allow certain persons to submit absentee ballot request forms on behalf of certain family members, to extend the opening hours of special polling places located outside the FSM to 10:00 p.m., and for other purposes.

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

Section 1. Section 601 of title 9 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 601. Absentee voting and ballots in general.

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

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

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

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

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

(a) by mail;

(b) by voting at a mobile Polling Place;

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

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

(e) by voting at a traveler Polling Place.

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

(5) Any Registered Voter wishing to vote by absentee ballot must submit a written request, using the forms specified in the rules and regulations promulgated pursuant to this title, to the national election commissioner of the State in which the voter is registered. The request shall be signed and dated by the Registered voter and shall include the following information, as well as any additional information the National Election Director may require:
(a) the voter's full and correct name and date of birth;

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

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

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

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

(6) Only the Registered Voter seeking to vote by absentee ballot may submit an absentee ballot request to the national election commissioner. With the exception of confined voting pursuant to section 603 of this chapter, all absentee ballot request forms must be individually mailed or delivered in person to the national election commissioner by the Registered Voter making the request; provided, however, that a Registered Voter mailing or delivering in person his or her own absentee ballot request from may mail or deliver in person, along with his or her absentee request form, the absentee ballot request form of his or her spouse, children and parents. Bulk delivery of absentee request forms by hand, mail or other means shall not be accepted
and shall be considered invalid."

Section 2. Section 703 of title 9 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 703. Opening and closing of Polls.

(1) Except as otherwise provided in this section, at exactly 7:00 a.m. of the day of the election, a member of the board of election shall proclaim aloud at each place of election that the Polls are open and shall be kept open until 5:00 p.m., of the same day, after which time the Polls shall be closed, provided, however that special Polling Places located outside the Federated States of Micronesia shall be kept open until 10:00 p.m., of the same day, after which time the Polls shall be closed.

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

(3) If an election for State office is held on the same day as a national election and the time for closing is later than 5:00 p.m., (or later than 10:00 p.m. in the case of a special Polling Place located outside the Federated States of Micronesia), then the closing time
Section 3. 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: 1/9/07

Introduced by: /s/ Simiram Sipenuk

Simiram Sipenuk
(by request)