A BILL FOR AN ACT

To amend sections 102, 401, 403 and 404 of title 9 of the code of the Federated States of Micronesia in order to modify the definition of “resident” qualified to participate in the national elections to avoid disenfranchising qualified FSM citizens outside of the Federated States of Micronesia, to strengthen the requirements in keeping of records, and to clarify the procedures of registration of voters and distribution of Voter Identification Card, and for other purposes.

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

1. Section 102 of title 9 of the code of the Federated States of Micronesia, is hereby amended to read as follows:

   “Section 102. Definitions.

   The following terms shall have the following meanings:

   (1) ‘Citizen’ means a citizen as defined by the Constitution of the Federated States of Micronesia and title 7 of the Code of the Federated States of Micronesia;

   (2) ‘Congress’ means the Congress of the Federated States of Micronesia;

   (3) ‘Congressional Election District’ means the district apportioned by population for which a two-year term Member is elected;

   (4) ‘Election Day’ means the date in the Federated States of Micronesia on which National Elections are conducted in the Federated States of Micronesia without
regard to the actual date at any Polling Place outside
the Federated States of Micronesia;

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

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

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

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

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

(10) 'National Voter Register' means the list of all
Registered Voters in the Federated States of Micronesia
who registered to vote with a National
Election Office;

(11) 'Polling Place' means a location officially
designated by the National Election Director where
voters cast their ballots in a NationalElection,
including special polling places, VAAPP polling places,
mobile polling places and traveler polling places;
(12) ‘Polls’ may refer to two or more Polling Places, or all Polling Places generally;

(13) ‘President’ means the President of the Federated States of Micronesia;

(14) ‘Public Property’ means any land, buildings, facilities, vessels, vehicles, equipment, supplies or other resources that are owned, operated or controlled by the National Government, a State government or a municipal government, or any subdivision, agency or department thereof;

(15) ‘Public Employee’ means any employee of the National Government, a State government or a municipal government, or any subdivision, agency or department thereof;

(16) ‘Registered Voter’ means a person who has registered to vote pursuant to chapter 4 of this title.

(17) ‘Resident’, for purposes of this act, means a Citizen whose domicile is a State of the Federated States of Micronesia. A domiciliary of a State is a Citizen who is physically present qualifies as a resident under the laws of the State in which the person has registered, or seeks to register, to vote. Where a Citizen is not physically present, his or her domicile is that State where he or she intends to return after
being absent there-from for reasons of business, occupation, employment, education or recreation.

(18) ‘Signature List’ means the certified list of Registered Voters in a Municipality or Congressional Election District that any person seeking to vote on Election Day must sign at their designated Polling Place before being issued a ballot;

(19) ‘State’ means one of the four States of the Federated States of Micronesia;

(20) ‘State Election Office’ means the official office or other locations designated by the national election commissioner [State election officials or state government] as a location from where official state election activities are carried out;

(21) ‘State Voter Register’ means the list of Registered Voters for a Congressional Election District or Municipality who registered to vote with a State Election Office;

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

(23) ‘Voter Identification Card’ means an identification card issued under the authority of the National Election Director to a Registered Voter that contains the Registered Voter's name, registration
number, State, Congressional Election District, Municipality, date of birth, sex, signature and other identifying information, and that provides a means of indicating whether that Registered Voter has already cast a ballot in each National Election.”

Section 2. Section 401 of title 9 of the code of the Federated States of Micronesia is hereby amended to read as follows:

“Section 401. National Voter Register.

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

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

(3) The National Election Director shall be responsible for creating, maintaining and preserving the National Voter Register with the assistance of the national election commissioners. The national election commissioners shall provide accurate information concerning the registered voters in their
respective states to ensure that citizens of the Federated States of Micronesia who are qualified to vote are not deprived of their constitutional right of suffrage.

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

(5) Reconciling State Voter Register

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

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

(c) When reconciling the State Voter Register with the National Voter Register, the National Election Director shall ensure that a Registered Voter has only one entry on the National Voter Register pursuant to subsection (2) of this section.
(6) The National Voter Register shall be open to public inspection at all times during normal business hours."

Section 3. Section 403 of title 9 of the code of the Federated States of Micronesia is hereby amended to read as follows:

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

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

(2) Except as provided in sections 404 and 406 of this chapter, a person shall register to vote at a National Election Office or State Election Office in the State in which the person is a Resident. The national electioncommissioners, with the approval of the National Election Director, may designate other locations within a State where a person may register to vote or may conduct mobile registration drives.

(3) No person shall register to vote in National Elections in any State, Congressional Election District or Municipality other than the one in which he or she is a Resident [currently resides].
(4) Once a person has registered to vote in National Elections in a State and Congressional Election District, he or she shall not vote in a National Election for another State or Congressional Election District without first filing a change of registration request form and receiving written notice of approval of that request pursuant to section 405 of this chapter.

(5) Except as provided in chapter 6 of this title, no person shall vote in National Elections in any State, Congressional Election District or Municipality other than the one in which he or she is a Resident; provided, however, that where there is a mistake in placing the name of a voter on the Signature List of a Polling Place in a State, Congressional Election District or Municipality in which he or she does not reside, such voter shall nevertheless be allowed to vote therein, if otherwise qualified. The election board member of the particular Polling Place where such voter has voted shall notify the national election commissioner of the affected State of the error in order that such voter shall be placed on the correct Signature List for the next National Election.

(6) A Citizen must be a Resident of only one State where he or she is registered to vote. If he or she is physically resides
in more than one Congressional Election District, he or she [may] **must** choose one [in which State or] Congressional Election District to register to vote for National Elections[, but he or she shall register to vote in only one State and Congressional Election District]."

Section 4. Section 404 of title 9 of the code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 404. **Registration procedures.**

(1) A person desiring to register to vote in National Elections shall complete such applications and affidavits, take such oaths, and present such personal documentation and witnesses, as required by the rules and regulations promulgated by the National Election Director pursuant to this title.

(2) Regardless of the place of registration, all completed applications and affidavits of registration shall be transmitted to the national election commissioner of the relevant state for final approval and entry onto the National Voter Register. **Voters physically present outside of the Federated States of Micronesia may submit their applications and affidavits to the nearest FSM embassy or consulate. For this purpose, an official in the FSM embassy or consulate may be designated by the national election commissioners to**
receive completed applications and affidavits of
registration, to maintain complete record in relation
thereto, and to immediately transmit them to the
appropriate national election commissioners for
processing.

(3) Every completed application or affidavit
of registration filed with or transmitted to the national
election commissioners shall be properly
recorded, maintained and preserved at the National
Election Office of the State of registration until such
time as the Registered Voter who completed the
application or affidavit is deceased or is otherwise no
longer eligible to vote.

(4) All completed applications and affidavits of
registration must be processed expeditiously within a
period not to exceed ten (10) days after the filing of
the application [shall be open to public inspection
during regular business hours]. Processing means review
and verification of the application, and the issuance of
Voter Identification Card, or denial of the application,
as the case may be.

(5) The [National Election Director may] national
election commissioners shall issue Voter Identification
Cards to their respective [all] Registered Voters at or
after the time of registration. All Voter Identification
Cards shall be issued free of charge, provided that, a charge may be set out in the rules and regulations promulgated pursuant to this title for issuing a Registered Voter with a replacement Voter Identification Card. Upon issuing a Voter Identification Card to a Registered Voter, the National Election Director, or his or her designee, shall make a notation next to that Registered Voter’s entry on the National Voter Register. A Registered Voter who has been issued a Voter Identification Card must present that card before being issued a ballot at his or her Polling Place. The national election commissioners shall be responsible in maintaining complete records of application for registration and timely distribution of Voter Identification Card to the respective Registered Voters. For those applications filed at the FSM embassy or consulate pursuant to subsection (2) of this section, Voter Identification Cards shall be sent directly to the mailing addresses indicated in the applications for registration."

Section 5. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.
1 Date: 11/30/09

2 Introduced by: /s/ Joe N. Suka
Joe N. Suka
(by request)