

A BILL FOR AN ACT

To amend the Revised National Election Act of 2005 by amending section 602 of title 9 of the Code of the Federated States of Micronesia (Annotated), to allow staff at the embassy or consulate to receive and count absentee ballots, and for other purposes.

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

1 Section 1. Section 602 of title 9 of the Code of the
2 Federated States of Micronesia (Annotated) is hereby amended to
3 read as follows:

4 "Section 602. Voting absentee ballot by mail.

5 (1) Any Registered Voter who will be outside his or
6 her State of registration on Election Day may vote
7 absentee ballot by mail.

8 (2) Deadlines for submitting requests to vote
9 absentee ballot by mail.

10 (a) In the case of a general election, the
11 request to vote absentee ballot by mail, using the forms
12 required by the rules and regulations promulgated
13 pursuant to this title, must be received by the national
14 election commissioner of the State in which the voter is
15 registered not more than 150 days but not less than 40
16 days before Election Day.

17 (b) In the case of a special election, the
18 request to vote absentee ballot by mail must be received

1 by the national election commissioner of the State in
2 which the voter is registered not more than 50 days but
3 not less than 35 days before the day of the special
4 election.

5 (c) If the absentee voter currently resides in a
6 foreign country where the Federated States of Micronesia
7 maintains an embassy or consulate, then a request to
8 vote absentee ballot by mail may alternatively be sent
9 to the embassy or consulate, which shall then forward a
10 copy of the request to the National Election Director,
11 or his or her designee, for verification and processing.
12 The absentee voter shall indicate on the request form
13 whether he or she intends to pick up his or her absentee
14 ballot at the embassy or consulate.

15 (d) The voter is solely responsible for ensuring
16 that the request to vote absentee ballot by mail is
17 received by the deadline. Delayed and lost mail for
18 absentee ballot requests shall not create any obligation
19 of the National Election Director or the national
20 election commissioner to provide absentee ballots at any
21 time after the time periods set forth herein have
22 expired.

23 (e) Upon receipt of a request to vote absentee
24 ballot by mail, the name of the requester and the time
25 and the date of receipt of the request must be recorded.

1 The national election commissioner, shall, no later than
2 2 days from receipt of the request, act on the request
3 and mail back to the requester an absentee ballot
4 provided that printed ballots are already available. If
5 printed ballots are available at the time a request is
6 received, the name of the requestor and the time and
7 date of receipt of the request must still be recorded,
8 and an absentee ballot shall be mailed to the requester
9 no later than 5 days after the printing of ballots has
10 been completed. Absentee voters who have indicated on
11 their request forms that they intend to pick up their
12 absentee ballot at an embassy or consulate shall
13 retrieve their ballot from the embassy or consulate.
14 The National Election Director shall provide sufficient
15 absentee ballots to the embassy or consulate 10 days
16 before a National election. The National Election
17 Director shall authorize any staff at the embassy or
18 consulate to receive and count any absentee ballot sent
19 to each embassy or consulate.

20 (f) The National Election Director, or his or
21 her designee, shall strike out or delete the entry of
22 the absentee voter on the Signature List for that
23 voter's regular Polling Place. The absentee voter shall
24 not be allowed to cast a ballot at his or her regular
25 Polling Place on Election Day.

1 (3) Marking and returning of absentee ballots by
2 mail.

3 (a) An absentee ballot by mail shall include the
4 following parts: an official ballot, a ballot envelope,
5 an affidavit prescribed by the National Election
6 Director, and a covering reply envelope.

7 (b) The absentee voter shall mark the ballot in
8 the usual manner provided by law and in such manner that
9 no person can see or know how the ballot is marked. The
10 absentee voter shall then deposit the ballot in the
11 envelope and securely seal the same. The absentee voter
12 shall then complete and execute the affidavit. The
13 ballot envelope and the affidavit shall then be enclosed
14 and sealed in the covering reply envelope.

15 (c) Absentee ballots and affidavits must be
16 received by the national election commissioner of the
17 State issuing the absentee ballot no later than the
18 established closing hour of the Polls on Election Day.
19 If an absentee voter resides in a foreign country where
20 the Federated States of Micronesia maintains an embassy
21 or consulate, and the absentee voter had submitted his
22 or her request to vote absentee ballot to that embassy
23 or consulate, then the absentee voter may alternatively
24 deliver his or her absentee ballot and affidavit to that
25 embassy or consulate. The absentee ballot and affidavit

1 must be received by the embassy or consulate no later
2 than the established closing hour of the Polls on
3 Election Day.

4 (d) Absentee ballots received at a post office
5 in the Federated States of Micronesia on Election Day
6 shall be stamped with the time and date of their
7 receipt.

8 (4) Disposition of absentee ballots by mail.

9 (a) Upon the receipt of an absentee ballot, the
10 national election commissioner, or his or her appointee,
11 shall open it, remove the ballot envelope, and examine
12 the affidavit. If the national election commissioner or
13 his or her appointee determines that the absentee ballot
14 is valid, the ballot envelope shall be deposited
15 unopened in a container retained for that purpose. The
16 container shall be securely sealed except for an opening
17 sufficient to permit deposit of ballot envelopes and
18 shall be marked with the name and official title of the
19 national election commissioner, or his or her appointee,
20 and the words, 'This container holds absentee ballots
21 and must be opened only pursuant to law. The national
22 election commissioner, or his or her designee, shall
23 safely keep each container secured in the commissioner's
24 office until Election Day.

25 (b) On Election Day, the national election

1 commissioner, or his or her designee, shall open the
2 container, extract and segregate the ballot envelopes,
3 and deliver such envelopes to the counting and
4 tabulation committee. Each candidate, or his or her
5 representative, shall have the opportunity to be present
6 during this process.

7 (c) An absentee ballot may be determined to be
8 invalid if:

9 (i) the affidavit is found to be
10 insufficient;

11 (ii) the signatures on the request for the
12 ballot and the affidavit do not correspond;

13 (iii) the request for the ballot was not
14 properly made or was untimely, as set forth in this
15 section;

16 (iv) the ballot was not returned in a timely
17 fashion, as set forth in this section;

18 (v) the ballot was returned in a bundle
19 with other ballots;

20 (vi) the voter is not qualified to vote;

21 (vii) the voter is not registered to vote;

22 (viii) the ballot envelope is open or has been
23 opened and resealed; or

24 (ix) the voter 1 has already voted.

25 (d) The ballot envelope of an invalid absentee

1 ballot shall not be opened and the national election
2 commissioner or his appointee shall mark across its face
3 'Rejected,' and write the reason for the rejection, and
4 shall preserve the same in the manner and for the period
5 of time required under this title for regular ballots
6 cast in an election. At the end of this time period,
7 the invalid absentee ballots shall be destroyed without
8 being opened in the manner provided under this title."

9 Section 2. This act shall become law upon approval by the
10 President of the Federated States of Micronesia or upon its
11 becoming law without such approval.

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13 Date: 1/14/21

Introduced by: /s/ Victor V. Gouland
Victor V. Gouland

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