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A BILL FOR AN ACT

To provide for the National elections of the Federated States of Micronesia; to repeal Title 43 of the Trust Territory Code relating to elections; and for other purposes.

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

1 CHAPTER 1

2 GENERAL PROVISIONS

3 Section 101. Title 43 of the Trust Territory Code is repealed  
4 insofar as it may apply to National elections of the Federated States  
5 of Micronesia and there is hereby adopted a National Election Code.

6 Section 102. Eligible voters. Every citizen of the Federated  
7 States of Micronesia is eligible to vote for Members of the Congress of  
8 the Federated States of Micronesia, if he has fulfilled the following  
9 requirements:

10 (1) Be 18 years of age or older on the day of the election;

11 (2) Be a bona fide resident or domiciliary of the State of  
12 Kosrae, Ponape, Truk, or Yap and a registered voter therein for at least  
13 30 days immediately preceding the election;

14 (3) Is not currently under a judgment of mental incompetency  
15 or insanity; and

16 (4) Is not currently under parole, probation, or sentence for  
17 any felony for which he has been convicted by any court of the Federated  
18 States of Micronesia, the Trust Territory, or any court within the  
19 jurisdiction of the United States.

20 Section 103. Election to be by secret ballot. All congressional  
21 elections for Members of the Congress of the Federated States of  
22 Micronesia shall be by secret ballot.

23 Section 104. General elections--when held. All general elections  
24 for Members of the Congress of the Federated States of Micronesia shall  
25 be held biennially in each odd-numbered year on the first Tuesday

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1 following the first Monday in March; PROVIDED, that in the event of a  
2 natural disaster or other Act of God, the effect of which precludes  
3 holding the election on the foregoing date, the President of the  
4 Federated States of Micronesia may proclaim a later election in the  
5 affected State or congressional district or districts.

6 Section 105. Vacancies--special election.

7 (1) After the election of the President and Vice President,  
8 vacancies shall be declared by the Speaker of Congress for the seats  
9 to which the President and Vice President were originally elected as  
10 Members-at-large of the Congress of the Federated States of Micronesia.  
11 Upon notification by the Speaker, the National election commissioner  
12 shall schedule a special election to occur 45 days after receipt of  
13 notification. A candidate for the special election must submit a  
14 petition for candidacy within 15 days after the election commissioner  
15 schedules the special election. After all candidates are registered,  
16 the election commissioner shall cause the ballots to be produced.  
17 Absentee ballots are to be available up to five days before the  
18 election date.

19 (2) Any other vacancy in the Congress shall be filled for  
20 the unexpired term by special election, except that an unexpired term  
21 of one year or less shall be filled by appointment by the chief  
22 executive of the State affected. The appointee shall possess the same  
23 qualifications as the person he succeeds and shall serve only for the  
24 unexpired term.

25 Section 106. Appropriations. .

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1           (1) Within one year prior to a general election, Congress  
2 shall appropriate a sum adequate to defray the administrative and  
3 contingent expenses of conducting congressional elections as provided  
4 by this act. Each State election commissioner shall be  
5 responsible to the Congress for ensuring that these funds are used  
6 only for purposes specified in this act, and that no obligations are  
7 incurred in excess of the sum appropriated.

8           (2) Any part of this appropriation not obligated for  
9 expenditure within one year after the election shall revert to the  
10 General Fund of the Federated States of Micronesia.

11       Section 107. Use of government broadcast facilities.

12           (1) Government broadcast facilities may be made available  
13 to candidates within any State, except on the day of election,  
14 pursuant to the discretion of the State election commissioner. The State  
15 election commissioner shall afford each candidate equal opportunity  
16 in the use of government broadcast facilities. If the State  
17 election commissioner cannot provide equal opportunities to the  
18 candidates in the use of government broadcast facilities, then no  
19 candidate shall be allowed their use whatsoever. Each candidate shall  
20 advise the State election commissioner not later than 24  
21 hours prior to his intended use of government broadcast facilities.  
22 Failure to notify the State election commissioner of the proposed  
23 use of the above-described facilities within the prescribed time  
24 limit may disqualify the candidate from the use of these government  
25 facilities.

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1           (2) No government facilities other than broadcast facilities  
2 may be made available to candidates.

3           Section 108. Affidavit to be sworn. The affidavits required  
4 pursuant to this act shall be sworn to before any officer or person  
5 authorized by law to administer oaths.

6           Section 109. Violations. Any person who violates any of the  
7 provisions of this act or any rules or regulations promulgated  
8 pursuant thereto, for which a penalty is not otherwise provided, who  
9 votes or attempts to vote more than one time, or interferes with  
10 the orderly process of the election, shall be punished by a fine  
11 not to exceed \$500, or imprisonment for not more than one year,  
12 or both.

13                           CHAPTER 2

14                           CANDIDATES

15           Section 201. Qualifications of Senators. To be eligible for  
16 election as a Member of the Congress of the Federated States of  
17 Micronesia, a person shall:

18                   (1) Have attained the age of 30 years on the day of the  
19 election;

20                   (2) Be a bona fide resident for at least five years of  
21 the State from which he is elected;

22                   (3) Be a citizen of the Federated States of Micronesia  
23 for at least 15 years. For the purpose of this subsection, and as  
24 provided by Article III, section 1, of the Constitution of the  
25 Federated States of Micronesia, a citizen of the Federated States

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1 of Micronesia is a person who has been a citizen of the Trust  
2 Territory of the Pacific Islands immediately prior to the effective  
3 date of the Constitution and a domiciliary of a State or  
4 District ratifying the Constitution of the Federated States of  
5 Micronesia;

6 (4) Not be under a judgment of mental incompetency or  
7 insanity; and

8 (5) Not have been convicted of a felony by a State or  
9 National court of the Federated States of Micronesia or its  
10 predecessor Government of the Trust Territory of the Pacific Islands.

11 Section 202. Membership and terms of office. The Congress of  
12 the Federated States of Micronesia shall be a unicameral National  
13 legislature consisting of 14 Members to be known as Senators as  
14 follows:

15 (1) Four Members-at-large, one each from the States of  
16 Kosrae, Ponape, Truk, and Yap, who are elected on the basis of  
17 State equality to serve for a four-year term;

18 (2) Ten Members serving for a term of two years and elected  
19 on the basis of population as follows:

20 (a) One Member elected from Kosrae as a single  
21 member congressional district;

22 (b) One Member elected from Yap as a single member  
23 congressional district;

24 (c) Three Members elected from Ponape, each of whom  
25 represents a single member congressional district; and

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1 (d) Five Members elected from Truk, each of whom  
2 represents a single member congressional district.

3 (3) Single member congressional districts shall be  
4 reapportioned every 10 years. The first such reapportionment shall  
5 be made in 1989.

6 (4) Each Senator elected at-large shall hold office for a  
7 term of four years. Each Senator elected on the basis of population  
8 shall hold office for a term of two years. The term of office of  
9 all Members of the Congress of the Federated States of Micronesia  
10 shall commence at noon the 10th day of May following their  
11 election, except as otherwise provided by law. Any Member elected  
12 or appointed to fill a vacancy shall serve only for the unexpired  
13 term of the person he succeeds.

14 Section 203. Nomination by petition. Nomination of candidates  
15 may be made by petition initiated by a candidate or by any five  
16 qualified registered voters to vote for an at-large candidate or a  
17 candidate in a single member congressional district and authorized  
18 by such candidate to so initiate a petition; PROVIDED, that said  
19 nomination petition shall specify whether the candidate is seeking  
20 a four-year or a two-year term of membership of the Congress.  
21 The name of any candidate for election shall be printed on an  
22 official ballot to be used for choosing candidates only if, at  
23 least 30 days prior to such election, a nomination paper shall have  
24 been filed in the office of the election commissioner of the State  
25 concerned and signed by at least 35 qualified voters of the State

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1 or single member congressional district wherein he seeks election, as  
2 the case may be. There shall be deposited with the nomination paper a  
3 filing fee of \$10, which shall be paid over to the General Fund of  
4 the Federated States of Micronesia as a local revenue available for  
5 appropriation by the Congress. The State election commissioner shall,  
6 upon receipt of the nomination paper, endorse thereon the day, hour,  
7 and minute that such nomination paper is received.

8 Section 204. Congress as sole judge of its Members. The  
9 Congress of the Federated States of Micronesia shall be the sole judge  
10 of the elections, returns, and qualifications of its Members; PROVIDED  
11 HOWEVER, that in case of a tie vote at the election, the winner shall  
12 be determined in a runoff election between the candidates so tied.  
13 Runoff elections shall occur no later than 30 days after the results  
14 of the general election have been announced.

15 Section 205. Temporary officer, credential committee, elections  
16 of President and Vice President. The Congress shall be called to  
17 order in Kolonia, Ponape, on the second Monday in May by the youngest  
18 Member-elect. He shall serve as temporary Speaker for the purposes  
19 of examining the credentials of the Members-elect, seating of the  
20 Members, and electing the Speaker. The Congress shall be organized  
21 no later than the second Friday in May. The President and Vice  
22 President may be elected only after the Congress is fully organized.  
23 To be eligible for the office of the President and Vice President, a  
24 Member must hold office for a four-year term and shall also have  
25 been a resident for at least 15 years and a citizen of the Federated

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1 States of Micronesia by birth. For the purpose of this section, and  
2 as provided by article III, section 2 of the Constitution of the  
3 Federated States of Micronesia, a citizen of the Federated States of  
4 Micronesia by birth is a person one or both of whose parents have  
5 been citizens of the Trust Territory of the Pacific Islands immediately  
6 preceding the effective date of the Constitution of the Federated  
7 States of Micronesia and domiciliaries of one of the States or districts  
8 that ratified the Constitution of the Federated States of Micronesia.

9 Section 206. Other public offices. A Member of the Congress  
10 of the Federated States of Micronesia may not hold another public  
11 office or employment. During the term for which he is elected and  
12 three years thereafter, a Member may not be elected or appointed to  
13 public office or employment created by a National statute enacted  
14 during his term. A Member may not engage in any activity which conflicts  
15 with the proper discharge of his duties.

16 CHAPTER 3

17 ELECTION COMMISSIONERS

18 Section 301. Appointment. The President shall appoint a  
19 National election commissioner with the advice and consent of the  
20 Congress. The President shall also appoint a State election commissioner  
21 for each of the four States with the advice of each State government  
22 and with the advice and consent of the Congress.

23 Section 302. Powers and duties of State election commissioner.  
24 Without additional compensation, a State election commissioner shall  
25 have the overall supervision and administration of the election



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1 within his State and shall perform such duties as are prescribed  
2 by law, which include but are not limited to the following:

3 (1) To appoint all members of the several boards of  
4 election in his State as provided for in this act;

5 (2) To require such reports from the several boards as  
6 may be required by law or regulation or as he may deem necessary;

7 (3) To review and examine voting irregularities or  
8 violations of any election laws in accordance with the provisions  
9 of Chapter 6 of this act;

10 (4) To establish voting precincts within each election  
11 district and designate appropriate polling places within each voting  
12 precinct, upon recommendations of the members of the board of election  
13 of the particular election district;

14 (5) To receive nomination petitions and list all candidates  
15 for election in alphabetical order on the ballots for each election  
16 district;

17 (6) To register or cause to be registered all the voters in  
18 his State and to maintain the General State Register as provided in this  
19 act;

20 (7) To prepare from the General State Register a registered  
21 voters' list for each voting precinct prior to any election;

22 (8) To prescribe and promulgate rules, regulations, and  
23 instructions for absentee ballots for the conduct of the election;  
24 and

25 (9) To determine and prescribe forms of ballots and the

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1 forms of all blanks, cards of instructions, pollbooks, tally sheets,  
2 and all forms and blanks required by the provisions of this act  
3 for use by candidates, boards, committees, and voters, and supply the  
4 same to the boards of election.

5 Section 303. Powers and duties of National election commissioner.  
6 Without additional compensation, the National election commissioner shall  
7 supervise the State election commissioners and shall perform such  
8 duties as are prescribed this act.

9 Section 304. Official register, maintenance, form, and public  
10 inspection. The election commissioner of each State shall register  
11 or cause to be registered all voters in his State in the General  
12 State Register. The register shall consist of one or more volumes  
13 for each State with a general alphabetical index of the voters. The  
14 General State Register shall be divided into as many parts as there  
15 are election precincts in the election districts in the State and  
16 shall have an index of precincts. The General State Register  
17 shall be maintained by the State election commissioner and shall, at  
18 all times during business hours, be open to public inspection, and  
19 shall be ruled and printed in such form as the State election commissioner  
20 of each State may direct. The complete General State Register shall be  
21 published and made available for public inspection at least 60 days  
22 prior to any election.

23 Section 305. Striking names of disqualified voters.

24 (1) The State election commissioner shall ascertain, not less  
25 than six months before each election, from the Department of Public

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1 Health or any informing department, information of the death, adjudication  
2 of insanity or feeble-mindedness, loss of citizenship, or any other  
3 disqualification to vote, of any person registered to vote in his  
4 State or who he has reason to believe may be registered to vote  
5 therein. He shall thereupon make such investigation as he may deem  
6 necessary to prove or disprove such information, giving the person  
7 concerned, if available, notice and an opportunity to be heard. If  
8 after such investigation he finds that such person is dead, incompetent,  
9 has lost his citizenship, or is disqualified for any reason to vote,  
10 he shall strike or direct that the name of such person be stricken  
11 from the official registry.

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

19 (3) Any person whose name is stricken from the register  
20 of voters under this act may appeal in the manner provided by  
21 Chapter 9 of this act.

22 CHAPTER 4

23 BOARDS

24 Section 401. Creation, appointment, terms, and qualifications  
25 of members. The State election commissioner shall appoint a board

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1 of election for each election district on or before February 1 of  
2 each election year whose members shall serve until resignation or  
3 until their successors are appointed. The members shall be citizens  
4 of the Federated States of Micronesia registered to vote under the  
5 provisions of this act and be of such numbers as are necessary  
6 to have at least one board member present at each polling place.  
7 No board member shall participate in an election campaign during his  
8 appointment.

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

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

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- 1 election irregularities and determine the residence qualifications  
2 of voters, subject to review according to Chapter 9 of this act;  
3 (9) To recommend to the election commissioner  
4 designation of appropriate polling places within each voting precinct  
5 or election district as may be deemed suitable and convenient to the  
6 public;  
7 (10) To perform such other duties as are prescribed by law  
8 or rules issued by the election commissioner; and  
9 (11) To register electors.

## CHAPTER 5

REGISTRATION

12 Section 501. New registration of voters for election of Members  
13 of the Congress of the Federated States of Micronesia shall not be  
14 required; PROVIDED, that the following are complied with:

- 15 (1) That the General State Registers maintained heretofore  
16 by the election commissioners of Kosrae, Ponape, Truk and Yap shall  
17 be used to determine registered voters for the purpose of election of  
18 Members-at-large therefrom; PROVIDED, that those voters from Kosrae and  
19 Yap, whose names appear on their respective registers, shall be  
20 entitled to also elect a member of the Congress for a two-year term;  
21 (2) That for the purpose of election of Members for  
22 two-year terms from Ponape and Truk, only those registered voters of a  
23 municipality which has been apportioned as part of a single Member  
24 congressional district shall be entitled to elect one Member  
25 therefrom;

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1           (3) That new voter registration will be required every  
2 10 years commencing in 1983;

3           (4) That unregistered persons eligible to vote, including  
4 those attaining legal voting age between decennial registrations shall  
5 be able to register between decennial registrations but shall not have  
6 to reregister until the following decennial registration; and

7           (5) Registration conducted under subsections (3) and (4)  
8 of this section shall conform to sections 502 through 508 of this act.

9           Section 502. Eligibility to register, place of registering and  
10 voting.

11           (1) Every person who has reached the age of 18 years, or  
12 who will have reached the age of 18 years on or before the date of the  
13 next election, and who has resided in the Federated States of  
14 Micronesia for nine months and in the congressional election district  
15 of registration three months preceding the date of registration,  
16 and who, except for the requirement of registration, is otherwise  
17 entitled to vote may register to vote in the State in which he resides.

18           (2) The State election commissioner shall designate such  
19 place or places within each election district wherein registration of  
20 voters may be made.

21           (3) No person shall register to vote or vote as an  
22 elector of any other precinct than that in which he resides; PROVIDED,  
23 that where there is a mistake in placing the name of the voter on  
24 the list of voters of a precinct in which he does not actually reside,  
25 such voter shall nevertheless be allowed to vote therein, if

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1 otherwise qualified; and the member of the board of election of the  
2 particular election district and precinct where such voter has voted  
3 shall notify the election commissioner of the error in order that  
4 the name of such voter may be placed on the next succeeding list of  
5 voters of the precinct where he actually resides.

6 (4) If any person resides in more than one precinct, he  
7 may choose which precinct as an elector of which he will register,  
8 but he shall register as an elector of one precinct only.

9 Section 503. Registration required. No person shall be  
10 entitled to vote in any election for Members of the Congress of the  
11 Federated States of Micronesia, or to be listed upon any general  
12 register, or upon any precinct list, who fails to register with the  
13 formalities and subject to the restrictions and qualifications required  
14 by this act.

15 Section 504. Application for registration, affidavit. Any  
16 person qualified to and desiring to register as a voter in any  
17 election district, may present himself at any time during business  
18 hours to any of the members of the board of election (herein  
19 empowered and authorized to administer oaths and take acknowledge-  
20 ments) or persons authorized by law to administer oaths, then and  
21 there to be examined under oath as to his qualifications as an  
22 elector. Each applicant shall make and subscribe to an application  
23 in substantially the following form:

24 AFFIDAVIT ON APPLICATION FOR REGISTRATION  
25 Federation States of Micronesia

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- 1 1. My full name is \_\_\_\_\_.
- 2 2. I was born at \_\_\_\_\_.
- 3 3. My age is \_\_\_\_\_.
- 4 4. I live at \_\_\_\_\_.
- 5 5. My occupation is \_\_\_\_\_.
- 6 6. I am a citizen of the Federated States of Micronesia.
- 7 7. I was naturalized as a citizen of the Federated States of
- 8 Micronesia at \_\_\_\_\_ State on the \_\_\_\_\_ day of
- 9 \_\_\_\_\_ in the year \_\_\_\_\_.
- 10 8. I have resided in the Federated States of Micronesia not less than
- 11 nine months, and in Congressional Election District No. \_\_\_\_\_
- 12 not less than three months immediately preceeding this date on
- 13 which I now offer to register, to wit, the \_\_\_\_\_
- 14 date of \_\_\_\_\_, 19 \_\_\_\_\_.
- 15 9. I am not currently under parole, probation, or sentence for any
- 16 felony for which I have been convicted by any court of the
- 17 Federated States of Micronesia or any court within the jurisdic-
- 18 tion of the United States.
- 19 10. I am not currently under a judgment of mental incompetence
- 20 or insanity.
- 21 11. I solemnly swear that the foregoing statements are true, so help
- 22 me God.....
- 23 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,
- 24 19 \_\_\_\_\_.
- 25 This applicant shall strike out allegations that are inapplicable and



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1 shall swear to the truth of the allegations in his application. In any  
2 case where the person who administers the oath shall so desire or  
3 believe the same to be expedient, he may demand that the applicant  
4 produce a witness or witnesses to further substantiate the allegations  
5 of his application.

6           Section 505. Submission of affidavit of qualifications to  
7 examiner. Every affidavit on application for registration shall be  
8 submitted to the persons authorized to examine the qualifications of  
9 electors as set forth in Section 504 of this act, not less than  
10 90 days before an election.

11           Section 506. Entry of a voter's name in the General State Register,  
12 filing of affidavits.

13           (1) If the person authorized to receive an affidavit of  
14 application for registration is satisfied that the applicant is  
15 entitled to be registered as a voter, he shall number the affidavit  
16 consecutively as approved by him, and shall transmit the affidavit  
17 to the State election commissioner. The State election commissioner  
18 shall thereupon enter or cause to be entered in the General State  
19 Register the following facts:

- 20           (a) The number of the affidavit;
- 21           (b) The date of registration;
- 22           (c) The name of the applicant in full;
- 23           (d) The occupation of the applicant;
- 24           (e) The age of the applicant;
- 25           (f) If naturalized, the date of such naturalization;

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1 (g) The residence of the applicant; and  
2 (h) Any other information which the election commissioner  
3 may deem necessary.

4 (2) The State election commissioner shall also forthwith  
5 enter or cause to be entered the name so registered in its proper  
6 place in the general alphabetical index, together with a reference to the  
7 page on which the registration appears. A voter having once been  
8 registered shall not be required to register again for any  
9 succeeding election, except in case of change of name or residence  
10 as specified in section 507 of this act or intervening disqualification  
11 as specified in section 305 of this act; PROVIDED, that in the event  
12 the voting records are destroyed or lost, the election commissioner  
13 may require the reregistration of voters.

14 (3) The State election commissioner shall file the accepted  
15 affidavits in consecutive numbers, and keep the same in some  
16 convenient place so as to be open to public inspection and examination.

17 Section 507. Change of residence.

18 (1) Any voter who changes his residence from one voting  
19 precinct to another, or who changes his name after registration in  
20 any General State Register, may register again in such General  
21 State Register under the proper voting precinct or the proper name  
22 and the State election commissioner or his authorized representative  
23 shall cancel the former registration by drawing one or more lines  
24 through the name of such voter as previously registered and enter or  
25 cause to be entered his own signature and the date of such

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1 cancellation with ink on the same line; PROVIDED, that no such  
2 registration shall be allowed on account of any change of residence  
3 or name made within 90 days before an election.

4 Section 508. Exception to requirement. No registration in  
5 person shall be required of a full-time student at any institution  
6 of learning, but such person shall make and subscribe to an  
7 affidavit substantially similar to the form set forth in section 504  
8 of this act and as the State election commissioner may prescribe,  
9 to establish fully such person's right to vote. Any duly  
10 qualified elector may challenge the acceptance of the voted ballot  
11 at the time of casting of the ballot under the provisions provided  
12 by law.

#### 13 CHAPTER 6

#### 14 PROCEDURE FOR BALLOTS

15 Section 601. Official ballots required, specimen ballots,  
16 imitating.

17 (1) All elections held in accordance with the provisions of  
18 this act shall be held by official ballot only. An official ballot  
19 is a written or printed, or partly written and partly printed paper,  
20 designated as an official ballot and containing the names of persons  
21 to be voted for and the office to be filled, and issued by the election  
22 commissioner of each State. The State election commissioner shall have  
23 printed two exact copies of each official ballot which is to be  
24 used in the general election, for each voting place, such copies  
25 to have printed thereon, in large bold letters, and with ink of a

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1 color plainly contrasting to the color of the paper used, the word  
2 "Specimen." Two copies of each such specimen ballot shall be  
3 forwarded to the members of the board of election at the same time  
4 with the official ballots, and the member or members of the board of  
5 election shall post one of each such specimen ballot on either side  
6 of the entrance of the voting place or other places plainly  
7 in sight for the general public.

8 (2) Any person who knowingly, willfully, and unlawfully  
9 prints, copies, imitates, or distributes, or causes to be printed,  
10 copied, imitated, or distributed any official ballot or any document  
11 that is so substantially similar in style or content to the official  
12 ballot as to cause the likelihood of confusion with the official  
13 ballot without the authorization of the State election commissioner  
14 shall be guilty of a National crime and punishable by a fine of not  
15 more than \$500.

16 Section 602. Contents. A ballot shall contain the names of the  
17 persons and the offices to be voted for, the State, the election district  
18 in which the election is being held, and the term or terms of the  
19 respective officers being voted for.

20 Section 603. Printing and distributing.

21 (1) The ballots should be printed by order of the State  
22 election commissioner at government expense. The State election  
23 commissioner shall deliver an adequate amount of ballots to each  
24 election precinct.

25 (2) At least 10 days before the election the State election

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1 commissioner shall print a specimen ballot and shall forthwith submit  
2 copies of the same to the members of the several boards of election  
3 and to the several candidates at their addresses as given on their  
4 nomination papers, and the members of the boards shall post a copy  
5 of the same in a conspicuous place in their office or a public  
6 place.

7 Section 604. Withdrawal of candidates.

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

21 (2) If a candidate withdraws his name later than 12 days  
22 before an election and the ballots are in the process of or have  
23 been printed, and it becomes necessary in the opinion of the State  
24 election commissioner or the board of election for a reprinting of  
25 ballots or a striking out of the candidate's name by a reprint

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1 block-out, all expenses thereof, except in case of a withdrawal  
2 necessitated for medical cause and so certified by a physician, shall  
3 be a charge against the withdrawing candidate and shall be paid by  
4 him within 60 days after such withdrawal to the State election  
5 commissioner. Monies so received shall be deposited in the General  
6 Fund of the Federated States of Micronesia, as a local  
7 revenue general realization, available for appropriation by the  
8 Congress of the Federated States of Micronesia.

9 (3) Any person who shall, directly or indirectly,  
10 physically threaten or intimidate any candidate so as to cause or  
11 attempt to cause the candidate to withdraw from an election shall upon  
12 conviction be fined not more than \$2,000, or imprisoned for not  
13 more than five years, or both.

14 Section 605. Substitute candidates. In the case of the death,  
15 withdrawal, or disqualification of candidates after the deadline for  
16 filing nominations, substitute candidates may be nominated prior to  
17 10 days before the date of an election. A person nominated as a  
18 substitute for a candidate nominated by petition must be nominated by petition  
19 in the same manner as the candidate who has died, withdrawn, or been  
20 disqualified. The State election commissioner in the case of a  
21 substitute candidate filling a vacancy caused by death, withdrawal, or  
22 disqualification of a candidate shall cause the name of any  
23 substitute candidate to be placed upon the proper ballots by reprinting,  
24 over-printing or through the use of stamps or such other means as  
25 the State election commissioner may deem satisfactory for the purpose and

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1 may require the services of members of the board of election who  
2 may be in the election district or precinct in which such a person  
3 is a candidate. The board of election shall post a notice at the  
4 polling place of the name and office sought by any such substitute  
5 candidate.

6 Section 606. Packaging, sealing, record of distribution.

7 When printed, the ballots shall be fastened together in blocks of  
8 100 each in such manner that each ballot may be detached and removed  
9 separately. They shall be forwarded by the State election commissioner  
10 to the member or members of the board of election in sealed packages,  
11 which shall not be opened until the opening of the polls. A record  
12 of the number of ballots sent to each board of election member  
13 shall be kept by the State election commissioner.

14 CHAPTER 7

15 PROCEDURE FOR ABSENTEE VOTERS

16 Section 701. "Voter" and "ballot" defined.

17 (1) Any registered voter qualified to vote at any general  
18 or special election shall be entitled and enabled to vote by  
19 absentee ballot if:

20 (a) He is confined to his home or hospital by reason  
21 of such illness or physical disability as will prevent him from  
22 attending the polls; or

23 (b) He is prevented from voting by reason of being  
24 at sea or absent from the State in which he is registered.

25 (2) An absentee ballot is an official ballot which is

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1 authorized by this title to be voted outside of any designated polling  
2 place or prior to the date of the election.

3 Section 702. Confined persons. Any registered voter qualified  
4 to vote at any general or special election who is confined to his  
5 home or hospital by reason of such illness or physical disability as  
6 will prevent him from attending the polls shall be entitled to vote  
7 in such manner as may be prescribed by rules and regulations which  
8 shall be promulgated by the State election commissioner. Such  
9 rules and regulations shall provide for voting by such persons in such  
10 manner as to ensure secrecy of ballot and to preclude tampering with  
11 the ballots of such voters and other election frauds; PROVIDED,  
12 that any voter who by reason of physical disability is unable to  
13 mark his ballot shall be authorized to receive assistance in the  
14 marking thereof. Such rules and regulations may require  
15 affidavits, certificates, and other written statements under  
16 oath.

17 Section 703. Request for ballot.

18 (1) Any registered voter qualified to vote in any  
19 election may request and cast an absentee ballot with the State  
20 election commissioner; PROVIDED, that he meets the requirements as  
21 set forth in section 701 of this act.

22 (2) Any registered voter qualified to vote by absentee  
23 ballot may, not more than 90 days nor less than 20 days before the  
24 election, request the State election commissioner in writing for an  
25 absentee ballot to be voted at the election. The request shall



1 include information stating the voter's voting precinct, election  
2 district, reasons for being absent, address to which he wishes his ballot  
3 forwarded and the establishment of his right to a ballot.

4 Section 704. Marking and return of ballot, voting at polls.

5 (1) The State election commissioner or the board of  
6 election, as the case may be, shall, at least 20 days prior to an  
7 election, provide to any person who may be entitled to vote by  
8 absentee ballot, and who requests the same, an official ballot,  
9 a ballot envelope, an affidavit prescribed by the National election  
10 commissioner, and a covering reply envelope. The absentee voter shall  
11 mark the ballot in the usual manner provided by law and in such  
12 manner that no person can see or know how the ballot is marked  
13 except as provided in section 702 of this act. The absentee voter  
14 shall then deposit the ballot in the ballot envelope and securely  
15 seal the same. The absentee voter shall then complete and execute  
16 the affidavit. The ballot envelope and the affidavit shall then be  
17 enclosed and sealed in the covering reply envelope and shall be  
18 mailed or delivered to reach the State election commissioner of his  
19 State issuing the absentee ballot not later than the established  
20 closing hour of business on the fourth day before the election,  
21 except as provided in section 702 of this act.

22 (2) It shall be unlawful for persons having voted an  
23 absentee ballot to cast a ballot at the polls on election day.

24 Section 705. Disposition of ballots.

25 (1) Upon the receipt of the envelope marked "Absentee

1 ballot enclosed" within the period prescribed in section 704 of this  
2 act from any person voting under the provisions of this act,  
3 the State election commissioner, or his appointee, shall open it,  
4 remove the ballot envelope, and examine the statement as to its  
5 proper execution, the person's qualifications to register as an elector,  
6 and to vote. If the State election commissioner determines that  
7 the person is qualified to vote by absentee ballot, the ballot  
8 envelope shall be deposited unopened in a container retained for that  
9 purpose. The container shall be securely sealed except for an opening  
10 sufficient to permit deposit of ballot envelopes and shall be  
11 marked with the name and official title of the State election  
12 commissioner or his appointee, and the words, "This container holds  
13 absentee ballots and must be opened only pursuant to law." The  
14 State election commissioner or his appointee shall safely keep each  
15 container in his office until the day of election and at such time he  
16 shall publicly open the container, extract and segregate the ballot  
17 envelopes and deliver such envelopes to the counting and tabulation  
18 committee.

19 (2) In case the statement is found to be insufficient or  
20 in case the signatures do not correspond, or in case the voter has  
21 not complied with the requirements of section 704 of this act or is  
22 not a duly qualified elector or the ballot envelope is open or has  
23 been opened and resealed, the ballot envelope shall not be opened  
24 and the State election commissioner or his appointee shall mark  
25 across its face "Rejected," giving the reason therefor, shall preserve

1 the same in the manner provided by law.

2 (3) If the ballot is received after the time fixed in  
3 section 704 of this act, the ballot envelope shall be endorsed by the  
4 State election commissioner or his appointee for the period of time  
5 required for the preservation of ballots used at such election, and shall  
6 then, without being opened, be destroyed in accordance with applicable  
7 law.

8 (4) If upon receiving the ballot envelope from the State  
9 election commissioner or his appointee it is found that the voter has  
10 already voted, the election inspectors shall immediately cancel the  
11 ballot envelope and write "Rejected" across its face, given the reason  
12 therefor, and shall preserve the same in the manner provided by law.

13 Section 706. Voting at another polling place.

14 (1) A voter shall have the right to vote on election day at a  
15 polling place other than the polling place at which he is legally  
16 registered to vote if the following conditions are met:

17 (a) The voter is present in his State on the day of  
18 election;

19 (b) He is lawfully registered to vote in his  
20 representative or election district; and

21 (c) He notifies the State election commissioner in  
22 writing at least seven days before the election that he will not be  
23 voting in his proper voting place and that he requests to vote at a  
24 specific voting place.

25 (2) Upon receipt of a voter's request for a change in polling

1 place, and no later than five days from such receipt if request is made  
2 seven days before the election, the State election commissioner shall  
3 immediately assign and notify the voter by any means of  
4 communication, including the use of radio, as to the place where the  
5 voter may vote. Upon such notification, the voter shall be permitted to  
6 vote only at that polling place.

7 (3) The State election commissioner shall cause a mark to  
8 be placed next to the name of the voter in that part of the General  
9 State Register for the election precinct or the polling place where  
10 the voter would normally cast his ballot. This mark shall indicate  
11 that the voter will be casting his ballot at another polling place and  
12 that he is prohibited from voting in that election at his usual  
13 polling place. The State election commissioner shall provide the  
14 proper ballot at the newly designated polling place for each voter  
15 who complies with the provisions of this section.

16 CHAPTER 8

17 PROCEDURE FOR CONDUCT OF ELECTIONS

18 Section 801. Supervision of polling places. The State  
19 election commissioner shall ensure that polling places are supervised  
20 by the board of election and such other officials as the State  
21 election commissioner shall deem necessary, who must be present at the  
22 designated polling places during the election. Public schools and  
23 other public places shall be utilized insofar as practicable as polling  
24 places. Rent shall not be charged or paid for the use thereof.

25 Section 802. Equipping and supplying polling places. Each

1 polling place shall be provided with necessary ballot boxes, locks,  
2 official ballots, cards of instructions, pencils, registered voters'  
3 lists, papers, and all other necessary supplies.

4 Section 803. Opening and closing of polls. At exactly 7  
5 a.m. of the day of the election, a member of the board of election shall  
6 proclaim aloud at each place of election that the polls are open and  
7 shall be kept open until 7 p.m., of the same day, after which  
8 time the polls shall be closed; PROVIDED, that if at the hour of closing  
9 there are any other voters in the polling place, or in line at the  
10 door, who are qualified to vote and have not been able to do so since  
11 appearing, the polls shall be kept open a sufficient time to enable  
12 them to vote; PROVIDED FURTHER, that if all registered voters  
13 appearing on a registered voters' list for any polling place have  
14 voted, that polling place may close irrespective of the time of day.

15 Section 804. Checking of register. Any person appearing in the  
16 polling place shall report his name in full and his address to the  
17 election officials. An election official shall then check the  
18 register of voters as to whether or not the person appearing is a  
19 registered voter and if so, shall announce the name and address  
20 appearing in the register. At this point a challenge may be  
21 interposed on the grounds that the ballot is subject to challenge under  
22 law or rules or regulations issued by the State election commissioner.  
23 Voting shall then proceed in accordance with procedures prescribed  
24 by the State election commissioner; however, all voting shall be  
25 by secret ballot.

1 : Section 805. Campaigning and alcoholic beverages at polling  
2 places. No campaigning shall be conducted within 100 feet of a  
3 ballot box on election day and no alcoholic beverages shall be sold  
4 or otherwise provided to any person during election day while the  
5 polls are open. No candidate shall be allowed within 100 feet of any  
6 ballot box except for the purpose of casting his ballot. There shall  
7 be no campaigning over any district broadcast station on election day.

8 Section 806. Poll watchers. Each candidate shall be entitled to  
9 have not more than two poll watchers at each polling place.

10 Section 807. Election irregularities. Any person may file an  
11 oral or written complaint of any election irregularity with a member of  
12 the board of election present at the polling place. The board member  
13 shall give any individual against whom the complaint is made time  
14 to present witnesses and an explanation, if any, but in no event  
15 shall time be granted so as to prevent the board of election from  
16 making a decision prior to the time for the closing of the polls. The  
17 complainant or the individual against whom the complaint is made  
18 may appeal the decision to the State election commissioner or his  
19 designated representative. The State election commissioner, or his  
20 said representative, shall, as soon as possible, examine the findings  
21 of the board of election and may hear witnesses, if he deems necessary.  
22 The State election commissioner or his representative shall make his  
23 decision prior to the time of the closing of the polls, and the  
24 aggrieved party may appeal the decision in accordance with section 903  
25 of this act. In the event the decision of the State election commissioner

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1 or his designated representative cannot be obtained as heretofore  
2 provided, the aggrieved party may appeal the decision of the election  
3 board in accordance with section 903 of this act.

4 Section 808. Disposition of ballot boxes after completion of  
5 voting. After all voting is completed, all ballot boxes shall be  
6 secured and locked. The locked boxes and all other supplies provided  
7 to the polling places by the State election commissioner shall be  
8 collected by election officials and delivered to the State election  
9 commissioner or his duly authorized representative by the most  
10 expeditious means available and be certified to the State election  
11 commissioner that the ballots so delivered were cast in accordance with  
12 provisions of this act.

13 Section 809. Counting of ballots, announcement of unofficial  
14 results. The State election commissioner shall establish a counting  
15 and tabulation committee composed of not less than five members. The  
16 said committee shall publicly count and tally all votes cast and  
17 determine the acceptability thereof. Such counting of ballots cast in  
18 any election district shall begin after all the polls in such election  
19 district are closed and shall continue until all votes cast shall  
20 have been counted. Each candidate or his authorized representative  
21 shall be entitled to be present at the tabulation of the votes. Upon  
22 the completion of the counting and tabulation of all votes cast in  
23 the election district, public announcement of the unofficial results  
24 shall be made.

25 Section 810. Certification of election results. Upon completion

1 of the counting and tabulation of election results, the State  
2 election commissioners shall certify the results and submit the  
3 results as certified to the National election commissioner. The  
4 National election commissioner shall declare as the winning candidates  
5 for the Congress of the Federated States of Micronesia from each  
6 election district the candidates receiving the plurality of votes  
7 cast in each election.

8 Section 811. Resolution of ties. After all votes have been  
9 tabulated and certified to the State election commissioner, if two  
10 or more candidates shall have received an equal number of votes,  
11 such tie shall be resolved by a runoff election between those candi-  
12 dates held within 30 days. The candidate receiving the plurality  
13 of votes in the runoff shall be declared the winner, and the result  
14 shall be certified under the procedures of section 810 of this act.

15 Section 812. Local counting and tabulating committee. In  
16 precincts or other areas where the State election commissioner deems  
17 it impracticable that ballot boxes be delivered to a central place  
18 for counting and tabulating, the State election commissioner shall  
19 appoint a local committee to count, tabulate, certify, and report  
20 votes in such manner and according to such rules as the State  
21 election commissioner shall establish.

22 Section 813. Rejected ballots. All ballots which have been  
23 declared invalid due to defacement or other irregularity shall be  
24 sorted and a notation placed upon them indicating that they are  
25 rejected ballots. Upon completion of the counting of the ballots,



1 the rejected ballots shall be placed in the ballot box and returned by  
2 the counting and tabulating committee to the State election commissioner  
3 with the validly cast ballots.

4 Section 814. Imperfectly marked ballots. Two or more markings  
5 in one voting square or a mark made partly within and partly without  
6 a voting square or space does not make a ballot void.

7 Section 815. Spoiled ballot. Any voter who spoils a ballot may  
8 return it to a member of the board of election and receive another in its  
9 place. He shall be given one ballot at a time; PROVIDED, that the number  
10 of ballots given him is not to exceed three in all.

11 Section 816. Rejection of ballot for technical error. At any  
12 election a ballot shall not be rejected for any technical error which  
13 does not render it impossible to determine the voter's choice, even  
14 though the ballot is soiled or partially defaced.

15 Section 817. Rejection of invalid portions. If for any reason  
16 a ballot is imperfectly marked if it is impossible to determine the  
17 voter's choice for any office, his ballot shall not be counted for  
18 that office, but the rest of his ballot, if properly marked, shall  
19 be counted.

20 Section 818. Write-in votes. Any name written upon a ballot  
21 shall be counted as a vote for the person whose name is so written for  
22 the office under which it is written.

23 CHAPTER 9

24 PROCEDURE FOR RECOUNTS AND APPEALS

25 Section 901. Petition for recount. A petition for recount may

1 be filed by any candidate in an election who believes that there was  
2 fraud or error committed in the casting, canvassing, or return of the  
3 votes cast at said election. The petition shall be filed with the  
4 State election commissioner or the board of election of the election  
5 district in which the recount is requested. Such petition shall contain  
6 a statement sworn to before a notary public or other person authorized  
7 to administer oaths that the petitioner has reason to believe and does  
8 believe that the records or copies of records made by the board of  
9 election of such district are erroneous, specifying wherein he deems  
10 such records or copies thereof to be in error, or that votes were  
11 cast by persons not entitled to vote therein, and that he believes  
12 that a recount of the ballots cast in the district will affect the  
13 election of one or more candidates voted for at such election. The  
14 petition may not be filed later than two weeks after the election  
15 at which the votes were cast unless such filing is prevented by  
16 circumstances beyond the control of the petitioner.

17 Section 902. Recommendation by board of election. If a petition  
18 for recount is filed with a board of election, that board shall  
19 recommend to the State election commissioner within three days  
20 from the receipt of the petition whether the recount shall take  
21 place.

22 Section 903. Denial of petition, appeal of denial to National  
23 Government.

24 (1) If the State election commissioner decides not to  
25 approve the petition and grant the recount, he shall record the

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1 reasons for such decision. The aggrieved candidate may, within five  
2 days after receipt of the decision of the State election commissioner,  
3 appeal his case to National court. The National court shall review  
4 the appeal promptly and render a decision. If the decision is in  
5 favor of a recount, the State election commissioner shall be so  
6 notified and shall proceed as provided in section 904 and 905 of this act.

7 (2) Appeals may be had in the manner prescribed in sub-  
8 section 1 of this section from any decision of the State election  
9 commissioner concerning a ruling of an election board with respect  
10 to a challenge affecting the acceptability of a vote or votes. A  
11 petition hereunder for appeal shall contain the information specified  
12 in section 901 of this act for a petition for a recount. A decision  
13 of the district court in favor of the petitioner may have the effect  
14 of disallowing the challenged votes but shall not halt or delay  
15 balloting or counting and tabulating.

16 Section 904. Approval of petition, notice of recount. Regardless  
17 of whether a petition is first filed with a board of election or with the  
18 State election commissioner, if the State election commissioner determines  
19 that there is a substantial question of fraud or error and that there  
20 is a substantial possibility that the outcome of the election would  
21 be affected by a recount, he shall cause notice of the recount to  
22 be given in a manner decided by him.

23 Section 905. Recount by counting and tabulating committee. The  
24 recount shall be held by the counting and tabulation committee within  
25 10 days after the decision of the State election commissioner.

1 The counting and tabulating committee shall make certificates of  
2 such determination under oath showing the result of the election  
3 and what persons were declared elected to fill office, one of which  
4 shall be filed with the National election commissioner, one with the  
5 State election commissioner, one with each board of election concerned,  
6 and one with the person filing the petition for recount. The person  
7 receiving the greatest number of votes shall be deemed to have been  
8 elected, but if two or more candidates shall receive an equal number  
9 of votes for the office, the tie vote shall be resolved in accordance  
10 with section 811 of this act.

11 CHAPTER 10

12 SEVERABILITY

13 Section 1001. Severability. If any provision of this act,  
14 or the application thereof to any person or circumstance, is held  
15 invalid, such holding shall not affect other provisions or application  
16 of this act which can be given effect without the invalid provision  
17 or application, and to this end the provisions of this act are severable.

18 CHAPTER 11

19 SUPERCEDING LAW

20 Section 1101. Repealer. Public Laws Nos. IC-1, IC-24,  
21 and 1-1 are hereby repealed, and this act shall govern all National  
22 elections.

23 CHAPTER 12

24 EFFECTIVE DATE

25 Section 1201. Effective date. This act shall become law upon

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

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4 Date: 6/8/81

Introduced by:

Hiroshi Ismael

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