

SECOND CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FOURTH REGULAR SESSION, 1982

CONGRESSIONAL BILL NO. 2-286, C.D.1

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AN ACT

To provide for the National elections of the Federated States of Micronesia to repeal title 9 of the Code of the Federated States of Micronesia relating to National elections; and for other purposes.

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

CHAPTER 1

GENERAL PROVISIONS

Section 101. Title 9 of the Code of the Federated States of Micronesia is repealed insofar as it may apply to National elections of the Federated States of Micronesia and there is hereby adopted a National Election Code.

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

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

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

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

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

Section 103. Election to be by secret ballot. All congressional elections for Members of the Congress of the Federated States of

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1 Micronesia shall be by secret ballot.

2       Section 104. General elections--when held. All general elections  
3 for Members of the Congress of the Federated States of Micronesia shall  
4 be held biennially in each odd-numbered year on the first Tuesday  
5 following the first Monday in March; PROVIDED that in the event of a  
6 natural disaster or other act of God, the effect of which precludes  
7 holding the election on the foregoing date, the President of the  
8 Federated States of Micronesia may proclaim a later election in the  
9 affected State or congressional district or districts.

10       Section 105. Vacancies--special election.

11               (1) After the election of the President and Vice President,  
12 vacancies shall be declared by the Speaker of Congress for the seats  
13 to which the President and Vice President were originally elected as  
14 Members-at-large of the Congress of the Federated States of Micronesia.  
15 Upon notification by the Speaker, the National election commissioner of  
16 the affected State shall schedule a special election to occur 50 days  
17 after receipt of notification. A candidate for the special election  
18 must submit a petition for candidacy within 20 days after the election  
19 commissioner schedules the special election. After all candidates are  
20 registered, the election commissioner shall cause the ballots to be  
21 produced. Absentee ballots are to be available up to five days before  
22 the election date.

23               (2) Any other vacancy in the Congress shall be filled for  
24 the unexpired term by special election, except that an unexpired term  
25 of one year or less shall be filled by appointment by the chief

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1 executive of the State affected. The appointee shall possess the  
2 qualifications required by section 201 of this act and shall serve  
3 only for the unexpired term.

4 Section 106. Appropriations. Within one year prior to a general  
5 election, Congress shall appropriate a sum adequate to defray the  
6 administrative and contingent expenses of conducting congressional  
7 elections as provided by this act.

8 Section 107. Use of Government broadcast facilities.

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

24 (2) No Government vehicles or vessels may be made available  
25 without cost to candidates.

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

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

10                               CHAPTER 2

11                               CANDIDATES

12       Section 201. Qualifications of Senators. To be eligible for  
13 election as a Member of the Congress of the Federated States of  
14 Micronesia, a person shall:

15               (1) Have attained the age of 30 years on the day of the  
16 election;

17               (2) Be a resident for at least five years of the State from  
18 which he is elected;

19               (3) Be a citizen of the Federated States of Micronesia for  
20 at least 15 years. For the purpose of this subsection, and as provided  
21 by article III, section 1, of the Constitution of the Federated States  
22 of Micronesia, a citizen of the Federated States of Micronesia is a  
23 person who has been a citizen of the Trust Territory of the Pacific  
24 Islands immediately prior to the effective date of the Constitution and  
25 a domiciliary of a State or district ratifying the Constitution of the

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1 Federated States of Micronesia;

2           (4) Not be under a judgment of mental incompetency or  
3 insanity; and

4           (5) Not have been convicted of a felony by a State or  
5 National Court of the Federated States of Micronesia or its predecessor  
6 Government of the Trust Territory of the Pacific Islands.

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

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

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

15               (a) One Member elected from Kosrae as a single-member  
16 congressional district;

17               (b) One Member elected from Yap as a single-member  
18 congressional district;

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

21               (d) Five Members elected from Truk, each of whom represents  
22 a single-member congressional district.

23           (3) Single-member congressional districts shall be reapportioned  
24 at least every 10 years.

25           (4) Each Senator elected at-large shall hold office for a term

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1 of four years. Each Senator elected on the basis of population shall  
2 hold office for a term of two years. The term of office of all Members  
3 of the Congress of the Federated States of Micronesia shall commence  
4 upon taking the oath of office following their election.

5 Section 203. Nomination by petition. Nomination of candidates  
6 shall be made by petition initiated by a candidate; PROVIDED that said  
7 nomination petition shall specify whether the candidate is seeking a  
8 four-year or a two-year term of membership of the Congress. The name  
9 of any candidate for election shall be printed on an official ballot  
10 to be used for choosing candidates only if, at least 30 days prior to  
11 such election, a nomination paper shall have been filed in the office  
12 of the National election commissioner of the State concerned and signed  
13 by at least 25 qualified voters of the State or single-member congressional  
14 district wherein he seeks election, as the case may be. There shall be  
15 deposited with the nomination paper a filing fee of \$25, which shall be  
16 paid over to the General Fund of the Federated States of Micronesia as  
17 a local revenue available for appropriation by the Congress. Any person  
18 who is elected as a write-in candidate, shall after certification of the  
19 election results, pay a \$25 fee. The National election commissioner of the  
20 State concerned shall, upon receipt of the nomination paper, endorse  
21 thereon the day, hour, and minute that such nomination paper is received.

22 Section 204. Congress as sole judge of its Members. The Congress  
23 of the Federated States of Micronesia shall be the sole judge of the  
24 elections, returns, and qualifications of its Members; PROVIDED HOWEVER,  
25 that in case of a tie vote at the election, the winner shall be determined

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1 in a runoff election between the candidates so tied. Runoff elections  
2 shall occur no later than 30 days after the results of the general  
3 election have been announced.

4       Section 205. Convening, organization, elections of President and  
5 Vice President. The Congress shall convene on the second Monday in  
6 May and be organized no later than the Friday immediately following  
7 the convening day. The President and Vice President may be elected  
8 only after the Congress is fully organized. To be eligible for the  
9 office of the President and Vice President, a Member must hold office  
10 for a four-year term and shall also have been a resident for at least  
11 15 years and a citizen of the Federated States of Micronesia by birth.  
12 For the purpose of this section, and as provided by article III,  
13 section 2, of the Constitution of the Federated States of Micronesia, a  
14 citizen of the Federated States of Micronesia by birth is a person one  
15 or both of whose parents have been citizens of the Trust Territory of  
16 the Pacific Islands immediately preceding the effective date of the  
17 Constitution of the Federated States of Micronesia and domiciliaries of  
18 one of the States or districts that ratified the Constitution of the  
19 Federated States of Micronesia.

20       Section 206. Other public offices. A Member of the Congress of  
21 the Federated States of Micronesia may not hold another public office  
22 or employment. During the term for which he is elected and three years  
23 thereafter, a Member may not be elected or appointed to public office  
24 or employment created by a National statute enacted during his term.  
25 A Member may not engage in any activity which conflicts with the proper

1 discharge of his duties.

2 CHAPTER 3

3 ELECTION COMMISSIONERS

4 Section 301. Appointment. The President shall appoint a National  
5 election commissioner for each of the four States with the advice and  
6 consent of the Congress. Each National election commissioner shall be  
7 a citizen of the State for which he is appointed to serve as National  
8 election commissioner; PROVIDED that National election commissioners  
9 may be appointed by the President for the National elections occurring  
10 in March 1983, and special elections resulting therefrom, and may serve  
11 without advice-and-consent confirmation for those elections.

12 Section 302. Powers and duties of National election commissioner.  
13 A National election commissioner shall have responsibility for the overall  
14 supervision and administration of the election within his State and shall  
15 perform such duties as are prescribed by law, which include, but are  
16 not limited to the following:

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

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

21 (3) To review and examine voting irregularities or violations  
22 of any election laws in accordance with the provisions of chapter 6 of  
23 this act;

24 (4) To establish voting precincts within each election district  
25 and designate appropriate polling places within each voting precinct,

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1 upon recommendations of the members of the board of election of the  
2 particular election district;

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

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

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

11 (8) To implement rules, regulations, and instructions for  
12 absentee ballots for the conduct of the election; and

13 (9) To determine and prescribe forms of ballots and the  
14 forms of all blanks, cards of instructions, pollbooks, tally sheets, and  
15 all forms and blanks required by the provisions of this act for use by  
16 candidates, boards, committees, and voters, and supply the same to the  
17 boards of election.

18 Section 303. Official register, maintenance, form, and public  
19 inspection. The National election commissioner of each State shall  
20 register or cause to be registered all voters in his State in the  
21 General State Register. The register shall consist of one or more  
22 volumes for each State with a general alphabetical index of the voters.  
23 The General State Register shall be divided into as many parts as there  
24 are election precincts in the election districts in the State and shall  
25 have an index of precincts. The General State Register shall be

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1 maintained by the National election commissioner and shall, at all  
2 times during business hours, be open to public inspection, and shall  
3 be ruled and printed in such form as the National election commissioner  
4 of each State may direct. The complete General State Register shall  
5 be published and made available for public inspection at least 60 days  
6 prior to any election.

7 Section 304. Striking names of disqualified voters.

8 (1) The National election commissioner of each State shall  
9 ascertain, not less than six months before each election, from the  
10 Department of Public Health or any informing department, information  
11 of the death, adjudication of insanity or feeble-mindedness, loss of  
12 citizenship, or any other disqualification to vote of any person  
13 registered to vote in his State or who he has reason to believe may  
14 be registered to vote therein. He shall thereupon make such  
15 investigation as he may deem necessary to prove or disprove such  
16 information, giving the person concerned, if available, notice and an  
17 opportunity to be heard. If after such investigation he finds that  
18 such person is dead, incompetent, has lost his citizenship, or is  
19 disqualified for any reason to vote, he shall strike or direct that  
20 the name of such person be stricken from the official registry.

21 (2) The National election commissioner of each State shall  
22 make and keep an index of all information furnished to him under any  
23 requirements of law concerning any of the matters mentioned in this  
24 section and shall provide any person authorized to receive affidavits  
25 on application for registration with any information the latter may

1 need to ascertain whether or not any applicant is in any manner  
2 disqualified to vote.

3 (3) Any person whose name is stricken from the register of  
4 voters under this act may appeal in the manner provided by chapter 9  
5 of this act.

6 CHAPTER 4

7 BOARDS

8 Section 401. Creation, appointment, terms, and qualifications  
9 of members. The National election commissioner of each State shall  
10 appoint a board of election for each election district on or before  
11 January 2 of each election year whose members shall serve until  
12 resignation or until their successors are appointed. The members  
13 shall be citizens of the Federated States of Micronesia registered to  
14 vote under the provisions of this act and be of such numbers as are  
15 necessary to have at least one board member present at each polling  
16 place. No board member shall participate in an election campaign  
17 during his appointment.

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

- 20 (1) To perform all duties prescribed by law;  
21 (2) To supervise and manage each polling place;  
22 (3) To receive, preserve, and maintain ballot boxes, locks,  
23 maps, cards of instructions, and other supplies and equipment necessary  
24 to conduct the election;  
25 (4) To give such instruction deemed necessary for the orderly

1 conduct of the election;

2 (5) To provide for the issuance of all notices and  
3 publications concerning the election;

4 (6) To review and examine the sufficiency and validity of  
5 nominating petitions and other documents where the National election  
6 commissioner designates the board to act in his stead;

7 (7) To receive and transmit all ballot boxes, locked and  
8 sealed, to the National election commissioner;

9 (8) To receive, investigate, and decide complaints concerning  
10 election irregularities and determine the residence qualifications of  
11 voters, subject to review according to chapter 9 of this act;

12 (9) To recommend to the National election commissioner  
13 designation of appropriate polling places within each voting precinct  
14 or election district, as may be deemed suitable and convenient to the  
15 public;

16 (10) To perform such other duties as are prescribed by law  
17 or rules issued by the election commissioner; and

18 (11) To register electors.

19 CHAPTER 5

20 REGISTRATION

21 Section 501. New registration of voters for election of Members  
22 of the Congress of the Federated States of Micronesia shall not be  
23 required; PROVIDED that the following are complied with:

24 (1) That the General State Registers maintained heretofore  
25 by the election commissioners of Kosrae, Ponape, Truk, and Yap shall be

1 used to determine registered voters for the purpose of election of  
2 Members-at-large therefrom; PROVIDED that those voters from Kosrae and  
3 Yap, whose names appear on their respective registers, shall be  
4 entitled to also elect a member of the Congress for a two-year term;

5 (2) That for the purpose of election of Members for two-year  
6 terms from Ponape and Truk, only those registered voters of a  
7 municipality which has been apportioned as part of a single-member  
8 congressional district shall be entitled to elect one Member therefrom;

9 (3) That new voter registration will be required every 10  
10 years commencing in 1989;

11 (4) That unregistered persons eligible to vote, including  
12 those attaining legal voting age between decennial registrations shall  
13 be able to register between decennial registrations but shall not have  
14 to register again until the following decennial registration; and

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

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

18 (1) Every citizen who has reached the age of 18 years, or who  
19 will have reached the age of 18 years on or before the date of the next  
20 election, and who has resided in the Federated States of Micronesia  
21 for nine months and in the congressional election district of registration  
22 three months preceding the date of registration, and who, except for the  
23 requirement of registration, is otherwise entitled to vote may register  
24 to vote in the State in which he resides.

25 (2) The National election commissioner of each State shall

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1 designate such place or places within each election district wherein  
2 registration of voters may be made.

3 (3) No person shall register to vote or vote as an elector  
4 of any other precinct than that in which he resides; PROVIDED that  
5 where there is a mistake in placing the name of the voter on the list  
6 of voters of a precinct, in which he does not actually reside, such  
7 voter shall nevertheless be allowed to vote therein, if otherwise  
8 qualified; and the member of the board of election of the particular  
9 election district and precinct where such voter has voted shall notify  
10 the election commissioner of the error in order that the name of such  
11 voter may be placed on the next succeeding list of voters of the  
12 precinct where he actually resides.

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

16 Section 503. Registration required. No person shall be entitled  
17 to vote in any election for Members of the Congress of the Federated  
18 States of Micronesia, or to be listed upon any general register, or  
19 upon any precinct list, who fails to register with the formalities  
20 and subject to the restrictions and qualifications required by this act.

21 Section 504. Application for registration, affidavit. Any person  
22 qualified to and desiring to register as a voter in any election  
23 district may present himself at any time during business hours to any  
24 of the members of the board of election (herein empowered and authorized  
25 to administer oaths and take acknowledgements) or persons authorized by

1 law to administer oaths, then and there to be examined under oath as  
2 to his qualifications as an elector. Each applicant shall make and  
3 subscribe to an application in substantially the following form:

4 AFFIDAVIT ON APPLICATION FOR REGISTRATION

5 Federated States of Micronesia

- 6 1. My full name is \_\_\_\_\_.
- 7 2. I was born at \_\_\_\_\_.
- 8 3. My age is \_\_\_\_\_.
- 9 4. I live at \_\_\_\_\_.
- 10 5. My occupation is \_\_\_\_\_.
- 11 6. I am a citizen of the Federated States of Micronesia,
- 12 7. I was naturalized as a citizen of the Federated States of Micronesia  
13 at \_\_\_\_\_ State on the \_\_\_\_\_ day of \_\_\_\_\_  
14 in the year \_\_\_\_\_.
- 15 8. I have resided in the Federated States of Micronesia not less than  
16 nine months, and in Congressional Election District No. \_\_\_\_\_  
17 not less than three months immediately preceding this date on which  
18 I now offer to register, to wit, the \_\_\_\_\_  
19 date of \_\_\_\_\_, 19 \_\_\_\_\_.
- 20 9. I am not currently under parole, probation, or sentence for any  
21 felony for which I have been convicted by any court of the Federated  
22 States of Micronesia or any court within the jurisdiction of the  
23 United States,
- 24 10. I am not currently under a judgment of mental incompetence or  
25 insanity.

1 11. I solemnly swear that the foregoing statements are true, so help  
2 me God.....

3 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
4 19 \_\_\_\_\_.

5 This applicant shall strike out allegations that are inapplicable and  
6 shall swear to the truth of the allegations in his application.

7 In any case where the person who administers the oath shall so desire  
8 or believe the same to be expedient, he may demand that the applicant  
9 produce a witness or witnesses to further substantiate the allegations  
10 of his application.

11 Section 505. Submission of affidavit of qualifications to examiner.  
12 Every affidavit on application for registration shall be submitted to the  
13 persons authorized to examine the qualifications of electors as set forth  
14 in section 504 of this act.

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

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

24 (a) The number of the affidavit;

25 (b) The date of registration;

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1 (c) The name of the applicant in full;  
2 (d) The occupation of the applicant;  
3 (e) The age of the applicant;  
4 (f) If naturalized, the date of such naturalization;  
5 (g) The residence of the applicant; and  
6 (h) Any other pertinent information which the National  
7 election commissioner may deem necessary.

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

18 (3) The National election commissioner shall file the accepted  
19 affidavits in consecutive numbers, and keep the same in some convenient  
20 place so as to be open to public inspection and examination.

21 Section 507. Change of residence.

22 (1) Any voter who changes his residence from one voting  
23 precinct to another, or who changes his name after registration in any  
24 General State Register, may register again in such General State Register  
25 under the proper voting precinct or the proper name, and the National

1 election commissioner or his authorized representative shall cancel  
2 the former registration by drawing one or more lines through the name  
3 of such voter as previously registered and enter or cause to be entered  
4 his own signature and the date of such cancellation with ink on the same  
5 line; PROVIDED that no such registration shall be allowed on account of  
6 any change of residence or name made within 90 days before an election.

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

15                               CHAPTER 6

16                               PROCEDURE FOR BALLOTS

17       Section 601, Official ballots required, specimen ballots, imitating.

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

1 large bold letters, and with ink of a color plainly contrasting to the  
2 color of the paper used, the word "Specimen." Two copies of each such  
3 specimen ballot shall be forwarded to the members of the board of  
4 election at the same time with the official ballots, and the member or  
5 members of the board of election shall post one of each such specimen  
6 ballot on either side of the entrance of the voting place or other  
7 places plainly 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, copied,  
10 imitated, or distributed any official ballot or any document that is so  
11 substantially similar in style or content to the official ballot as to  
12 cause the likelihood of confusion with the official ballot without the  
13 authorization of the National election commissioner shall be guilty of a  
14 National crime and punishable by a fine of not more than \$500.

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

19           Section 603. Printing and distributing.

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

24           (2) At least 10 days before the election the National election  
25 commissioner shall print a specimen ballot and shall forthwith submit

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

5 Section 604. Withdrawal of candidates.

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

19 (2) If a candidate withdraws his name later than 12 days before  
20 an election and the ballots are in the process of or have been printed, and  
21 it becomes necessary in the opinion of the National election commissioner  
22 or the board of election for a reprinting of ballots or a striking out of  
23 the candidate's name by a reprint blockout, all expenses thereof, except  
24 in case of a withdrawal necessitated for medical cause and so certified by  
25 a physician, shall be a charge against the withdrawing candidate and shall

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1 be paid by him within 60 days after such withdrawal to the National  
2 election commissioner. Monies so received shall be deposited in the  
3 General Fund of the Federated States of Micronesia, as a local revenue  
4 general realization, available for appropriation by the Congress of the  
5 Federated States of Micronesia.

6 (3) Any person who shall, directly or indirectly, physically  
7 threaten or intimidate any candidate so as to cause or attempt to cause  
8 the candidate to withdraw from an election shall be guilty of a National  
9 offense and upon conviction be fined not more than \$2,000, or imprisoned  
10 for not more than five years, or both.

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

10 CHAPTER 7

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

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

(b) He is prevented from voting by reason of being at sea, absent from the State or municipality in which he is registered, or obstructed by natural barrier making it highly impractical or extremely difficult for him to arrive at his place of voting in time to cast his ballot.

24 (2) An absentee ballot is an official ballot which is authorized  
25 by this title to be voted outside of any designated polling place or prior

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1 to the date of the election.

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

15       Section 703. Request for ballot.

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

20           (2) Any registered voter qualified to vote by absentee  
21 ballot may, not more than 90 days nor less than 20 days before the  
22 election, request the National election commissioner in writing for  
23 an absentee ballot to be voted at the election. The request shall  
24 include information stating the voter's voting precinct, election  
25 district, reasons for being absent, address to which he wishes his

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1 ballot forwarded and the establishment of his right to a ballot.

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

3 (1) The National election commissioner of each State or  
4 the board of election, as the case may be, shall, at least 20 days  
5 prior to an election, provide to any person who may be entitled to  
6 vote by absentee ballot, and who requests the same, an official ballot,  
7 a ballot envelope, an affidavit prescribed by the National election  
8 commissioner, and a covering reply envelope. The absentee voter shall  
9 mark the ballot in the usual manner provided by law and in such manner  
10 that no person can see or know how the ballot is marked except as  
11 provided in section 702 of this act. The absentee voter shall then  
12 deposit the ballot envelope and securely seal the same. The absentee  
13 voter shall then complete and execute the affidavit. The ballot  
14 envelope and the affidavit shall then be enclosed and sealed in the  
15 covering reply envelope and shall be mailed or delivered to reach the  
16 National election commissioner of his State issuing the absentee ballot  
17 not later than the established closing hour of business on the fourth  
18 day before the election except as provided in section 702 of this act  
19 and subsection (3) of this section.

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

22 (3) If the National election commissioner or his designee  
23 determines that a personal emergency exists making it highly impractical  
24 for a voter to deliver the absentee ballot within the time prescribed  
25 in subsection (1) of this section, then the National election

1 commissioner or his designee may permit delivery of the absentee ballot  
2 by the closing hour of business on the day before the election.

3 Section 705. Disposition of ballots.

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

22 (2) In case the statement is found to be insufficient or  
23 in case the signatures do not correspond, or in case the voter has not  
24 complied with the requirements of section 704 of this act or is not a  
25 duly qualified elector or the ballot envelope is open or has been

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1 opened and resealed, the ballot envelope shall not be opened and  
2 the National election commissioner or his appointee shall mark across  
3 its face "Rejected," giving the reason therefor, and shall preserve  
4 the same in the manner provided by law.

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

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

17 Section 706. Voting at another polling place.

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

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

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

25 (c) He notifies the National election commissioner in

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1 writing at least seven days before the election that he will not be  
2 voting in his proper voting place and that he requests to vote at  
3 a specific voting place.

4 (2) Upon receipt of voter's request for a change in polling  
5 place, and no later than five days from such receipt if request is  
6 made seven days before the election, the National election commissioner  
7 shall immediately assign and notify the voter by any means of  
8 communication, including the use of radio, as to the place where the  
9 voter may vote. Upon such notification, the voter shall be permitted  
10 to vote only at that polling place.

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

20 CHAPTER 8

21 PROCEDURE FOR CONDUCT OF ELECTIONS

22 Section 801. Supervision of polling places. The National election  
23 commissioner of each State shall ensure that polling places are  
24 supervised by the board of election and such other officials as the  
25 National election commissioner shall deem necessary, who must be

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1 present at the designated polling places during the election. Public  
2 schools and other public places shall be utilized insofar as  
3 practicable as polling places. Rent shall not be charged or paid for  
4 the use thereof.

5 Section 802. Equipping and supplying polling places. Each  
6 polling place shall be provided with necessary ballot boxes, locks,  
7 official ballots, cards of instructions, pencils, registered voters  
8 lists, papers, and all other necessary supplies.

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

20 Section 804. Checking of register. Any person appearing in the  
21 polling place shall report his name in full and his address to the  
22 election officials. An election official shall then check the register  
23 of voters as to whether or not the person appearing is a registered  
24 voter and if so, shall announce the name and address appearing in the  
25 register. At this point a challenge may be interposed on the grounds

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1 that the ballot is subject to challenge under law or rules or regulations  
2 issued by the State election commissioner. Voting shall then proceed in  
3 accordance with procedures prescribed by the State election commissioner;  
4 however, all voting shall be by secret ballot.

5 Section 805. Campaigning and alcoholic beverages at polling places.

6 No campaigning shall be conducted within 100 feet of a ballot box on  
7 election day and no alcoholic beverages shall be sold or otherwise  
8 provided to any person during election day while the polls are open.  
9 No candidate shall be allowed within 100 feet of any ballot box except  
10 for the purpose of casting his ballot. There shall be no campaigning  
11 over any State broadcast station on election day.

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

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

1 if he deems necessary. The National election commissioner, or his  
2 representative, shall make his decision prior to the time of the  
3 closing of the polls, and the aggrieved party may appeal the decision  
4 in accordance with section 903 of this act. In the event the decision  
5 of the National election commissioner, or his designated representative,  
6 cannot be obtained as heretofore provided, the aggrieved party may  
7 appeal the decision of the election board in accordance with section  
8 903 of this act.

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

18       Section 809. Counting of ballots, announcement of unofficial  
19 results. The National election commissioner of each State shall  
20 establish a counting and tabulation committee composed of not less than  
21 five members. The said committee shall publicly count and tally all  
22 votes cast and determine the acceptability thereof. Such counting of  
23 ballots cast in any election district shall begin after all the polls  
24 in such election district are closed and shall continue until all votes  
25 cast shall have been counted. Each candidate or his authorized

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1 representative shall be entitled to be present at the tabulation  
2 of the votes. Upon the completion of the counting and tabulation of  
3 all votes cast in th; election district, public announcement of the  
4 unofficial results shall be made.

5       Section 810. Certification of election results. Upon completion  
6 of the counting and tabulation of election results, the National  
7 election commissioners shall certify the results and shall declare as  
8 the winning candidates for the Congress of the Federated States of  
9 Micronesia from each election district the candidates receiving the  
10 plurality of votes cast in each election.

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

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

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1       Section 813. Rejected ballots. All ballots which have been  
2 declared invalid due to defacement or other irregularity shall be  
3 sorted and a notation placed upon them indicating that they are  
4 rejected ballots. Upon completion of the counting of the ballots,  
5 the rejected ballots shall be placed in the ballot box and returned  
6 by the counting and tabulating committee to the National election  
7 commissioner with the validly cast ballots.

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

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

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

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

24       Section 818. Write-in votes. Write-in votes may be used in  
25 general and special elections. Any name written upon a ballot shall

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1 be counted as a vote for the person whose name is so written for the  
2 office under which it is written.

3 CHAPTER 9

4 PROCEDURE FOR RECOUNTS AND APPEALS

5 Section 901. Petition for recount. A petition for recount may  
6 be filed by any candidate in an election who believes that there was  
7 fraud or error committed in the casting, canvassing, or return of the  
8 votes cast at said election. The petition shall be filed with the  
9 National election commissioner of the State concerned or the board of  
10 election of the election district in which the recount is requested.  
11 Such petition shall contain a statement sworn to before a notary public  
12 or other person authorized to administer oaths that the petitioner has  
13 reason to believe and does believe that the records or copies of  
14 records made by the board of election of such district are erroneous,  
15 specifying wherein he deems such records or copies thereof to be in  
16 error, or that votes were cast by persons not entitled to vote therein,  
17 and that he believes that a recount of the ballots cast in the district  
18 will affect the election of one or more candidates voted for at such  
19 election. The petition may not be filed later than two weeks after  
20 the election at which the votes were cast unless such filing is  
21 prevented by circumstances beyond the control of the petitioner.

22 Section 902. Recommendation by board of election. If a petition  
23 for recount is filed with a board of election, that board shall  
24 recommend to the National election commissioner within three days from  
25 the receipt of the petition whether the recount shall take place.

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1       Section 903. Denial of petition, appeal of denial to National  
2 Government.

3               (1) If the National election commissioner decides not to  
4 approve the petition and grant the recount, he shall record the  
5 reasons for such decision. The aggrieved candidate may, within five  
6 days after receipt of the decision of the National election commissioner,  
7 appeal his case to the Supreme Court. The Supreme Court shall review  
8 the appeal promptly and render a decision. If the decision is in favor  
9 of a recount, the National election commissioner of the State concerned  
10 shall be so notified and shall proceed as provided in sections 904 and  
11 905 of this act.

12              (2) Appeals may be had in the manner prescribed in subsection  
13 (1) of this section from any decision of the National election  
14 commissioner concerning a ruling of an election board with respect to  
15 a challenge affecting the acceptability of a vote or votes. A petition  
16 hereunder for appeal shall contain the information specified in section  
17 901 of this act for a petition for a recount. A decision of the Supreme  
18 Court in favor of the petitioner may have the effect of disallowing  
19 the challenged votes but shall not halt or delay balloting or counting  
20 and tabulating.

21       Section 904. Approval of petition, notice of recount. Regardless  
22 of whether a petition is first filed with a board of election or with  
23 the National election commissioner, if the National election  
24 commissioner determines that there is a substantial question of fraud  
25 or error and that there is a substantial possibility that the outcome

1 of the election would be affected by a recount, he shall cause notice  
2 of the recount to be given in a manner decided by him.

3 Section 905. Recount by counting and tabulating committee. The  
4 recount shall be held by the counting and tabulation committee within  
5 10 days after the decision of the National election commissioner of  
6 the State concerned. The counting and tabulating committee shall make  
7 certificates of such determination under oath showing the result of the  
8 election and what persons were declared elected to fill office, one of  
9 which shall be filed with the National election commissioner of the  
10 State concerned, one with each board of election concerned, and one  
11 with the person filing the petition for recount. The person receiving  
12 the greatest number of votes shall be deemed to have been elected, but  
13 if two or more candidates shall receive an equal number of votes for  
14 the office, the tie vote shall be resolved in accordance with section  
15 811 of this act.

16 CHAPTER 10

17 SEVERABILITY

18 Section 1001. Severability. If any provision of this act, or the  
19 application thereof, to any person or circumstance is held invalid such  
20 holding shall not affect other provisions or application of this act  
21 which can be given effect without the invalid provision or application,  
22 and to this end the provisions of this act are severable,

23 CHAPTER 11

24 REGULATIONS

25 Section 1101. Regulations. Congress may, from time to time, issue

1 regulations not inconsistent with law to implement this act.

2 CHAPTER 12

3 EFFECTIVE DATE

4 Section 1201. Effective date. This act shall become law upon  
5 approval by the President of the Federated States of Micronesia or  
6 upon its becoming law without such approval.

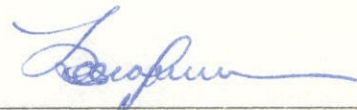
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Tosiwo Nakayama  
President  
Federated States of Micronesia

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