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:

CHAPTER 1

GENERAL PROVISIONS

Section 101. Title 43 of the Trust Territory Code is repealed in so far as it may apply to National elections of the Federated States of Micronesia and there is hereby adopted a National Election Code.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 bona fide resident or domiciliary of the State of Kosrae, Pohnpei, 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 Micronesia shall be by secret ballot.

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

Section 105. Vacancies—special election.

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

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

Section 106. Appropriations.
(1) Within one year prior to a general election, Congress shall appropriate a sum adequate to defray the administrative and contingent expenses of conducting congressional elections as provided by this act. Each State election commissioner shall be responsible to the Congress for ensuring that these funds are used only for purposes specified in this act, and that no obligations are incurred in excess of the sum appropriated.

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

Section 107. Use of government broadcast facilities.

(1) Government broadcast facilities may be made available to candidates within any State, except on the day of election, pursuant to the discretion of the State election commissioner. The State election commissioner shall afford each candidate equal opportunity in the use of government broadcast facilities. If the State election commissioner cannot provide equal opportunities to the candidates in the use of government broadcast facilities, then no candidate shall be allowed their use whatsoever. Each candidate shall advise the State election commissioner not later than 24 hours prior to his intended use of government broadcast facilities.

Failure to notify the State election commissioner of the proposed use of the above-described facilities within the prescribed time limit may disqualify the candidate from the use of these government facilities.
(2) No government facilities other than broadcast facilities may be made available to candidates.

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

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

CHAPTER 2

CANDIDATES

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

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

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

(3) Be a citizen of the Federated States of Micronesia for at least 15 years. For the purpose of this subsection, and as provided by Article III, section 1, of the Constitution of the Federated States of Micronesia, a citizen of the Federated States
of Micronesia is a person who has been a citizen of the Trust
Territory of the Pacific Islands immediately prior to the effective
date of the Constitution and a domiciliary of a State or
District ratifying the Constitution of the Federated States of
Micronesia;
(4) Not be under a judgment of mental incompetency or
insanity; and
(5) Not have been convicted of a felony by a State or
National court of the Federated States of Micronesia or its
predecessor Government of the Trust Territory of the Pacific Islands.
Section 202. Membership and terms of office. The Congress of
the Federated States of Micronesia shall be a unicameral National
legislature consisting of 14 Members to be known as Senators as
follows:
(1) Four Members—at-large, one each from the States of
Kosrae, Ponape, Truk, and Yap, who are elected on the basis of
State equality to serve for a four-year term;
(2) Ten Members serving for a term of two years and elected
on the basis of population as follows:
(a) One Member elected from Kosrae as a single
member congressional district;
(b) One Member elected from Yap as a single member
congressional district;
(c) Three Members elected from Ponape, each of whom
represents a single member congressional district; and
(d) Five Members elected from Truk, each of whom represents a single member congressional district.

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

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

Section 203. Nomination by petition. Nomination of candidates may be made by petition initiated by a candidate or by any five qualified registered voters to vote for an at-large candidate or a candidate in a single member congressional district and authorized by such candidate to so initiate a petition; PROVIDED, that said nomination petition shall specify whether the candidate is seeking a four-year or a two-year term of membership of the Congress.

The name of any candidate for election shall be printed on an official ballot to be used for choosing candidates only if, at least 30 days prior to such election, a nomination paper shall have been filed in the office of the election commissioner of the State concerned and signed by at least 35 qualified voters of the State.
or single member congressional district wherein he seeks election, as
the case may be. There shall be deposited with the nomination paper a
filing fee of $10, which shall be paid over to the General Fund of
the Federated States of Micronesia as a local revenue available for,
appropriation by the Congress. The State election commissioner shall,
upon receipt of the nomination paper, endorse thereon the day, hour,
and minute that such nomination paper is received.

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

Section 205. Temporary officer, credential committee, elections
of President and Vice President. The Congress shall be called to
order in Kolonia, Ponape, on the second Monday in May by the youngest
Member-elect. He shall serve as temporary Speaker for the purposes
of examining the credentials of the Members-elect, seating of the
Members, and electing the Speaker. The Congress shall be organized
no later than the second Friday in May. The President and Vice
President may be elected only after the Congress is fully organized.
To be eligible for the office of the President and Vice President, a
Member must hold office for a four-year term and shall also have
been a resident for at least 15 years and a citizen of the Federated
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
10 Section 206. Other public offices. A Member of the Congress
11 of the Federated States of Micronesia may not hold another public
12 office or employment. During the term for which he is elected and
13 three years thereafter, a Member may not be elected or appointed to
14 public office or employment created by a National statute enacted
15 during his term. A Member may not engage in any activity which conflicts
16 with the proper discharge of his duties.
17
18 CHAPTER 3
19
20 ELECTION COMMISSIONERS
21
22 Section 301. Appointment. The President shall appoint a
23 National election commissioner with the advice and consent of the
24 Congress. The President shall also appoint a State election commissioner
25 for each of the four States with the advice of each State government
26 and with the advice and consent of the Congress.
27
28 Section 302. Powers and duties of State election commissioner.
29 Without additional compensation, a State election commissioner shall
30 have the overall supervision and administration of the election
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
forms of all blanks, cards of instructions, pollbooks, tally sheets, 
and all forms and blanks required by the provisions of this act 
for use by candidates, boards, committees, and voters, and supply the 
same to the boards of election.

Section 303. Powers and duties of National election commissioner.

Without additional compensation, the National election commissioner shall 
supervise the State election commissioners and shall perform such 
duties as are prescribed this act.

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

Section 305. Striking names of disqualified voters.

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

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

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

CHAPTER 4

BOARDS

Section 401. Creation, appointment, terms, and qualifications of members. The State election commissioner shall appoint a board
of election for each election district on or before February 1 of each election year whose members shall serve until resignation or until their successors are appointed. The members shall be citizens of the Federated States of Micronesia registered to vote under the provisions of this act and be of such numbers as are necessary to have at least one board member present at each polling place. No board member shall participate in an election campaign during his appointment.

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

1. To perform all duties prescribed by law;
2. To supervise and manage each polling place;
3. To receive, preserve, and maintain ballot boxes, locks, maps, cards of instructions, and other supplies and equipment necessary to conduct the election;
4. To give such instruction deemed necessary for the orderly conduct of the election;
5. To provide for the issuance of all notices and publications concerning the election;
6. To review and examine the sufficiency and validity of nominating petitions and other documents where the election commissioner designates the board to act in his stead;
7. To receive and transmit all ballot boxes, locked and sealed, to the election commissioner;
8. To receive, investigate, and decide complaints concerning
1 election irregularities and determine the residence qualifications
2 of voters, subject to review according to Chapter 9 of this act;
3
4 (9) To recommend to the election commissioner
5 designation of appropriate polling places within each voting precinct
6 or election district as may be deemed suitable and convenient to the
7 public;
8
9 (10) To perform such other duties as are prescribed by law
10 or rules issued by the election commissioner; and
11
12 (11) To register electors.
13
14 CHAPTER 5
15
16 REGISTRATION
17
18 Section 501. New registration of voters for election of Members
19 of the Congress of the Federated States of Micronesia shall not be
20 required; PROVIDED, that the following are complied with:
21
22 (1) That the General State Registers maintained heretofore
23 by the election commissionerson of Kosrae, Pohnpei, Truk and Yap shall
24 be used to determine registered voters for the purpose of election of
25 Members-at-large therefrom; PROVIDED, that those voters from Kosrae and
26 Yap, whose names appear on their respective registers, shall be
27 entitled to also elect a member of the Congress for a two-year term;
28
29 (2) That for the purpose of election of Members for
30 two-year terms from Pohnpei and Truk, only those registered voters of a
31 municipality which has been apportioned as part of a single Member
32 congressional district shall be entitled to elect one Member
33 therefrom;
(3) That new voter registration will be required every 10 years commencing in 1983;

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

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

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

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

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

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

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

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

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

AFFIDAVIT ON APPLICATION FOR REGISTRATION

Federation States of Micronesia
1. My full name is ________________________.
2. I was born at ________________________.
3. My age is ________________________.
4. I live at ________________________.
5. My occupation is ________________________.
6. I am a citizen of the Federated States of Micronesia.
7. I was naturalized as a citizen of the Federated States of Micronesia at ________________________ State on the ___________ day of ___________ in the year ___________.
8. I have resided in the Federated States of Micronesia not less than nine months, and in Congressional Election District No. ___________ not less than three months immediately preceding this date on which I now offer to register, to wit, the ___________ date of ___________, 19__________.
9. I am not currently under parole, probation, or sentence for any felony for which I have been convicted by any court of the Federated States of Micronesia or any court within the jurisdiction of the United States.
10. I am not currently under a judgment of mental incompetence or insanity.
11. I solemnly swear that the foregoing statements are true, so help me God.......
12. Subscribed and sworn to before me this ___________ day of ___________, 19__________.
13. This applicant shall strike out allegations that are inapplicable and
shall swear to the truth of the allegations in his application. In any
case where the person who administers the oath shall so desire or
believe the same to be expedient, he may demand that the applicant
produce a witness of witnesses to further substantiate the allegations
of his application.

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

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

filing of affidavits.

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

(a) The number of the affidavit;
(b) The date of registration;
(c) The name of the applicant in full;
(d) The occupation of the applicant;
(e) The age of the applicant;
(f) If naturalized, the date of such naturalization;
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.

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 authorised 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

18 of 37
cancellation with ink on the same line; PROVIDED, that no such
registration shall be allowed on account of any change of residence
or name made within 90 days before an election.

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

CHAPTER 6
PROCEDURE FOR BALLOTS

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

(1) All elections held in accordance with the provisions of
this act shall be held by official ballot only. An official ballot
is a written or printed, or partly written and partly printed paper,
designated as an official ballot and containing the names of persons
to be voted for and the office to be filled, and issued by the election
commissioner of each State. The State election commissioner shall have
printed two exact copies of each official ballot which is to be
used in the general election, for each voting place, such copies
to have printed thereon, in large bold letters, and with ink of a
color plainly contrasting to the color of the paper used, the word
"Specimen." Two copies of each such specimen ballot shall be
forwarded to the members of the board of election at the same time
with the official ballots, and the member or members of the board of
election shall post one of each such specimen ballot on either side
of the entrance of the voting place or other places plainly
in sight for the general public.

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

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

Section 603. Printing and distributing.
(1) The ballots should be printed by order of the State
election commissioner at government expense. The State election
commissioner shall deliver an adequate amount of ballots to each
election precinct.

(2) At least 10 days before the election the State election
commissioner shall print a specimen ballot and shall forthwith submit copies of the same to the members of the several boards of election and to the several candidates at their addresses as given on their nomination papers, and the members of the boards shall post a copy of the same in a conspicuous place in their office or a public place.

Section 604. Withdrawal of candidates.

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

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

21 of 37
block-out, all expenses thereof, except in case of a withdrawal
necessitated for medical cause and so certified by a physician, shall
be a charge against the withdrawing candidate and shall be paid by
him within 60 days after such withdrawal to the State election
commissioner. Monies so received shall be deposited in the General
Fund of the Federated States of Micronesia, as a local
revenue general realization, available for appropriation by the
Congress of the Federated States of Micronesia.

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

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

Section 606. Packaging, sealing, record of distribution.
When printed, the ballots shall be fastened together in blocks of
100 each in such manner that each ballot may be detached and removed
separately. They shall be forwarded by the State election commissioner
to the member or members of the board of election in sealed packages,
which shall not be opened until the opening of the polls. A record
of the number of ballots sent to each board of election member
shall be kept by the State election commissioner.

CHAPTER 7

PROCEDURE FOR ABSENTEE VOTERS

Section 701. "Voter" and "ballot" defined.
(1) Any registered voter qualified to vote at any general
or special election shall be entitled and enabled to vote by
absentee ballot if:
(a) He is confined to his home or hospital by reason
of such illness or physical disability as will prevent him from
attending the polls; or
(b) He is prevented from voting by reason of being
at sea or absent from the State in which he is registered.
(2) An absentee ballot is an official ballot which is
authorized by this title to be voted outside of any designated polling
place or prior to the date of the election.

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

Section 703. Request for ballot.

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

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

24 of 37
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
the same in the manner provided by law.

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

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

Section 706. Voting at another polling place.

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

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

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

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

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

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

CHAPTER 8
PROCEDURE FOR CONDUCT OF ELECTIONS
Section 801. Supervision of polling places. The State
election commissioner shall ensure that polling places are supervised
by the board of election and such other officials as the State
election commissioner shall deem necessary, who must be present at the
designated polling places during the election. Public schools and
other public places shall be utilized insofar as practicable as polling
places. Rent shall not be charged or paid for the use thereof.
Section 802. Equipping and supplying polling places. Each
polling place shall be provided with necessary ballot boxes, locks, official ballots, cards of instructions, pencils, registered voters' lists, papers, and all other necessary supplies.

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

Section 804. Checking of register. Any person appearing in the polling place shall report his name in full and his address to the election officials. An election official shall then check the register of voters as to whether or not the person appearing is a registered voter and if so, shall announce the name and address appearing in the register. At this point a challenge may be interposed on the grounds that the ballot is subject to challenge under law or rules or regulations issued by the State election commissioner. Voting shall then proceed in accordance with procedures prescribed by the State election commissioner; however, all voting shall be by secret ballot.
Section 805. Campaigning and alcoholic beverages at polling places. No campaigning shall be conducted within 100 feet of a ballot box on election day and no alcoholic beverages shall be sold or otherwise provided to any person during election day while the polls are open. No candidate shall be allowed within 100 feet of any ballot box except for the purpose of casting his ballot. There shall be no campaigning over any district broadcast station on election day.

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

Section 807. Election irregularities. Any person may file an oral or written complaint of any election irregularity with a member of the board of election present at the polling place. The board member shall give any individual against whom the complaint is made time to present witnesses and an explanation, if any, but in no event shall time be granted so as to prevent the board of election from making a decision prior to the time for the closing of the polls. The complainant or the individual against whom the complaint is made may appeal the decision to the State election commissioner or his designated representative. The State election commissioner, or his said representative, shall, as soon as possible, examine the findings of the board of election and may hear witnesses, if he deems necessary. The State election commissioner or his representative shall make his decision prior to the time of the closing of the polls, and the aggrieved party may appeal the decision in accordance with section 903 of this act. In the event the decision of the State election commissioner
or his designated representative cannot be obtained as heretofore provided, the aggrieved party may appeal the decision of the election board in accordance with section 903 of this act.

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

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

Section 810. Certification of election results. Upon completion
of the counting and tabulation of election results, the State
election commissioners shall certify the results and submit the
results as certified to the National election commissioner. The
National election commissioner shall declare as the winning candidates
for the Congress of the Federated States of Micronesia from each
election district the candidates receiving the plurality of votes
cast in each election.

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

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

Section 813. Rejected ballots. All ballots which have been
declared invalid due to defacement or other irregularity shall be
sorted and a notation placed upon them indicating that they are
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.

CHAPTER 9

PROCEDURE FOR RECOUNTS AND APPEALS

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

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

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

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

34 of 37
reasons for such decision. The aggrieved candidate may, within five
days after receipt of the decision of the State election commissioner,
appeal his case to National court. The National court shall review
the appeal promptly and render a decision. If the decision is in
favor of a recount, the State election commissioner shall be so
notified and shall proceed as provided in section 904 and 905 of this act.

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

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

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

CHAPTER 10

SEVERABILITY

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

CHAPTER 11

SUPERCEDED LAW

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

CHAPTER 12

EFFECTIVE DATE

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

Date: 1/1/88

Introduced by: Hiroshi Imae