A BILL FOR AN ACT

To further amend title 9 of the Code of the Federated States of Micronesia, as amended, by further amending section 301, as amended by Public Laws Nos. 7-122 and 8-97, by further amending section 302, as amended by Public Laws Nos. 5-70 and 8-97, by further amending section 303, as amended by Public Law No. 8-97, by further amending section 402, as amended by Public Law No. 8-97, by further amending section 703, as amended by Public Law No. 5-70, and by further amending section 810, as amended by Public Law No. 8-97, for the purpose of amending the law relating to national elections, and for other purposes.

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

1. Section 301 of title 9 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 7-122 and 8-97, is hereby further amended to read as follows:

"Section 301. Appointment of National Election Officials.

(1) The President shall appoint one National Election Director with the advice and consent of the Congress. The National Election Director shall be a citizen of the Federated States of Micronesia. The National Election Director shall serve until resignation, or until removed from office upon a determination by the President that such removal is deemed necessary and a successor is appointed by the President with the advice and consent of the Congress.

(2) The Président National Election Director shall appoint a national election commissioner for each of the four States. With the advice and consent of the Congress, National election commissioners shall not concurrently serve as State election commissioners; provided, however, that if any current national election commissioner is also serving as a State election commissioner, he or she may continue to serve as National election commissioner until such time as a new appointment by the Président National Election Director becomes effective. Each national election commissioner
shall be a citizen of the State for which he is appointed to serve as national election commissioner; provided, that national election commissioners may be appointed by the President for the national elections occurring in March 1993, and special elections resulting therefrom, and may serve without advice-and-consent confirmation for those elections. All appointments made prior hereto shall expire 45 days after the effective date of this act, unless the names of said Commissioners are resubmitted to Congress and approved prior thereto."

Section 2. Section 302 of title 9 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-70 and 8-97, is hereby further amended to read as follows:

"Section 302. Powers and duties of the National Election Director. The National Election Director shall have the responsibility for the overall supervision and administration of all National elections, and shall perform such duties as are prescribed by law, which include, but are not limited to the following:

(1) to supervise and direct the four national election commissioners in their administration of all national and special elections and performances of all duties pursuant to section 303 of chapter 3 of this title;

(2) to approve the appointment by the four national
election commissioners of all election board members
pursuant to section 303 of chapter 3 of this title;

(3) to request such reports from election board or
national election commissioners as may be required by
law or regulation or as the National Election Director
may deem necessary;

(4) to review all nomination petitions received by
the four national election commissioners pursuant to
section 303 of chapter 3 of this title;

(5) to maintain a national election register;

(6) to review and investigate all voting and
registration irregularities, and any other alleged
violations of this title;

(7) to implement rules and regulations for
absentee ballots for conduct of all national elections;

(8) to issue in accordance with chapter 1 of title
17 of this code regulations not inconsistent with law to
implement this title;

(9) to certify the results of all national
elections;

(10) to rule on petitions for recount pursuant to
chapter 9 of this title; and

(11) to determine and prescribe forms of ballots
and the forms of all blanks, cards of instruction,
pollbooks, tally sheets, and all forms and blanks
required by the provisions of this title for use by
candidates, boards, committees, and voters, and supply
the same to the national election commissioners and
boards of election/

(12) to list all candidates for election on the
ballot for each election district in alphabetical order;

(13) to establish absentee polling places within
the Federated States of Micronesia, as may be required
or as the National Election Director may deem suitable
and convenient to the public; and

(14) to be the allottee of election funds unless
otherwise provided for in the act appropriating such
funds."

Section 3. Section 303 of title 9 of the Code of the
Federated States of Micronesia, as amended by Public Law No.
8-97, is hereby further amended to read as follows:

"Section 303. Powers and duties of national election
commissioner. A national election commissioner shall
have the responsibility for the overall supervision and
administration of the election within his State and
shall perform such duties as are prescribed by law,
which include, but not limited to the following:

(1) to appoint all members of the several boards of
election in his or her State as provided for in this
title;
(2) to require such reports from the several boards as may be required by law or regulation or as the national election commissioner may deem necessary;

(3) to establish voting precincts within each election district and designated appropriate polling places within each voting precinct, upon recommendations of the members of the board of election of the particular district;

(4) to receive nomination petitions;

(5) to list all candidates for election on the ballot for each election district in alphabetical order;

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

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

(8) to promulgate in accordance with chapter 1 of title 17 of this code local rules and regulations which are consistent with rules and regulations promulgated by the National Election Director pursuant to section 302 of chapter 3 of this title; And

(8) to assist the National Election Director in maintaining the national election register; and

(9) to report directly to, execute his
responsibilities, and perform his duties as lawfully
directed and authorized by the National Election
Director in accordance with the provisions of this
title."

Section 4. Section 402 of title 9 of the Code of the
Federated States of Micronesia, as amended by Public Law No.
8-97, is hereby further amended to read as follows:

"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 in
the capacity of a pollworker;
(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 national election commissioner or the National
Election Director designates the board to act in his
stead;

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

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

(9) to recommend to the national election commissioner designation or appropriate polling places within each voting precinct or election district, as may be deemed suitable and convenient to the public;

(10) to perform such other duties as are prescribed by law or rules issued by the election commission or National Election Director; and

(11) to register electors."

Section 5. Section 703 of title 9 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-70, is hereby further amended to read as follows:

"Section 703. Request for ballot.

(1) Any registered voter qualified to vote in any election may request and cast an absentee ballot with the national election commissioner; provided, that he meets the requirements as set forth in section 701 of this title."
(2) Any registered voter qualified to vote by absentee ballot may, not more than 120 days, but before the close of the polling place on the day of the election, request the national election commissioner in writing for an absentee ballot to be voted at the election. The national election commissioner shall make available to any voter residing in a location where an FSM Consulate Office or Embassy is located an application for an absentee ballot from such office. The request for an absentee ballot shall be signed by the voter who intends to cast the absentee ballot and include information stating the voter's voting precinct or municipality, election district, name of his polling place within his municipality, reasons for being absent, address to which he wishes his ballot forwarded and the establishment of his right to a ballot."

Section 6. Section 810 of title 9 of the Code of the Federated States of Micronesia, as amended by Public Law No. 8-97, is hereby further amended to read as follows:

"Section 810. Certification of election results. Upon completion of the counting and tabulation of election results by the national election commissioners, the National Election Director shall, within three days of the election, certify the results and 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. Upon certification of the results, the
National Election Director shall immediately provide to
all election candidates notice of such certification in
the most practicable and expeditious manner available."

Section 7. 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: 1/04/96

Introduced by: [Signature]
Joseph J. Urusemal
(by request)