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A BILL FOR AN ACT

To further amend title 9 of the Code of the Federated States of Micronesia (Annotated), by amending sections 101, 102, 103, 105, 106, 107, 108, 202, 404, 503, 601, 602, 603, 605 and 710 thereof, in order to update the aforesaid provisions of title 9, to rectify certain technical errors in some of the sections and to strengthen several provisions by changing certain timelines provided therein, making them more practical and realistic, and for other purposes.

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

1           Section 1. Section 101 of Title 9 of the Code of the  
2 Federated States of Micronesia (Annotated), is hereby amended to  
3 read as follows:

4           “Section 101. Short title. This act shall be known and  
5 cited as the ‘Revised National Election Act of [~~2005~~]  
6 2022’.”

7           Section 2. Section 101 of Title 9 of the Code of the  
8 Federated States of Micronesia (Annotated), is hereby amended to  
9 read as follows:

10           “Section 102. Definitions.

11           The following terms shall have the following meanings:

12           (1) ‘Citizen’ means a citizen as defined by the  
13 Constitution of the Federated States of Micronesia and  
14 title 7 of the Code of the Federated States of  
15 Micronesia;

16           (2) ‘Congress’ means the Congress of the Federated

1 States of Micronesia;

2 (3) 'Congressional Election District' means the  
3 district apportioned by population for which a two-year  
4 term Member is elected;

5 (4) 'Election Day' means the date in the Federated  
6 States of Micronesia on which National Elections are  
7 conducted in the Federated States of Micronesia without  
8 regard to the actual date at any Polling Place outside  
9 the Federated States of Micronesia;

10 (5) 'Member' means a two-year or four-year member of  
11 the Congress of the Federated States of Micronesia;

12 (6) 'Municipality' means a subdivision of a  
13 Congressional Election District;

14 (7) 'National Election' means any general or special  
15 election for a member, or any national referendum on a  
16 constitutional amendment;

17 (8) 'National Election Director' means the person  
18 appointed in accordance with subsection 302 (1) of this  
19 title;

20 (9) 'National Election Office' means the office or  
21 other locations designated by the National Election  
22 Director as a location from where official national  
23 election activities are carried out;

24 (10) 'National Voter Register' means the list of all  
25 Registered Voters in the Federated States of Micronesia

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1           segregated by each State who registered to vote with a  
2           the National Election Office;

3           (11) 'Polling Place' means a location officially  
4           designated by the National Election Director where  
5           voters cast their ballots in a National Election,  
6           ~~[including]~~ include special polling places, VAAP polling  
7           places, ~~[mobile polling places]~~ and traveler polling  
8           places;

9           (12) 'Polls' may refer to two or more Polling Places,  
10          or all Polling Places generally;

11          (13) 'President' means the President of the Federated  
12          States of Micronesia;

13          (14) 'Public Property' means any land, buildings,  
14          facilities, vessels, vehicles, equipment, supplies or  
15          other resources that are owned, operated or controlled  
16          by the National Government, a State Government or a  
17          Municipal Government, or any subdivision, agency or  
18          department thereof;

19          (15) 'Public Employee' means any employee of the  
20          National Government, a State Government or a Municipal  
21          Government, or any subdivision, agency or department  
22          thereof;

23          (16) 'Registered Voter' means a person who has  
24          registered to vote pursuant to chapter 4 of this title.

25          (17) 'Resident' means a person who qualifies as a

1 resident under the law of the State in which the person  
2 has registered, or seek to register, to vote;

3 (18) 'Signature List' means the certified list of  
4 Registered Voters in a Municipality or Congressional  
5 Election District the any person seeking to vote on  
6 Election Day must sign at their designated Polling Place  
7 before being issued a ballot;

8 (19) 'State' means one of the four States of the  
9 Federated States of Micronesia;

10 (20) 'State Election Office' means the official office  
11 or other locations designated by the State election  
12 officials or state government as a location from where  
13 official state election activities are carried out;

14 (21) 'State Voter Register' means the list of  
15 Registered Voters for a Congressional Election District  
16 or Municipality who registered to vote with a State  
17 Election Office;

18 (22) 'VAAP' means voting at another polling place in  
19 accordance with section 604 of this title; and

20 (23) 'Voter Identification Card' means an  
21 identification card issued under the authority of the  
22 National Election Director to a Registered Voter that  
23 contains the Registered Voter's name, registration  
24 number, State, Congressional Election District,  
25 Municipality, date of birth, sex, signature and other

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1 identifying information~~[, and]~~ that provide[s] a means  
2 of indicating ~~[whether]~~ that Registered Voter ~~[has~~  
3 ~~already cast a ballot in each National Election]."~~

4 Section 3. Section 103 of Title 9 of the Code of the  
5 Federated States of Micronesia (Annotated), is hereby amended to  
6 read as follows:

7 "Section 103. Eligible Voters. Every Citizen of the  
8 Federated States of Micronesia is eligible to vote in a  
9 National Election if he or she has fulfilled the  
10 following requirements:

11 ~~[(1) Is living,]~~

12 ~~[2]~~(1) Is 18 years of age and registered 30 days ~~[or~~  
13 ~~elder on]~~ before the day of the election;

14 ~~[3]~~(2) Is a Resident of a State

15 ~~[4]~~(3) Has been a Registered Voter and voted in previous  
16 elections ~~[for at least 30 days immediately preceding~~  
17 ~~Election Day];~~

18 ~~[5]~~(4) Is not currently under a judgment of mental  
19 incompetency or insanity; and

20 ~~[6]~~(5) Is not currently under parole, probation, or  
21 sentence for any felony for which he or she has been  
22 convicted by any court of the Federated State of  
23 Micronesia."

24 Section 4. Section 105 of Title 9 of the Code of the  
25 Federated States of Micronesia (Annotated), is hereby amended to

1 read as follows:

2 "Section 105. General elections.

3 (1) All general elections for Members shall be held  
4 biennially in each odd-numbered year on the first  
5 Tuesday of [~~following the first Monday in~~] March;  
6 provided, that where a natural disaster or other event  
7 precludes holding the election on the foregoing date,  
8 the President may postpone the election in the affected  
9 Congressional Election District, Municipality or Polling  
10 Place until the next available date on which the natural  
11 disaster or other event will not hinder voting,  
12 excluding weekends and national holidays.

13 (2) When a State or municipal election is scheduled  
14 to be held currently with a National Election, the  
15 National Election Director shall assist in that election  
16 as requested by the State or municipal government, to  
17 the extent determined by the National Election Director  
18 and within the limits of available resources."

19 Section 5. Section 106 of Title 9 of the Code of the  
20 Federated States of Micronesia (Annotated), is hereby amended to  
21 read as follows:

22 "Section 106. Special Elections.

23 (1) Special Elections shall be conducted in the same  
24 manner as general elections, except where this title  
25 sets forth a different procedure for special elections.

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1           (2) The National Election Director shall schedule a  
2 special election to occur [~~50~~] 70 days after receipt of  
3 notification of the need for a special election;  
4 provided, that where a natural disaster or other event  
5 precludes holding the election on the foregoing date,  
6 the President may postpone the election in the affected  
7 Congressional Election District, Municipality or Polling  
8 Place until next available date on which the natural  
9 disaster or other event will not hinder voting,  
10 excluding weekends and national holidays.

11           (3) Special elections shall be declared as follows:

12                   (a) After election of President and Vice  
13 President. After the election of the President and Vice  
14 President, vacancies shall be declared for the seats to  
15 which the President and Vice President were originally  
16 elected as Members. The speaker of Congress shall make  
17 the declaration and notify the National Election  
18 Director of the Vacancies.

19                   (b) Other vacancies- seated Congress. Any other  
20 vacancy in the Congress shall be filled for the  
21 unexpired term by special election, except that an  
22 unexpired term of one year or less shall be filled by  
23 appointment by the Governor of the State affected. The  
24 appointee shall possess the qualifications required by  
25 section 201 of this title and shall serve only the

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1 unexpired term. The Speaker of Congress shall make the  
2 declaration of a vacancy to be filled by special  
3 election and notify the National Election Director of  
4 the vacancy.

5 (c) Other vacancies-death of a declared winner.  
6 In case a death of a declared winner before being sworn  
7 into office, the Governor of the State affected shall  
8 notify the Speaker of Congress, who shall immediately  
9 declare a vacancy and notify the National Election  
10 Director.

11 (4) Date of special election. If the date required  
12 by this section for a special election to be held falls  
13 in a Saturday or Sunday, the election shall be held on  
14 the first Tuesday following that Saturday or Sunday. If  
15 the date required by this section for an election to be  
16 held falls on a national holiday, the election shall be  
17 held on the next day that is not a Saturday or Sunday."

18 Section 6. Section 107 of Title 9 of the Code of the  
19 Federated States of Micronesia (Annotated), is hereby amended to  
20 read as follows:

21 "Section 107. Election Funding. Within one year prior  
22 to a general election, or ~~40~~ 60 days prior to a special  
23 election, [~~Congress shall~~] the National Election  
24 Director through the Office of the President of the  
25 Federated States of Micronesia shall submit to the



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1           Congress of the Federated States of Micronesia to  
2           appropriate a sum adequate to defray the administrative  
3           and contingent expenses of conducting National Election  
4           as provided by this title.”

5           Section 7. Section 108 of Title 9 of the Code of the  
6 Federated States of Micronesia (Annotated), is hereby amended to  
7 read as follows:

8           “Section 108. Use of Public Property or Public  
9           Employees for Campaign Activities.

10           (1) No Public Property shall be made available,  
11           without cost, to a candidate in a National Election, or  
12           his or her supporters, for campaign activities;  
13           provided, however, that campaign materials may be  
14           displayed on Public Property without cost so long as the  
15           campaign materials do not damage or deface that Public  
16           Property and the candidate, or his or her supporters,  
17           remove such materials prior to 12:00 a.m. on Election  
18           Day pursuant to section 705 of this title.

19           (2) If Public Property is made available to a  
20           candidate in a National Election. Or his or her  
21           supporters, such property shall be made available on an  
22           equal basis to all opposing candidates and their  
23           supporters.

24           (3) Notwithstanding anything in subsections (1) and  
25           (2) of this section, no National Government vehicle

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1 shall be used by candidate, or his or her supporters,  
2 for campaign activities.

3 (4) No candidate shall use the services of Public  
4 Employees for campaign activities during working hours  
5 or while such employees are conducting government  
6 business."

7 Section 8. Section 202 of Title 9 of the Code of the  
8 Federated States of Micronesia (Annotated), is hereby amended to  
9 read as follows:

10 "Section 202. Nomination of Candidates.

11 (1) Nomination of candidates shall require submission  
12 of a nomination paper, including a petition and an  
13 affidavit, to the National Election Commissioner of the  
14 State concerned.

15 (2) The nominating petition shall be initiated by a  
16 candidate and shall specify whether the candidate is  
17 running for a [~~four~~] two-year or a [~~two~~] four-year term  
18 seat in Congress. The petition of a two-year term seat  
19 shall be signed by at least 25 qualified voters of the  
20 Congressional Election District where~~[in]~~as the  
21 candidate [~~seeks~~] seeking election in [~~the case of~~] a  
22 [~~two~~] four-year term seat shall be signed by at least 50  
23 qualified voters of his/her State~~[, or of the State~~  
24 ~~wherein the candidate seeks election in the case of a~~  
25 ~~four-year term seat]~~.

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1           (3) The affidavit shall be completed and signed by  
2           the candidate and affirm that the candidate fulfills the  
3           qualifications of Senators as set forth in section 201  
4           of this chapter.

5           (4) [~~The name of any candidate shall be printed on an~~  
6           ~~official ballot to be used for choosing candidates only~~  
7           ~~if,~~] The nominating petition for any candidate shall be  
8           filed with the National Election Commissioners of the  
9           State concerned not more than 120 days nor less than 80  
10          days prior to a general election or not more than 70  
11          days nor less than 50 days prior to a special election  
12          ~~[at least 120 days prior to general election or 40 days~~  
13          ~~prior to a special election, a nomination paper shall~~  
14          ~~have been filed in the office of the national election~~  
15          ~~commissioner of the state concerned].~~ There shall be  
16          deposited with the nomination paper and the petition a  
17          filing fee of \$100. The national election commissioner  
18          of the State concerned shall, upon receipt of the  
19          nomination paper and the petition, endorse thereon the  
20          day, hour, and minute that such nomination paper and  
21          petition [~~is~~] are received. Any person who is elected  
22          as a write-in candidate shall, after certification of  
23          the election results, pay a \$100 fee and submit the  
24          affidavit, but not the petition, required by this  
25          section."

1           Section 9. Section 404 of Title 9 of the Code of the  
2 Federated States of Micronesia (Annotated), is hereby amended to  
3 read as follows:

4           "Section 404. Registration procedures.

5           (1) A person desiring to register to vote in National  
6 Election shall complete such applications and  
7 affidavits, take such oaths, and present such personal  
8 documentation and witnesses, as required by the rules  
9 and regulations promulgated by the National Election  
10 Director pursuant to this title.

11          (2) Regardless of the place of registration, all  
12 completed applications and affidavits of registration  
13 shall be transmitted to the national election  
14 commissioner of the relevant state for final approval  
15 and entry onto the National Voter Register.

16          (3) Every completed application or affidavit of  
17 registration shall be maintained and preserved at the  
18 National Election Office of the State of registration  
19 until such time as the Registered Voter who completed  
20 the application or affidavit is deceased or is otherwise  
21 no longer eligible to vote.

22          (4) All completed applications and affidavits of  
23 registration shall be open to public inspection during  
24 regular business hours.

25          (5) The National Election Director may issue Voter

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1 Identification Cards to all Registered Voters at or  
2 after the time of registration. All Voter Identification  
3 Cards shall be issued free of charge, provided that,  
4 there shall be a charge in an amount to be set out in  
5 the rules and regulations promulgated pursuant to this  
6 title for issuing a Registered Voter with a replacement  
7 Voter Identification Card. Upon issuing a Voter  
8 Identification Card to a Registered Voter, the National  
9 Election Director, or his or her designee, shall make a  
10 notation next to that Registered Voter's entry on the  
11 National Voter Register. A Registered Voter who has  
12 been issued a Voter Identification Card must present  
13 that card before being issued a ballot at his or her  
14 Polling Place."

15 Section 10. Section 503 of Title 9 of the Code of the  
16 Federated States of Micronesia (Annotated), is hereby amended to  
17 read as follows:

18 "Section 503. Printing and distribution of ballots.

19 (1) The printing of specimen ballots along with the  
20 official ballots shall be printed by order of the  
21 National Election Director at the expense of the  
22 Federated States of Micronesia. The National Election  
23 Director shall complete the printing of specimen and the  
24 official ballots no later than [~~60~~] 70 days before  
25 general election, or no later than [~~35~~] 40 days before

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1           special election. The National Election Director shall  
2           submit copies of the specimen to the National Election  
3           Commissioners of the State concerned for distribution to  
4           the members of the several election boards and the  
5           candidates at their addresses as given on their  
6           nomination papers. Two copies of each such specimen  
7           shall also be forwarded to the members of the election  
8           boards. The National Election Commissioners and the  
9           election boards members shall post a copy of the  
10           specimen in a conspicuous place in their office or at  
11           the entrance of both sides of the voting place. The  
12           official [B]ballots shall be consecutively numbered.  
13           Under the direction of the National Election Director,  
14           the national election commissioners shall deliver  
15           ~~[adequate numbers of ballots]~~ to each polling place not  
16           less than ten percent (10%) more ballots than there are  
17           registered voters at such polling place.  
18           ~~[At least 65 days before a general election, and at~~  
19           ~~least 40 days before a special election, the National~~  
20           ~~Election Director shall print a sample ballot and shall~~  
21           ~~forthwith submit copies of the same to the national~~  
22           ~~election commissioners for distribution to the members~~  
23           ~~of the several election boards and to the several~~  
24           ~~candidates at their addresses as given on their~~  
25           ~~nomination papers, and the national election~~

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1           ~~commissioners and election board member shall post a~~  
2           ~~copy of the same in a conspicuous place in their office~~  
3           ~~or public place.]”~~

4           Section 11. Section 601 of Title 9 of the Code of the  
5 Federated States of Micronesia (Annotated), is hereby amended to  
6 read as follows:

7           “Section 601. Absentee voting and ballots in general.

8           (1) An absentee ballot is an official ballot that is  
9 authorized by this title to be voted outside of any  
10 designated Polling Place or prior to Election Day.

11           (2) Any Registered Voter qualified to vote in any  
12 general or special election shall be qualified as an  
13 ‘absentee voter’ and entitled to vote according to the  
14 provisions set forth in this chapter if:

15           (a) He or she is confined to home or hospital by  
16 reason of illness or physical disability, or is  
17 incarcerated for a crime, as will prevent him or her  
18 from coming to the Polling Place to cast a ballot on  
19 Election Day; or

20           (b) He or she is prevented from coming to the  
21 Polling Place in the Congressional Election District of  
22 registration by reason of being at sea, serving in the  
23 armed forces, being obstructed by natural barrier, or  
24 being otherwise absent from the Congressional Election  
25 District of registration, making it highly impractical

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1 or extremely difficult for him or her to arrive at the  
2 Polling Place in time to cast a ballot on Election Day.

3 (3) An absentee voter may vote by absentee ballot in  
4 one of the following ways:

5 (By mail;

6 (a) [~~By voting at a mobile polling place~~]; By  
7 voting at home or at hospital due to illness;

8 (b) By voting at a government facility due to  
9 incarceration;

10 (c) By voting at a VAAP Polling Place in another  
11 Congressional Election District;

12 (d) By voting at a special polling place;

13 (e) By voting at a traveler polling place

14 (4) It shall be unlawful for an absentee voter to  
15 vote using more than one method of absentee voting.

16 (5) Any Registered Voter wishing to vote by absentee  
17 ballot must submit a written request, using the forms  
18 specified in the rules and regulations promulgated  
19 pursuant to this title, to the national election  
20 commissioner of the state in which the voter is  
21 registered. The request shall be signed and dated by  
22 the Registered voter and shall include the following  
23 information, as well as any additional information the  
24 National Election Director may require:

25 (a) The voter's full and correct name and date



1 of birth;

2 (b) The voter's current place of residence and  
3 mailing address;

4 (c) The voter's Municipality and Congressional  
5 Election District of registration;

6 (d) The voter's reasons for being absent from  
7 his or her Congressional Election District on Election  
8 Day; and

9 (e) The type of absentee voting the voter seeks  
10 to use.

11 (6) Only the Registered Voter seeking to vote by  
12 absentee ballot may submit an absentee request to the  
13 national election commissioner."

14 Section 12. Section 602 of Title 9 of the Code of the  
15 Federated States of Micronesia (Annotated), is hereby amended to  
16 read as follows:

17 "Section 602. Voting absentee ballot by mail.

18 (1) Any registered voter who will be outside his or  
19 her State of registration on Election Day may vote  
20 absentee ballot by mail.

21 (2) Deadlines for submitting requests to vote  
22 absentee ballot by mail.

23 (a) In the case of a general election, the  
24 request to vote absentee by mail, using forms required  
25 by the rules and regulations promulgated pursuant to

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1           this title, must be received by the national election  
2           commissioner of the State in which the voter is  
3           registered not more than 120 but not less than 40 days  
4           before Election Day.

5                   (b) In the case of a special election, the  
6           request to vote absentee by mail must be received by the  
7           national election commissioner of the state in which the  
8           voter is registered not more than [50] 70 days but not  
9           less than 30 days before Election Day [~~the day of the~~  
10          ~~special election~~].

11                   [~~(c)~~] ~~If the absentee voter currently resides in a~~  
12          ~~foreign country where the Federated States of Micronesia~~  
13          ~~maintains an embassy or consulate, then a request to~~  
14          ~~vote absentee ballot by mail may alternatively be sent~~  
15          ~~to the embassy or consulate, which shall the forward a~~  
16          ~~copy of the request to the National Election Director,~~  
17          ~~or his or her designee, for verification and processing.~~  
18          ~~The absentee voter shall indicate on the request form~~  
19          ~~whether he or she intends to pick up his or her absentee~~  
20          ~~ballot at the embassy or consulate]. The National  
21          Election Commissioner shall immediately upon the  
22          printing of the official ballots before a general  
23          election mail an absentee ballot to any absentee voter  
24          who has requested for such a ballot and shall be closed  
25          40 days before Election Day. In the event of a special~~

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1 election, an absentee ballot shall be sent to any  
2 absentee voter who has requested for mail-in absentee  
3 ballot and shall be closed 30 days before Election Day.

4 (d) The voter is solely responsible for ensuring  
5 that the request to vote absentee ballot by mail is  
6 received by the deadline. Delayed or lost mail for  
7 absentee ballot requests shall not create any obligation  
8 of the National Election Director or the national  
9 election commissioner to provide absentee ballots at any  
10 time after the time periods set forth herein have  
11 expired.

12 (e) Upon receipt of a request to vote absentee  
13 ballot by mail, the name of the requester and the time  
14 and the date of receipt of the request must be recorded.  
15 The national election commissioner, shall, no later than  
16 2 days from receipt of the request, act on the request  
17 and mail back to the requester an absentee ballot  
18 provided that printed ballots are already available. If  
19 the printed ballots are not available at the time a  
20 request is received, the name of the requester and the  
21 time and date of receipt of the request must still be  
22 recorded, and an absentee ballot shall be mailed to the  
23 requester as soon as the official ballots are printed  
24 and no longer [later] than 5 days thereafter [the  
25 printing of ballots has been completed. Absentee voter

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1 ~~who has indicated on their request forms that they~~  
2 ~~intend to pick up their absentee ballot at an embassy or~~  
3 ~~consulate shall retrieve their ballot from the embassy~~  
4 ~~or consulate. The National Election Director shall~~  
5 ~~provide sufficient absentee ballots to the embassy or~~  
6 ~~consulate 10 days before a National Election].~~

7 (f) The National Election Director, or his or  
8 her designee, shall strike out or delete the entry of  
9 the absentee voter on the signature list from that  
10 voter's regular polling place. The absentee voter shall  
11 not be allowed to cast a ballot at his or her regular  
12 polling place on Election Day.

13 (3) Marking and returning of absentee ballots by  
14 mail.

15 (a) An absentee ballot by mail shall include the  
16 following parts: an official ballot, a ballot envelope,  
17 an affidavit prescribed by the National Election  
18 Director, and a covering reply envelope.

19 (b) The absentee voter shall mark the ballot in  
20 the usual manner provided by law and in such manner that  
21 no person can see or know how the ballot is marked. The  
22 absentee voter shall then deposit the ballot in the  
23 envelope and surely seal the same. The absentee voter  
24 shall then complete and execute the affidavit. The  
25 ballot envelope and the affidavit shall then be enclosed

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1 and sealed in the covering reply envelope.

2 (c) Absentee ballots and affidavits must be  
3 received by the national election commissioner of the  
4 state issuing the absentee ballot no later than the  
5 postmark of the acceptance date or the date in which the  
6 absentee ballot was sent by the voter and shall be  
7 considered valid vote cast if received no later than 10  
8 days after the established closing hour of the polls on  
9 the Election Day. If an absentee voter resides in a  
10 foreign country where the Federated States of Micronesia  
11 maintains an embassy or consulate, and the absentee  
12 voter has submitted his or her request to vote absentee  
13 ballot to that embassy or consulate, then the absentee  
14 voter may alternatively deliver his or her absentee  
15 ballot and affidavit to that embassy or consulate. The  
16 absentee ballot and affidavit must be received by the  
17 embassy or the consulate no later than 10 days after the  
18 established closing hour of the polls on Election Day.

19 (d) Absentee ballots received at a post office  
20 in the Federated States of Micronesia on Election Day  
21 shall be stamped with acceptance date, the time and date  
22 of their receipt.

23 (4) Disposition of absentee ballots by mail.

24 (a) Upon the receipt and opening of [~~an~~] the  
25 absentee ballots, the national election commissioner, or

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1 his or her appointee, shall inform the candidate or his  
2 or her representative at the time and place designated  
3 by the commissioner. [They] He shall open [it] the  
4 ballots, remove the ballot envelope, and examine the  
5 affidavit. If the national election commissioner or his  
6 or her appointee determines that the absentee ballot is  
7 valid, the ballot envelope shall be deposited unopened  
8 in a container retained for that purpose. The container  
9 shall be securely sealed except for an opening  
10 sufficient to permit deposit of ballot envelopes and  
11 shall be marked with the name and official title of the  
12 national election commissioner, or his or her appointee,  
13 and the words, 'this container holds absentee ballots  
14 and must be opened only pursuant to law. 'The national  
15 election commissioner, or his or her designee, shall  
16 safely keep each container secured in the commissioner's  
17 office until Election Day.

18 (b) On Election Day, the national election  
19 commissioner, or his or her [designee] appointee in the  
20 presence of each candidate or his or her  
21 representative[~~r~~] shall open the container, extract and  
22 segregate the ballot envelopes, and deliver such  
23 envelopes to the counting and tabulation committee.  
24 [~~Each candidate, or his or her representative, shall~~  
25 ~~have the opportunity to be present during this process.~~]

1                   (c) An absentee ballot may be determined to be  
2                   invalid if:

3                               (i) The affidavit is found to be  
4                   insufficient;

5                               (ii) The signatures on the request for the  
6                   ballot and the affidavit do not correspond;

7                               (iii) The request for the ballot was not  
8                   properly made or was untimely, as set forth in this  
9                   section;

10                              (iv) The ballot was not returned in a timely  
11                   fashion, as set forth in this section;

12                              (v) The ballot was returned in a bundle  
13                   with other ballots;

14                              (vi) The voter is not qualified to vote;

15                              (vii) The voter is not registered to vote;

16                              (viii) The ballot envelope is open or has been  
17                   opened and resealed; or

18                              (ix) The voter has already voted.

19                   (d) The ballot envelope of an invalid absentee  
20                   ballot shall not be opened and the national election  
21                   commissioner or his or her appointee shall mark across  
22                   its face 'rejected', and write the reason for the  
23                   rejection, and shall preserve the same in the manner and  
24                   for the period of time required under this title for  
25                   regular ballot cast in an election. At the end of this

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1           time period, the invalid absentee ballots shall be  
2           destroyed without being opened in the manner provided  
3           under this title.”

4           Section 13. Section 603 of Title 9 of the Code of the  
5 Federated States of Micronesia (Annotated), is hereby amended to  
6 read as follows:

7           “Section 603. Voting absentee ballot at home, hospital  
8           and other government facility [~~a mobile polling place~~].

9           (1) Registered voters who are confined, as set forth  
10          in paragraph 601(2)(a), shall be entitled to vote by  
11          absentee ballot [~~at a mobile polling place~~].

12          (2) Written requests to vote at home, hospital and  
13          other government facility [~~a mobile polling place~~],  
14          using the forms required by the rules and regulations  
15          promulgated pursuant to this title, must be submitted to  
16          the national election commissioner not more than ~~120~~ 30  
17          days nor less than a day before Election Day. If the  
18          absentee voter is unable to personally complete and  
19          deliver the request form to vote [~~at a mobile Polling~~  
20          ~~Place~~], then the absentee voter can request the  
21          assistance of a family member.

22          (3) Voting by absentee ballot at home, hospital and  
23          other government facility [~~a mobile Polling Place~~] shall  
24          take place either on Election Day or the days  
25          immediately prior to [~~preceeding~~] Election Day.



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1           (4) Absentee voters voting at home, hospital and  
2           other government facility [~~a mobile Polling Place~~] shall  
3           vote in such manner as to ensure secrecy of ballot and  
4           to preclude tampering with the ballots of such voters  
5           and other election fraud; provided, that any voter by  
6           reason of physical disability is unable to mark his or  
7           her ballot shall be authorized to receive assistance in  
8           the marking thereof.

9           (5) The National Election Director may require  
10          affidavits and other written statements from absentee  
11          voters voting at home, hospital and other government  
12          facility [~~a mobile Polling Place~~] and from election  
13          officials who assist these voters to vote.”

14          Section 14. Section 605 of Title 9 of the Code of the  
15          Federated States of Micronesia (Annotated), is hereby amended to  
16          read as follows:

17          “Section 605. Voting absentee ballot at a special  
18          polling place.

19          (1) Registered Voters who are absent from their State  
20          of registration on Election Day may cast their votes at  
21          a special Polling Place.

22          (2) Not less than 60 days prior to a general  
23          election, or 45 days prior to a special election, the  
24          National Election Director shall designate the locations  
25          of the special polling places[~~, provided that, there~~

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1        ~~shall be one special polling place in Guam and one~~  
2        ~~special polling place in Honolulu]~~ in the FSM Consulate  
3        Office in Guam, the FSM Consulate Office in Honolulu,  
4        the FSM Consulate Office in Oregon, the FSM Embassy in  
5        Washington D.C. and FSM Permanent Mission in New York  
6        and that these shall be the only special polling places  
7        located outside the Federated States of Micronesia. The  
8        National Election Director in consultation with the  
9        heads of the Consulates and Embassies identify suitable  
10       and accessible locations within the areas where the  
11       special polling places shall be located to conduct  
12       voting on Election Day to allow the time and opportunity  
13       for citizens in and around these special polling places  
14       to participate in the electoral process to exercise  
15       their constitutional right to vote freely and fairly.

16       (3) Request to vote absentee ballot at a special  
17       Polling Place must be in writing, using the forms  
18       required by the rules and regulations promulgated  
19       pursuant to this title, and received by the national  
20       election commissioner of the state of registration not  
21       more than 70 days and not less than ~~[30]~~35 days prior to  
22       a general election or not more than 50 days and not less  
23       than [20]25 days before a special election; provided  
24       however, no written request shall be required if in a  
25       previous National Election the absentee voter submitted

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1 a request in which he or she indicated his or her desire  
2 to vote at the same special polling place in future  
3 National Elections until such time as the voter provides  
4 written notification to the national election  
5 commissioner that he or she wished to resume voting at  
6 his or her regular polling place. Provided, further,  
7 that a voter with a valid Voter Identification Card may  
8 vote at any special polling place designated for his or  
9 her Congressional Election District without submitting a  
10 written request.

11 (4) The national election commissioner, or his or her  
12 designee, shall review all special Polling Place  
13 requests for a particular Congressional Election  
14 District, and shall request that the National Election  
15 Director place on a special Polling Place Signature List  
16 for that Congressional District all the information  
17 contained on the National Voter Register for those  
18 absentee voters who submitted valid and timely requests.  
19 No later than six days before a National Election, the  
20 national election commissioners shall post at the  
21 National Election Office in their State the special  
22 Polling Place Signature List for each special Polling  
23 Place in their State.

24 (5) The National Election Director, or his or her  
25 designee, shall review all the requests to vote at a

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1 special Polling Place outside the Federated States of  
2 Micronesia, and shall place on a special Polling Place  
3 signature list for that special Polling Place all the  
4 information contained on the National Voter Register for  
5 those absentee voters who submitted valid and timely  
6 requests. No later than 14 days before a National  
7 Election, the National Election Director, or his or her  
8 designee, shall post the special Polling Place Signature  
9 Lists [~~for Guam and Honolulu~~] in a publicly accessible  
10 place in each respective location to be set out in the  
11 regulations promulgated pursuant to this title.

12 (6) The National Election Director, or his or her  
13 designee, shall strike out or delete the entry of an  
14 absentee voter included on a special Polling Place  
15 Signature list from the Signature List for that voter's  
16 regular Polling Place. The absentee voter shall not be  
17 allowed to cast a ballot at his or her regular Polling  
18 Place on Election Day.

19 (7) Notwithstanding any other provision of this  
20 title, the special Polling Places located outside the  
21 Federated States of Micronesia shall remain open [~~30~~  
22 ~~days prior to Election Day~~] between 7:00 a.m. and 9:30  
23 p.m. on Election Day."

24 Section 15. Section 710 of Title 9 of the Code of the  
25 Federated States of Micronesia (Annotated), is hereby amended to

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1 read as follows:

2 "Section 710. Counting of ballots; announcement of  
3 unofficial results.

4 (1) The National Election Director, upon the  
5 recommendation of the national election commissioner of  
6 the relevant State, shall establish counting and  
7 tabulation committees in each State. Each counting and  
8 tabulation committee shall be composed of not less than  
9 three members.

10 (2) Each counting and tabulation committee shall  
11 publicly count and tally all votes cast and determine  
12 the accessibility thereof, provided, however, that no  
13 persons other than members of the counting and  
14 tabulation committee, the candidate the candidate's poll  
15 watcher, and such other election or law enforcement  
16 officials as the National Election Director or the  
17 national election commissioner shall deem necessary,  
18 shall be permitted within [~~100 feet~~] the seal off area  
19 where ~~of~~ the counting and tabulation of ballots are  
20 taking place.

21 (3) The counting and tabulation of ballots cast shall  
22 begin upon receipt of the ballot box, if such activity  
23 is centralized, or upon the close of the Polling Place,  
24 if such activity is decentralized.

25 (4) Public announcement of the unofficial results of

1           the counting and tabulation of the ballots by each  
2           counting and tabulation committee shall be made by the  
3           national election commissioner in the manner set forth  
4           in regulation promulgated pursuant to this title.”

5           Section 16. This act shall become law upon approval by the  
6 President of the Federated States of Micronesia or upon its  
7 becoming law without such approval.

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9 Date: 5/5/22

Introduced by: /s/ Florencio S. Harper  
Florencio S. Harper  
(by request)

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