

AN ACT

To further amend title 9 of the Code of the Federated States of Micronesia, as amended, by amending sections 105, 108, 301, 302, 303, 304, 306, 402, 503, 504, 505, 506, 507, 509, 604, 707, 803, 805, 809 and 812, and by adding a new section 305, to make changes to the National Election Code, and for other purposes.

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

1           Section 1. Section 105 of title 9 of the Code of the  
2 Federated States of Micronesia is hereby amended to read as  
3 follows:

4           "Section 105. Vacancies - Special election.

5           (1) *After election of President and Vice President.*

6           (a) After the election of the President and Vice  
7 President, vacancies shall be declared by the Speaker of  
8 Congress for the seats to which the President and Vice  
9 President were originally elected as Members-at-large of  
10 the Congress of the Federated States of Micronesia.

11           (b) Upon notification by the Speaker, the  
12 National Election Director shall schedule a special  
13 election to occur 50 days after receipt of notification.

14           (c) Each candidate for the special election must  
15 submit a petition for candidacy within 20 days after the  
16 Election Director schedules the special election. After  
17 all petitions for candidates are received, the National  
18 Election Director shall cause the ballots to be

1 produced.

2 (d) Absentee ballots shall be available from the  
3 National Election Director up to five days before the  
4 election date.

5 (2) *Other vacancies - seated Congress.* Any other  
6 vacancy in the Congress shall be filled for the  
7 unexpired term by special election, except that an  
8 unexpired term of one year or less shall be filled by  
9 appointment by the chief executive of the State  
10 affected. The appointee shall possess the  
11 qualifications required by section 201 of this title and  
12 shall serve only for the unexpired term.

13 (3) *Other vacancies - death of declared winner.*

14 (a) In case of death of a declared winner before  
15 being sworn into office, the Governor of the State  
16 affected shall notify the Speaker of the Congress of the  
17 Federated States of Micronesia, who shall immediately  
18 declare a vacancy and notify the National Election  
19 Director.

20 (b) Upon notification by the Speaker, the  
21 National Election Director shall schedule a special  
22 election to occur 50 days after receipt of notification.

23 (c) Each candidate for the special election shall  
24 submit a petition for candidacy within 20 days after the  
25 National Election Director schedules the special

1 election. After all petitions for candidates are  
2 received, the National Election Director shall cause the  
3 ballots to be produced.

4 (d) Absentee ballots shall be available from the  
5 National Election Director up to five days before the  
6 election date.

7 (4) *Date of special election.* If the date required by  
8 this section for an election to be held falls on a  
9 Saturday or Sunday, the election shall be held on the  
10 first Tuesday following that Saturday or Sunday."

11 Section 2. Section 108 of title 9 of the Code of the  
12 Federated States of Micronesia is hereby amended to read as  
13 follows:

14 "Section 108. Affidavit to be sworn.

15 The affidavits required pursuant to this title shall be  
16 sworn to before any officer or person authorized by law,  
17 this title, or regulations issued pursuant thereto, to  
18 administer oaths, except that an affidavit accompanying  
19 an absentee ballot need not be witnessed."

20 Section 3. Section 301 of title 9 of the Code of the  
21 Federated States of Micronesia, as amended by Public Law No. 11-  
22 62, is hereby further amended to read as follows:

23 "Section 301. Appointment of National Election  
24 Officials.

25 (1) *National Election Director.*

1                   (a) The President shall appoint one National  
2                   Election Director with the advice and consent of the  
3                   Congress. The National Election Director shall be a  
4                   citizen of the Federated States of Micronesia and a  
5                   resident of a state of the Federated States of  
6                   Micronesia.

7                   (b) The National Election Director shall serve  
8                   until resignation, or until removed from office upon a  
9                   determination by the President that such removal is  
10                  deemed necessary. An appointment of a successor shall  
11                  then be made by the President with the advice and  
12                  consent of the Congress.

13                  (2) *National election commissioners.*

14                  (a) The National Election Director shall, after  
15                  consultation with the Governor of the State concerned,  
16                  appoint a national election commissioner for each of the  
17                  four States.

18                  (b) National election commissioners serve for a  
19                  term of 4 years, which term shall commence upon  
20                  appointment, subject to removal by the National Election  
21                  Director for good cause; provided, that they shall be  
22                  employed full-time and compensated pursuant to  
23                  employment contracts during their four-year terms only  
24                  for such period(s) of time as deemed necessary by the  
25                  President of the FSM for the purpose of preparing for

1 and administering an upcoming election.

2 (c) National election commissioners shall not  
3 concurrently serve as state election commissioners;  
4 provided, however, that if any current national election  
5 commissioner is nominated to serve as a state election  
6 commissioner, he or she may continue to serve as  
7 national election commissioner until such time as a new  
8 appointment by the National Election Director becomes  
9 effective.

10 (d) Each national election commissioner shall be  
11 a legal resident of the State for which he is appointed  
12 to serve as national election commissioner."

13 Section 4. Section 302 of title 9 of the Code of the  
14 Federated States of Micronesia, as amended by Public Law No. 11-  
15 62, is hereby further amended to read as follows:

16 "Section 302. Powers and duties of the National  
17 Election Director.

18 The National Election Director shall have the  
19 responsibility for the overall supervision and  
20 administration of all National elections, and shall  
21 perform such duties as are prescribed by law, which  
22 include, but are not limited to the following:

23 (1) to supervise and direct the four national election  
24 commissioners in their administration of all national  
25 elections and in the performance of their duties

1           pursuant to section 303 of chapter 3 of this title;

2           (2) to approve the appointment by the four national  
3           election commissioners of all election board members and  
4           other election personnel or short term staff pursuant to  
5           section 303 of chapter 3 of this title;

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

10          (4) to review all nomination petitions received by the  
11          four national election commissioners pursuant to section  
12          303 of chapter 3 of this title;

13          (5) to maintain a National Election Register;

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

17          (7) to implement rules and regulations for the conduct  
18          of regular and absentee balloting in all national  
19          elections;

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

23          (9) to certify and declare the results of all national  
24          elections;

25          (10) to rule on petitions for recount and petitions

1           alleging other election irregularities pursuant to  
2           chapter 9 of this title;

3           (11) to determine and prescribe forms for all ballots,  
4           blanks, cards of instruction, pollbooks, tally sheets,  
5           and other materials required by the provisions of this  
6           title for use by candidates, boards, committees, and  
7           voters, and to supply the same to the national election  
8           commissioners and boards of election;

9           (12) to list all candidates for election on the ballot  
10          for each election district in alphabetical order by last  
11          name;

12          (13) to be the allottee of election funds unless  
13          otherwise provided for in the act appropriating such  
14          funds; and

15          (14) to establish voting precincts within each election  
16          district and designate appropriate polling places within  
17          each voting precinct, upon recommendations of the  
18          national election commissioners."

19          Section 5. Section 303 of title 9 of the Code of the  
20          Federated States of Micronesia, as amended by Public Law No. 11-  
21          62, is hereby further amended to read as follows:

22                 "Section 303. Powers and duties of national election  
23                 commissioners.

24                 Each national election commissioner shall have  
25                 responsibility for the overall supervision and

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

4 (1) to appoint all members of the several boards of  
5 election in his or her State as provided for in this  
6 title;

7 (2) to require such reports from the several boards as  
8 may be required by law or regulation or as the National  
9 Election Director or national election commissioner may  
10 deem necessary;

11 (3) to recommend to the National Election Director  
12 voting precincts within each election district and  
13 recommend appropriate polling places within each voting  
14 precinct;

15 (4) to receive nomination petitions;

16 (5) to register or cause to be registered all the  
17 voters in his State and, jointly with the state election  
18 commissioner, to maintain the General State Register in  
19 his State as provided in this title;

20 (6) not less than 60 days prior to each election, to  
21 prepare from the General State Register a 'registered  
22 voters list' for each voting precinct in his State;

23 (7) to promulgate, in accordance with chapter 1 of  
24 title 17 of the Code of the Federated States of  
25 Micronesia, local rules and regulations that are

1 consistent with rules and regulations promulgated by the  
2 National Election Director pursuant to section 302 of  
3 chapter 3 of this title;

4 (8) to assist the National Election Director in  
5 maintaining the National Election Register required by  
6 section 306 of this title;

7 (9) to report directly to the National Election  
8 Director; and

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

13 Section 6. Section 304 of title 9 of the Code of the  
14 Federated States of Micronesia is hereby amended to read as  
15 follows:

16 "Section 304. Striking names of disqualified voters.

17 (1) Not less than 60 days before each regular  
18 election, the national election commissioner of each  
19 State, in conjunction with the state election  
20 commissioner, shall ascertain from the Department of  
21 Public Health or any informing department, or from any  
22 reliable source, information of the death, adjudication  
23 of insanity or feeble-mindedness, loss of citizenship,  
24 or any other disqualification to vote of any person  
25 registered to vote in his State or who he has reason to

1 believe may be registered to vote therein. The national  
2 election commissioner shall thereupon make such  
3 investigation as he may deem necessary to prove or  
4 disprove such information, giving the person concerned,  
5 if available, notice and an opportunity to be heard.  
6 If, after such investigation, the national election  
7 commissioner finds that such person is dead,  
8 incompetent, has lost his citizenship, or is  
9 disqualified for any reason to vote, he shall strike or  
10 direct that the name of such person be stricken from the  
11 official registry and shall so notify the National  
12 Election Director who shall cause the name of such  
13 person to be stricken from the National Election  
14 Register.

15 (2) The national election commissioner of each State  
16 shall make and keep an index of all information  
17 furnished to him under any requirements of law  
18 concerning any of the matters mentioned in this section  
19 and shall provide any person authorized by this title or  
20 by regulation to receive affidavits on application for  
21 registration with any information the latter may need to  
22 ascertain whether or not any applicant is in any manner  
23 disqualified to vote.

24 (3) Any person whose name is stricken from the  
25 National Election Register may appeal in the manner

1 provided by chapter 9 of this title."

2 Section 7. Title 9 of the Code of the Federated States of  
3 Micronesia is hereby further amended by enacting a new section 305  
4 to read as follows:

5 "Section 305. General State Register.

6 (1) 'General State Register' means the official  
7 election register for a State commonly referred to as  
8 the Master List, as jointly maintained by that State's  
9 national election commissioner and state election  
10 commissioner.

11 (2) The national election commissioner of each State  
12 shall register or cause to be registered in the General  
13 State Register all persons registered to vote in his  
14 State.

15 (3) Each State's General State Register shall consist  
16 of one or more volumes, with a general alphabetical  
17 index of registered voters. The General State Register  
18 shall be divided into as many parts as there are  
19 election precincts in the election districts in the  
20 State and shall have an index of precincts.

21 (4) Each State's General State Register shall be  
22 maintained jointly and continuously by the national  
23 election commissioner and the state election  
24 commissioner of the relevant State.

25 (5) The General State Register shall be printed

1 uniformly in all states of the Federated States of  
2 Micronesia and shall be open to public inspection at all  
3 times during normal business hours.

4 (6) Each State's General State Register shall be  
5 published and made available for public inspection at  
6 least 60 days prior to any election."

7 Section 8. Section 306 of title 9 of the Code of the  
8 Federated States of Micronesia is hereby amended to read as  
9 follows:

10 "Section 306. National Election Register.

11 (1) There shall be one unified National Election  
12 Register, which shall consist of each State General  
13 Register as jointly maintained by the national election  
14 commissioner and the state election commissioner for the  
15 relevant State.

16 (2) The National Election Director shall be  
17 responsible for maintaining the National Election  
18 Register.

19 (3) All changes and additions to the General State  
20 Register of a State must also be made in the National  
21 Election Register.

22 (4) The National Election Register shall be open to  
23 public inspection at all times during normal business  
24 hours.

25 (5) The National Election Register shall be published

1           and made available for public inspection at least 45  
2           days prior to any election."

3           Section 9. Section 402 of title 9 of the Code of the  
4 Federated States of Micronesia, as amended by Public Law No. 11-  
5 62, is hereby further amended to read as follows:

6           "Section 402. Powers and duties of election board.

7           Each board of election member shall have the following  
8           powers and duties:

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

1           concerning election irregularities and determine the  
2           residence qualifications of voters, subject to review  
3           according to chapter 9 of this title;

4           (9) to perform such other duties as are prescribed  
5           by law or rules issued by the national election  
6           commissioner or National Election Director; and

7           (10) to register electors."

8           Section 10. Section 503 of title 9 of the Code of the  
9           Federated States of Micronesia is hereby amended to read as  
10          follows:

11          "Section 503. Registration required.

12           (1) Except as otherwise provided by law, no person  
13           shall be entitled to vote in any election for Members of  
14           the Congress of the Federated States of Micronesia, or  
15           to be listed upon any official election register, or  
16           upon any precinct list, who fails to register with the  
17           state or national election offices.

18           (2) A voter having once been registered with either  
19           the state or national election office shall not be  
20           required to register again for any succeeding election,  
21           except in case of change of name or residence, as  
22           specified in section 507 of this chapter, or intervening  
23           disqualification, as specified in section 304 of this  
24           title.

25           (3) Notwithstanding the provisions of subsection (2)

1 of this section, in the event voting records are lost or  
2 destroyed, the national election commissioner may  
3 require the re-registration of those voters whose  
4 records are lost or destroyed."

5 Section 11. Section 504 of title 9 of the Code of the  
6 Federated States of Micronesia is hereby amended to read as  
7 follows:

8 "Section 504. Application for registration - Affidavit.

9 (1) Any person qualified to and desiring to register  
10 as a voter in any election district may present himself  
11 at any time during business hours to any member of the  
12 board of election in that district (herein empowered and  
13 authorized to administer oaths and take  
14 acknowledgments), or persons authorized by law to  
15 administer oaths, or to any person authorized by the  
16 National Election Director in regulations issued  
17 pursuant to this title to administer oaths and accept  
18 affidavits of registration, then and there to be  
19 examined under oath as to his qualifications as an  
20 elector.

21 (2) Each applicant desiring to register shall make and  
22 subscribe to an application in substantially the  
23 following form:

24 'AFFIDAVIT ON APPLICATION FOR REGISTRATION  
25 Federated States of Micronesia

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

1           The applicant shall strike out allegations that are  
2           inapplicable and shall sign or make his mark on,  
3           and swear to the truth of the allegations in, his  
4           application.

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

10          Section 12. Section 505 of title 9 of the Code of the  
11 Federated States of Micronesia is hereby amended to read as  
12 follows:

13           "Section 505. Submission of affidavit of qualifications  
14           to examiner.

15           (1) Every affidavit on application for registration  
16 shall be submitted to the persons authorized to examine  
17 the qualifications of electors, as set forth in section  
18 504 of this title.

19           (2) Affidavits filed as part of a State's registration  
20 and election procedure may be submitted in lieu of the  
21 affidavit required by section 504 of this title."

22          Section 13. Section 506 of title 9 of the Code of the  
23 Federated States of Micronesia is hereby amended to read as  
24 follows:

25           "Section 506. Entry of a voter's name in the General

1           State Register - Filing of affidavits.

2           (1) If the person authorized to receive an Affidavit  
3           on\_Application for Registration is satisfied that the  
4           applicant is entitled to be registered as a voter, he  
5           shall number the affidavit consecutively as approved by  
6           him and shall transmit the affidavit to the national  
7           election commissioner.

8           (2) Upon receipt of an affidavit of registration, the  
9           national election commissioner shall enter or cause to  
10          be entered in the General State Register the following  
11          facts:

12                   (a) the number of the affidavit;

13                   (b) the date of registration;

14                   (c) the name of the applicant in full;

15                   (d) the applicant's date of birth;

16                   (e) if naturalized, the date of such

17          naturalization;

18                   (f) the current residence of the applicant;

19                   (g) election district and box number; and

20                   (h) any other pertinent information which the  
21          national election commissioner may deem necessary.

22          (3) The national election commissioner shall forthwith  
23          enter or cause to be entered the name so registered in  
24          its proper place in the general alphabetical index,  
25          together with a reference to the page on which the

1 registration appears.

2 (4) The national election commissioner shall file the  
3 accepted affidavits in consecutive numbers, and keep the  
4 same in some convenient place so as to be open to public  
5 inspection and examination."

6 Section 14. Section 507 of title 9 of the Code of the  
7 Federated States of Micronesia is hereby amended to read as  
8 follows:

9 "Section 507. Change of name or residence.

10 (1) Any voter who lawfully changes his residence from  
11 one voting precinct to another, or who changes his name  
12 after registration in any General State Register, may  
13 file a Change of Registration form with the national  
14 election commissioner of his or her State, as required  
15 by regulation.

16 (2) Any voter who lawfully changes his residence from  
17 one state of the Federated States of Micronesia to  
18 another state of the Federated States of Micronesia may  
19 file a Change of Residence form with the national  
20 election commissioner of the new state of residence,  
21 thereby signifying the voter's desire to become a  
22 registered voter of the new state of residence, PROVIDED  
23 the voter meets the voting requirements in the new state  
24 of residence.

25 (3) (a) Upon receipt of a change of registration form

1 under subsection (1) of this section, the  
2 national election commissioner or his authorized  
3 representative shall cancel the former registration by  
4 drawing one or more lines through the name of such voter  
5 as previously registered and enter or cause to be  
6 entered his own signature and the date of such  
7 cancellation with ink on the same line.

8 (b) Upon receipt of a change of registration form  
9 under subsection (2) of this section, the national  
10 election commissioner of the new state of residence  
11 shall verify the voter's registration in the former  
12 state of residence with either the National Election  
13 Director or the national election commissioner of the  
14 former state of residence. Upon verification of  
15 registration, the national election commissioner of the  
16 new state of residence shall enter or cause to be  
17 entered the name of such voter, the date of such change  
18 of registration and other relevant information, and his  
19 own signature, with ink, in the General State Register  
20 of the new state of residence. If the voter's  
21 registration in the former state of residence cannot be  
22 verified, the voter shall be required to register.

23 (4) No such change of registration shall be allowed on  
24 account of any change of residence or name made within  
25 90 days before an election.

1           (5) The National Election Director shall notify or  
2           cause to be notified all relevant state and municipal  
3           election officials of the information contained in every  
4           Change of Registration form filed pursuant to this  
5           section."

6           Section 15. Section 509 of title 9 of the Code of the  
7 Federated States of Micronesia is hereby amended to read as  
8 follows:

9           "Section 509. Registered voter who is unlisted.

10           (1) Any eligible voter who has registered to vote  
11           pursuant to the provisions of this title, whose name  
12           does not appear in the General State Register or  
13           precinct voting list, shall be permitted to vote if an  
14           election official duly authorized by the National  
15           Election Director determines that such registered voter  
16           has voted in either of the two immediately preceding  
17           national general elections.

18           (2) The National Election Director shall, by  
19           regulation, provide a method by which a voter may vote  
20           in the event that an election official duly authorized  
21           by the National Election Director cannot determine that  
22           such registered voter has voted in either of the two  
23           immediately preceding national general elections."

24           Section 16. Section 604 of title 9 of the Code of the  
25 Federated States of Micronesia, as amended by Public Law No. 11-

1 62, is hereby further amended to read as follows:

2 "Section 604. Withdrawal of candidates.

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

19 (2) If a candidate withdraws his name later than 65  
20 days before an election and the ballots are in the  
21 process of or have been printed, and it becomes  
22 necessary in the opinion of the National Election  
23 Director for a reprinting of ballots or a striking out  
24 of the candidate's name by a reprint blockout, all  
25 expenses thereof, except in case of a withdrawal

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

9           (3) Any person who, directly or indirectly, physically  
10          threatens or intimidates any candidate so as to cause or  
11          attempt to cause the candidate to withdraw from an  
12          election is guilty of a national offense and upon  
13          conviction shall be fined not more than \$2,000, or  
14          imprisoned for not more than five years, or both."

15          Section 17. Section 707 of title 9 of the Code of the  
16          Federated States of Micronesia, as amended by Public Law No. 12-  
17          49, is hereby further amended to read as follows:

18          "Section 707. Special polling places.

19          (1) Not less than 60 days prior to an election, the  
20          National Election Director shall designate special  
21          polling places where registered voters not residing in  
22          their state of registration may cast their votes on  
23          election day. For purposes of this section, 'election  
24          day' means the actual date in the Federated States of  
25          Micronesia on which elections are conducted in the FSM,

1 without regard to the actual date at any polling place  
2 outside the FSM.

3 (2) A citizen registered to vote in a State of the  
4 Federated States of Micronesia, but not residing in that  
5 State, may cast his or her vote at a special polling  
6 place, provided such citizen has met the requirements of  
7 subsection (3) of this section.

8 (3) Any citizen intending to vote at a special polling  
9 place shall register his or her intent to do so by  
10 notifying the national election commissioner in his or  
11 her state of registration. Such notification shall be  
12 made in writing and must be received by the relevant  
13 national election commissioner not less than 30 days  
14 prior to the election. The form and substance of such  
15 notification shall be as specified by the National  
16 Election Director in election regulations issued  
17 pursuant to title 17 of the Code of the Federated States  
18 of Micronesia."

19 Section 18. Section 803 of title 9 of the Code of the  
20 Federated States of Micronesia is hereby amended to read as  
21 follows:

22 "Section 803. Opening and closing of polls.

23 (1) Except as otherwise provided in this section, at  
24 exactly seven a.m. of the day of the election, a member  
25 of the board of election shall proclaim aloud at each

1 place of election that the polls are open and shall  
2 be kept open until five p.m. of the same day, or eight  
3 p.m. for any polling place outside the FSM, after which  
4 time the polls shall be closed.

5 (2) If, at the hour of closing, there are any other  
6 voters in the polling place, or in line at the door, who  
7 are qualified to vote and have not been able to do so  
8 since appearing, the polls shall be kept open a  
9 sufficient time to enable them to vote.

10 (3) If an election for State office is held on the  
11 same day as the national election and the time for  
12 closing the state election polls is later than five  
13 p.m., the closing time for the State election shall  
14 prevail."

15 Section 19. Section 805 of title 9 of the Code of the  
16 Federated States of Micronesia, as amended by Public Law No. 11-  
17 62, is hereby further amended to read as follows:

18 "Section 805. Campaigning and alcoholic beverages at  
19 polling places.

20 No campaigning shall be conducted within 100 feet of a  
21 ballot box on election day and no alcoholic beverages  
22 shall be sold, consumed in public or otherwise provided  
23 to any person during election day while the polls are  
24 open. No candidate or voter shall be allowed within 100  
25 feet of any ballot box except for the purpose of casting

1 his ballot. There shall be no campaigning over any  
2 State broadcast station on election day."

3 Section 20. Section 809 of title 9 of the Code of the  
4 Federated States of Micronesia is hereby amended to read as  
5 follows:

6 "Section 809. Counting of ballots, announcement of  
7 unofficial results.

8 (1) The National Election Director, upon the  
9 recommendation of the national election commissioner of  
10 the relevant State, shall establish counting and  
11 tabulation committees in each State, PROVIDED, however,  
12 that the counting and tabulation of ballots for Election  
13 District No. 4 in Chuuk shall take place in Weno, Chuuk,  
14 and FURTHER PROVIDED that the counting and tabulation of  
15 ballots function for the Southern Namoneas shall be  
16 performed in a de-centralized manner. Each counting and  
17 tabulation committee shall be composed of not less than  
18 three members.

19 (2) Each counting and tabulation committee shall  
20 publicly count and tally all votes cast and determine  
21 the acceptability thereof, PROVIDED, however, that no  
22 persons other than members of the counting and  
23 tabulation committee, the candidate or his authorized  
24 representative, and security personnel, if any, shall be  
25 permitted within 100 feet of the counting and tabulation

1 of ballots.

2 (3) The counting and tabulation of ballots cast shall  
3 begin upon receipt of the ballot box, if such activity  
4 is centralized, or upon the close of the poll, if such  
5 activity is de-centralized, whichever is applicable.

6 (4) Public announcement of the unofficial results of  
7 the counting and tabulation of ballots by each counting  
8 and tabulation committee shall be made by the national  
9 election commissioner in the manner set forth in  
10 regulations issued pursuant to this title."

11 Section 21. Section 812 of title 9 of the Code of the  
12 Federated States of Micronesia is hereby amended to read as  
13 follows:

14 "Section 812. [RESERVED]"

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19 Section 22. This act shall become law upon approval by the  
20 President of the Federated States of Micronesia or upon its  
21 becoming law without such approval.

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December 10, 2002

/s/ Leo A. Falcam  
Leo A. Falcam  
President  
Federated States of Micronesia