

AN ACT

To amend the Revised National Election Act of 2005 by amending sections 503 and 602 of title 9 of the Code of the Federated States of Micronesia, as amended, to require that the printing of ballots be completed no later than 60 days before a general election, to increase the period for requesting an absentee ballot by mail from 120 days to 150 days prior to election day, to provide for a definite turn around period for the mailing back of absentee ballots, and for other purposes.

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

1 Section 1. Section 503 of title 9 of the Code of the
2 Federated States of Micronesia, as amended by Public Law
3 No. 14-76, is hereby further amended to read as follows:

4 "Section 503. Printing and distribution of ballots.

5 (1) The ballots shall be printed by order of the
6 National Election Director at the expense of the
7 Federated States of Micronesia. The National
8 Election Director shall complete the printing of
9 the official ballots no later than 60 days before a
10 general election, or no later than 35 days before a
11 special election. Ballots shall be consecutively
12 numbered. Under the direction of the National
13 Election Director, the national election
14 commissioners shall deliver adequate numbers of
15 ballots to each polling place.

16 (2) At least 65 days before a general election,
17 and at least 40 days before a special election, the

1 National Election Director shall print a sample
2 ballot and shall forthwith submit copies of the
3 same to the national election commissioners for
4 distribution to the members of the several election
5 boards and to the several candidates at their
6 addresses as given on their nomination papers, and
7 the national election commissioners and election
8 board member shall post a copy of the same in a
9 conspicuous place in their office or a public
10 place."

11 Section 2. Section 602 of title 9 of the Code of the
12 Federated States of Micronesia, as amended by Public Law
13 No. 14-76, is hereby further amended, to read as follows:

14 "Section 602. Voting absentee ballot by mail.

15 (1) Any Registered Voter who will be outside his or
16 her State of registration on Election Day may vote
17 absentee ballot by mail.

18 (2) Deadlines for submitting requests to vote absentee
19 ballot by mail.

20 (a) In the case of a general election, the
21 request to vote absentee ballot by mail, using the forms
22 required by the rules and regulations promulgated
23 pursuant to this title, must be received by the national
24 election commissioner of the State in which the voter is
25 registered not more than 150 days but not less than 40

1 days before Election Day.

2 (b) In the case of a special election, the
3 request to vote absentee ballot by mail must be received
4 by the national election commissioner of the State in
5 which the voter is registered not more than 50 days but
6 not less than 35 days before the day of the special
7 election.

8 (c) If the absentee voter currently resides in a
9 foreign country where the Federated States of Micronesia
10 maintains an embassy or consulate, then a request to
11 vote absentee ballot by mail may alternatively be sent
12 to the embassy or consulate, which shall then forward a
13 copy of the request to the National Election Director,
14 or his or her designee, for verification and processing.
15 The absentee voter shall indicate on the request form
16 whether he or she intends to pick up his or her absentee
17 ballot at the embassy or consulate.

18 (d) The voter is solely responsible for ensuring
19 that the request to vote absentee ballot by mail is
20 received by the deadline. Delayed and lost mail for
21 absentee ballot requests shall not create any obligation
22 of the National Election Director or the national
23 election commissioner to provide absentee ballots at any
24 time after the time periods set forth herein have
25 expired.

1 (e) Upon receipt of a request to vote absentee
2 ballot by mail, the name of the requester and the time
3 and the date of receipt of the request must be recorded.
4 The national election commissioner, shall, no later than
5 2 days from receipt of the request, act on the request
6 and mail back to the requester an absentee ballot
7 provided that printed ballots are already available. If
8 printed ballots are available at the time a request is
9 received, the name of the requestor and the time and
10 date of receipt of the request must still be recorded,
11 and an absentee ballot shall be mailed to the requester
12 no later than 5 days after the printing of ballots has
13 been completed. Absentee voters who have indicated on
14 their request forms that they intend to pick up their
15 absentee ballot at an embassy or consulate shall
16 retrieve their ballot from the embassy or consulate.
17 The National Election Director shall provide sufficient
18 absentee ballots to the embassy or consulate 10 days
19 before a National election.

20 (f) The National Election Director, or his or her
21 designee, shall strike out or delete the entry of the
22 absentee voter on the Signature List for that voter's
23 regular Polling Place. The absentee voter shall not be
24 allowed to cast a ballot at his or her regular Polling
25 Place on Election Day.

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

2 (a) An absentee ballot by mail shall include the
3 following parts: an official ballot, a ballot envelope,
4 an affidavit prescribed by the National Election
5 Director, and a covering reply envelope.

6 (b) The absentee voter shall mark the ballot in
7 the usual manner provided by law and in such manner that
8 no person can see or know how the ballot is marked. The
9 absentee voter shall then deposit the ballot in the
10 envelope and securely seal the same. The absentee voter
11 shall then complete and execute the affidavit. The
12 ballot envelope and the affidavit shall then be enclosed
13 and sealed in the covering reply envelope.

14 (c) Absentee ballots and affidavits must be
15 received by the national election commissioner of the
16 State issuing the absentee ballot no later than the
17 established closing hour of the Polls on Election Day.
18 If an absentee voter resides in a foreign country where
19 the Federated States of Micronesia maintains an embassy
20 or consulate, and the absentee voter had submitted his
21 or her request to vote absentee ballot to that embassy
22 or consulate, then the absentee voter may alternatively
23 deliver his or her absentee ballot and affidavit to that
24 embassy or consulate. The absentee ballot and affidavit
25 must be received by the embassy or consulate no later

1 than the established closing hour of the Polls on
2 Election Day.

3 (d) Absentee ballots received at a post office in
4 the Federated States of Micronesia on Election Day shall
5 be stamped with the time and date of their receipt.

6 (4) Disposition of absentee ballots by mail.

7 (a) Upon the receipt of an absentee ballot, the
8 national election commissioner, or his or her appointee,
9 shall open it, remove the ballot envelope, and examine
10 the affidavit. If the national election commissioner or
11 his or her appointee determines that the absentee ballot
12 is valid, the ballot envelope shall be deposited
13 unopened in a container retained for that purpose. The
14 container shall be securely sealed except for an opening
15 sufficient to permit deposit of ballot envelopes and
16 shall be marked with the name and official title of the
17 national election commissioner, or his or her appointee,
18 and the words, 'This container holds absentee ballots
19 and must be opened only pursuant to law.' The national
20 election commissioner, or his or her designee, shall
21 safely keep each container secured in the commissioner's
22 office until Election Day.

23 (b) On Election Day, the national election
24 commissioner, or his or her designee, shall open the
25 container, extract and segregate the ballot envelopes,

1 and deliver such envelopes to the counting and
2 tabulation committee. Each candidate, or his or her
3 representative, shall have the opportunity to be present
4 during this process.

5 (c) An absentee ballot may be determined to be
6 invalid if:

7 (i) the affidavit is found to be
8 insufficient;

9 (ii) the signatures on the request for the
10 ballot and the affidavit do not correspond;

11 (iii) the request for the ballot was not
12 properly made or was untimely, as set forth in this
13 section;

14 (iv) the ballot was not returned in a timely
15 fashion, as set forth in this section;

16 (v) the ballot was returned in a bundle with
17 other ballots;

18 (vi) the voter is not qualified to vote;

19 (vii) the voter is not registered to vote;

20 (viii) the ballot envelope is open or has been
21 opened and resealed; or

22 (ix) the voter 1 has already voted.

23 (d) The ballot envelope of an invalid absentee
24 ballot shall not be opened and the national election
25 commissioner or his appointee shall mark across its face

1 'Rejected,' and write the reason for the rejection, and
2 shall preserve the same in the manner and for the period
3 of time required under this title for regular ballots
4 cast in an election. At the end of this time period,
5 the invalid absentee ballots shall be destroyed without
6 being opened in the manner provided under this title."

7 Section 3. Effective Date. This act shall become law upon
8 approval by the President of the Federated States of Micronesia or
9 upon its becoming law without such approval.

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_____ March 20, 2010

/s/ Manny Mori
Manny Mori
President
Federated States of Micronesia