

A BILL FOR AN ACT

To amend sections 102, 401, 403 and 404 of title 9 of the code of the Federated States of Micronesia in order to modify the definition of "resident" qualified to participate in the national elections to avoid disenfranchising qualified FSM citizens outside of the Federated States of Micronesia, to strengthen the requirements in keeping of records, and to clarify the procedures of registration of voters and distribution of Voter Identification Card, and for other purposes.

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

1 Section 1. Section 102 of title 9 of the code of the
2 Federated States of Micronesia, is hereby amended to read as
3 follows:

4 "Section 102. Definitions.

5 The following terms shall have the following meanings:

6 (1) 'Citizen' means a citizen as defined by the
7 Constitution of the Federated States of Micronesia and
8 title 7 of the Code of the Federated States of
9 Micronesia;

10 (2) 'Congress' means the Congress of the Federated
11 States of Micronesia;

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

15 (4) 'Election Day' means the date in the Federated
16 States of Micronesia on which National Elections are
17 conducted in the Federated States of Micronesia without

1 regard to the actual date at any Polling Place outside
2 the Federated States of Micronesia;

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

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

7 (7) 'National Election' means any general or special
8 election for a Member, or any national referendum on a
9 constitutional amendment;

10 (8) 'National Election Director' means the person
11 appointed in accordance with subsection 302(1) of this
12 title;

13 (9) 'National Election Office' means the office or
14 other locations designated by the National Election
15 Director as a location from where official national
16 election activities are carried out;

17 (10) 'National Voter Register' means the list of all
18 Registered Voters in the Federated States of Micronesia
19 who registered to vote with a National
20 Election Office;

21 (11) 'Polling Place' means a location officially
22 designated by the National Election Director where
23 voters cast their ballots in a National Election,
24 including special polling places, VAAPP polling places,
25 mobile polling places and traveler polling places;

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

3 (13) 'President' means the President of the Federated
4 States of Micronesia;

5 (14) 'Public Property' means any land, buildings,
6 facilities, vessels, vehicles, equipment, supplies or
7 other resources that are owned, operated or controlled
8 by the National Government, a State government or a
9 municipal government, or any subdivision, agency or
10 department thereof;

11 (15) 'Public Employee' means any employee of the
12 National Government, a State government or a municipal
13 government, or any subdivision, agency or department
14 thereof;

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

17 (17) 'Resident', for purposes of this act, means a
18 Citizen whose domicile is a State of the Federated States
19 of Micronesia. [a person] A domiciliary of a State is a
20 Citizen who is physically present [qualifies as a resident
21 under the laws of the] in a State in which the person has
22 registered, or seeks to register, to vote [✓]. Where a
23 Citizen is not physically present, his or her domicile
24 is that State where he or she intends to return after

1 being absent there-from for reasons of business,
2 occupation, employment, education or recreation.

3 (18) 'Signature List' means the certified list of
4 Registered Voters in a Municipality or Congressional
5 Election District that 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 national election
12 commissioner [~~State election officials or state~~
13 ~~government~~] as a location from where official state
14 election activities are carried
15 out;

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

20 (22) 'VAAPP' means voting at another polling place in
21 accordance with section 604 of this title; and

22 (23) 'Voter Identification Card' means an
23 identification card issued under the authority of the
24 National Election Director to a Registered Voter that
25 contains the Registered Voter's name, registration

1 number, State, Congressional Election District,
2 Municipality, date of birth, sex, signature and other
3 identifying information, and that provides a means of
4 indicating whether that Registered Voter has already
5 cast a ballot in each National Election.”

6 Section 2. Section 401 of title 9 of the code of the
7 Federated States of Micronesia is hereby amended to read as
8 follows:

9 “Section 401. National Voter Register.

10 (1) There shall be one unified National Voter Register
11 for all of the Federated States of Micronesia, which
12 shall consist of the full name, date of birth, sex,
13 State, Congressional Election District and Municipality
14 of residence, registration number and other
15 identifying information that the National Election
16 Director deems appropriate, of all Registered Voters who
17 are currently eligible to vote.

18 (2) A Registered Voter shall only have one entry on
19 the National Voter Register.

20 (3) The National Election Director shall be
21 responsible for creating, maintaining and preserving the
22 National Voter Register with the assistance of the
23 national election commissioners. The national election
24 commissioners shall provide accurate
25 information concerning the registered voters in their

1 respective states to ensure that citizens of the
2 Federated States of Micronesia who are qualified to vote
3 are not deprived of their constitutional right of
4 suffrage.

5 (4) The National Voter Register shall be used to
6 generate the Signature Lists for the various Polling
7 Places.

8 (5) Reconciling State Voter Register

9 (a) On a periodic basis, the National Election
10 Director shall reconcile the National Voter Register
11 with the State Voter Register thereby ensuring that all
12 Registered Voters on the State Voter Registers are also
13 listed on the National Voter Register.

14 (b) Thirty days before a National Election,
15 the National Election Director shall perform a final
16 reconciliation of the State and National Voter Registers
17 before the Signature Lists are generated from the
18 National Voter Register.

19 (c) When reconciling the State Voter Register
20 with the National Voter Register, the National Election
21 Director shall ensure that a Registered Voter has only
22 one entry on the National Voter Register pursuant to
23 subsection (2) of this section.

1 (6) The National Voter Register shall be open to
2 public inspection at all times during normal business
3 hours.”

4 Section 3. Section 403 of title 9 of the code of the
5 Federated States of Micronesia is hereby amended to read as
6 follows:

7 “Section 403. Eligibility to register; place of
8 registration and voting.

9 (1) Every Citizen who fulfills the requirements
10 enumerated in section 103 of this title may register to
11 vote in the National Elections in the State,
12 Congressional Election District and Municipality in
13 which he or she is a Resident [~~currently resides~~].

14 (2) Except as provided in sections 404 and 406 of
15 this chapter, a person shall register to vote at a
16 National Election Office or State Election Office in the
17 State in which the person is a Resident. The national
18 electioncommissioners, with the approval of the National
19 Election Director, may designate other locations within
20 a State where a person may register to vote or may
21 conduct mobile registration drives.

22 (3) No person shall register to vote in National
23 Elections in any State, Congressional Election District
24 or Municipality other than the one in which he or she is
25 a Resident [~~currently resides~~].

1 (4) Once a person has registered to vote in National
2 Elections in a State and Congressional Election
3 District, he or she shall not vote in a National
4 Election for another State or Congressional Election
5 District without first filing a change of registration
6 request form and receiving written notice of approval of
7 that request pursuant to section 405 of this chapter.

8 (5) Except as provided in chapter 6 of this title, no
9 person shall vote in National Elections in any State,
10 Congressional Election District or Municipality other
11 than the one in which he or she [~~currently resides~~] is a
12 Resident; provided, however, that where there is a
13 mistake in placing the name of a voter on the Signature
14 List of a Polling Place in a State, Congressional
15 Election District or Municipality in which he or she
16 does not reside, such voter shall nevertheless be
17 allowed to vote therein, if otherwise qualified. The
18 election board member of the particular Polling Place
19 where such voter has voted shall notify the national
20 election commissioner of the affected State of the error
21 in order that such voter shall be placed on the correct
22 Signature List for the next National Election.

23 (6) A Citizen must be a Resident of only [~~If a person~~
24 ~~is a Resident of more than~~] one State where he or she is
25 registered to vote. If he or she [~~7- or~~] physically resides

1 in more than one Congressional Election District, he or
2 she ~~[may]~~must choose one~~[in which State or]~~ Congressional
3 Election District in which to register to vote for
4 National Elections~~[, but he or she shall register to~~
5 ~~vote in only one State and Congressional Election~~
6 ~~District]."~~

7 Section 4. Section 404 of title 9 of the code of the Federated
8 States of Micronesia is hereby amended to read as follows:

9 "Section 404. Registration procedures.

10 (1) A person desiring to register to vote in National
11 Elections shall complete such applications and
12 affidavits, take such oaths, and present such personal
13 documentation and witnesses, as required by the rules
14 and regulations promulgated by the National
15 Election Director pursuant to this title.

16 (2) Regardless of the place of registration,
17 all completed applications and affidavits of registration
18 shall be transmitted to the national election
19 commissioner of the relevant state for final approval
20 and entry onto the National Voter Register. Voters
21 physically present outside of the Federated States of
22 Micronesia may submit their applications and affidavits
23 to the nearest FSM embassy or consulate. For this
24 purpose, an official in the FSM embassy or consulate may
25 be designated by the national election commissioners to

1 receive completed applications and affidavits of
2 registration, to maintain complete record in relation
3 thereto, and to immediately transmit them to the
4 appropriate national election commissioners for
5 processing.

6 (3) Every completed application or affidavit
7 of registration filed with or transmitted to the national
8 election commissioners shall be properly
9 recorded, maintained and preserved at the National
10 Election Office of the State of registration until such
11 time as the Registered Voter who completed the
12 application or affidavit is deceased or is otherwise no
13 longer eligible to vote.

14 (4) All completed applications and affidavits of
15 registration must be processed expeditiously within a
16 period not to exceed ten (10) days after the filing of
17 the application~~[shall be open to public inspection~~
18 ~~during regular business hours]~~. Processing means review
19 and verification of the application, and the issuance of
20 Voter Identification Card, or denial of the application,
21 as the case may be.

22 (5) The [~~National Election Director may~~] national
23 election commissioners shall issue Voter Identification
24 Cards to their respective [~~all~~] Registered Voters at or
25 after the time of registration. All Voter Identification

1 Cards shall be issued free of charge, provided that,
2 ~~[there shall be]~~ a charge may ~~[in an amount to]~~ be set
3 out in the rules and regulations promulgated pursuant to
4 this title for issuing a Registered Voter with a
5 replacement Voter Identification Card. Upon issuing a
6 Voter Identification Card to a Registered Voter, the
7 National Election Director, or his or her designee,
8 shall make a notation next to that Registered Voter's
9 entry on the National Voter Register. A
10 Registered Voter who has been issued a Voter
11 Identification Card must present that card before being
12 issued a ballot at his or her Polling Place.The national
13 election commissioners shall be responsible in
14 maintaining complete records of application for
15 registration and timely distribution of Voter
16 Identification Card to the respective Registered Voters.
17 For those applications filed at the FSM embassy or
18 consulate pursuant to subsection (2) of this section,
19 Voter Identification Cards shall be sent directly to the
20 mailing addresses indicated in the applications for
21 registration."

22 Section 5. This act shall become law upon approval by the
23 President of the Federated States of Micronesia or upon
24 its becoming law without such approval.

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1 Date: 11/30/09

Introduced by: /s/ Joe N. Suka

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Joe N. Suka
(by request)