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A BILL FOR AN ACT

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

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

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

4 "Section 301. Appointment of National Election
5 Officials.

6 (1) The President shall appoint one National Election
7 Director with the advice and consent of the Congress.
8 The National Election Director shall be a citizen of the
9 Federated States of Micronesia. The National Election
10 Director shall serve until resignation, or until removed
11 from office upon a determination by the President that
12 such removal is deemed necessary and appointment of a
13 successor by the President with the advice and consent of
14 the Congress shall then take place.

15 (2) The [~~President~~] National Election Director shall
16 appoint a national election commissioner for each of the
17 four States [~~with the advice and consent of the~~
18 ~~Congress~~]. National election commissioners shall not
19 concurrently serve as State election commissioners;
20 provided, however, that if any current [~~N~~]national
21 election commissioner is [~~also serving~~] nominated to
22 serve as a State election commissioner, he or she may
23 continue to serve as [~~N~~]national election commissioner
24 until such time as a new appointment by the [~~President~~]

1 National Election Director becomes effective. Each
2 national election commissioner shall be a citizen of the
3 State for which he is appointed to serve as national
4 election commissioner. [~~; provided, that national election~~
5 ~~commissioners may be appointed by the President for the~~
6 ~~national elections occurring in March 1993, and special~~
7 ~~elections resulting therefrom, and may serve without~~
8 ~~advice and consent confirmation for those elections. All~~
9 ~~appointments made prior hereto shall expire 45 days after~~
10 ~~the effective date of this act, unless the names of said~~
11 ~~Commissioners are resubmitted to Congress and approved~~
12 ~~prior thereto.]"~~

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

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

- 22 (1) to supervise and direct the four national election
- 23 commissioners in their administration of all national and
- 24 special elections and in the performance[s] of their
- 25 [all] duties pursuant to section 303 of chapter 3 of this

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1 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 the election board or
7 the four national election commissioners as may be
8 required by law or regulation or as the National Election
9 Director 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 [~~absentee~~
18 ~~ballots for conduct of~~] the conduct of regular and
19 absentee balloting in all national elections;

20 (8) to issue [~~in accordance with chapter 1 of title 17~~
21 ~~of this code~~] regulations not inconsistent with law to
22 implement this title, in accordance with chapter 1 of
23 title 17 of the Code of the Federated States of
24 Micronesia;

25 (9) to certify and declare the results of all national

1 elections;

2 (10) to rule on petitions for recount and petitions
3 alleging other election irregularities pursuant to
4 chapter 9 of this title; [~~and~~]

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

12 (12) to list all candidates for election on the ballot
13 for each election district in alphabetical order by first
14 name;

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

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

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

25 "Section 303. Powers and duties of national election

1 commissioner. [A] Each national election commissioner
2 shall have responsibility for the overall supervision and
3 administration of the election within his State and shall
4 perform such duties as are prescribed by law, which
5 include, but are not limited to the following:
6 (1) to appoint all members of the several boards of
7 election in his or her State as provided for in this
8 title;
9 (2) to require such reports from the several boards as
10 may be required by law or regulation or as the national
11 election commissioner may deem necessary;
12 (3) to establish voting precincts within each election
13 district and designate appropriate polling places within
14 each voting precinct, upon recommendations of the members
15 of the board of election of the particular election
16 district;
17 (4) to receive nomination petitions;
18 ~~[(5) to list all candidates for election on the ballot~~
19 ~~for each election district in alphabetical order,]~~
20 ([6]5) to register or cause to be registered all the
21 voters in his State and to maintain the General State
22 Register as provided in this title;
23 ([7]6) to prepare from the General State Register a
24 registered voters list for each voting precinct prior to
25 any election;

1 ([&]7) to promulgate in accordance with chapter 1 of title
 2 17 of this code, local rules and regulations which are
 3 consistent with rules and regulations promulgated by the
 4 National Election Director pursuant to section 302 of
 5 chapter 3 of this title; [~~and~~]
 6 ([9]8) to assist the National Election Director in
 7 maintaining the national election register[-];
 8 (9) to report directly to the National Election
 9 Director; and
 10 (10) to execute his responsibilities and perform his
 11 duties as lawfully directed and authorized by the
 12 National Election Director in accordance with the
 13 provisions of this title."

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

17 "Section 402. Powers and duties. Each board of election
 18 member shall have the following powers and duties:

- 19 (1) to perform all duties prescribed by law;
- 20 (2) to supervise and manage each polling place in the
 21 capacity of a pollworker;
- 22 (3) to receive, preserve, and maintain ballot boxes,
 23 locks, maps, cards of instructions, and other supplies
 24 and equipment necessary to conduct [~~the~~] elections;
- 25 (4) to give such instruction deemed necessary for the

- 1 orderly conduct of [~~the~~] elections;
- 2 (5) to provide for the issuance of all notices and
- 3 publications concerning [~~the~~] elections;
- 4 (6) to review and examine the sufficiency and validity
- 5 of nominating petitions and other documents where the
- 6 national election commissioner or the National Election
- 7 Director designates the board to act in his stead;
- 8 (7) to receive and transmit all ballot boxes, locked
- 9 and sealed, to the national election commissioner;
- 10 (8) to receive, investigate, and decide complaints
- 11 concerning election irregularities and determine the
- 12 residence qualifications of voters, subject to review
- 13 according to chapter 9 of this title;
- 14 (9) to recommend to the national election commissioner
- 15 designation of appropriate polling places within each
- 16 voting precinct or election district, as may be deemed
- 17 suitable and convenient to the public;
- 18 (10) to perform such other duties as are prescribed by
- 19 law or rules issued by the election commissioner or the
- 20 National Election Director; and
- 21 (11) to register electors."

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

25 "Section 703. Request for ballot.

1 (1) Any registered voter qualified to vote in any
2 election may request and cast an absentee ballot with the
3 national election commissioner[+] provided[~~that~~] he
4 meets the requirements as set forth in section 701 of
5 this title.

6 (2) Any registered voter qualified to vote by absentee
7 ballot may, not more than 120 days[~~but~~] before the
8 close of the polling place on the day of the election,
9 request the national election commissioner in writing for
10 an absentee ballot to be voted at the election. The
11 request must be personally signed by the voter seeking to
12 vote by absentee ballot, and shall include information
13 stating the voter's voting precinct, election district,
14 reasons for being absent, address to which [he] the voter
15 wishes his ballot forwarded and [~~the establishment of~~]
16 establishing the voter's [his] right to a ballot. Only
17 the person seeking to vote by absentee ballot may submit
18 an absentee ballot request; absentee ballots may not be
19 obtained by individuals on behalf of others."

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

23 "Section 810. Certification and Declaration of election
24 results. Upon completion of the counting and tabulation
25 of election results as certified by the national election

