

AN ACT

To amend title 9 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 14-76, by amending sections 601 and 605, to require that the special polling places located outside the Federated States of Micronesia to remain open for seven days including election day, to make certain other adjustments to the timing of election activities, and for other purposes.

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

1           Section 1. Section 601 of Title 9 of the Code of the  
2 Federated States of Micronesia, as enacted by Public Law No. 14-  
3 76, is hereby amended to read as follows:

4           "Section 601. Absentee voting and ballots in general.

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

8           (2) Any Registered Voter qualified to vote in any  
9 general or special election shall be qualified as an  
10 'absentee voter' and entitled to vote according to the  
11 provisions set forth in this chapter if:

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

17                   (b) he or she is prevented from coming to the

1 Polling Place in the Congressional Election District of  
2 registration by reason of being at sea, serving in the  
3 armed forces, being obstructed by natural barrier, or  
4 being otherwise absent from the Congressional Election  
5 District of registration, making it highly impractical  
6 or extremely difficult for him or her to arrive at the  
7 Polling Place in time to cast a ballot on Election Day.

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

10 (a) by mail;

11 (b) by voting at a mobile Polling Place;

12 (c) by voting at a VAAPP Polling Place in another  
13 Congressional Election District;

14 (d) by voting at a special Polling Place; or

15 (e) by voting at a traveler Polling Place.

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

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

1 National Election Director may require:

2 (a) the voter's full and correct name and date of  
3 birth;

4 (b) the voter's current place of residence and  
5 mailing address;

6 (c) the voter's Municipality and Congressional  
7 Election District of registration;

8 (d) the voter's reasons for being absent from his  
9 or her Congressional Election District on Election Day;  
10 and

11 (e) the type of absentee voting the voter seeks  
12 to use.

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

16 Section 2. Title 9 of the Code of the Federated States of  
17 Micronesia, as enacted by Public Law No. 14-76, is hereby amended  
18 by amending section 605 of chapter 6 to read as follows:

19 "Section 605. Voting absentee ballot at a special  
20 Polling Place.

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

24 (2) Not less than 60 days prior to a general election,  
25 or 45 days prior to a special election, the National

1 Election Director shall designate the locations of the  
2 special Polling Places, provided that, there shall be  
3 one special Polling Place in Guam and one special  
4 Polling Place in Honolulu and that these shall be the  
5 only special Polling Places located outside the  
6 Federated States of Micronesia.

7 (3) Requests to vote absentee ballot at a special  
8 Polling Place must be in writing, using the forms  
9 required by the rules and regulations promulgated  
10 pursuant to this\_title, and received by the national  
11 election commissioner of the State of registration not  
12 less than 30 days prior to a general election or 20 days  
13 before a special election; provided however, no written  
14 request shall be required if in a previous National  
15 Election the absentee voter submitted a request in which  
16 he or she indicated his or her desire to vote at the  
17 same special Polling Place in future National Elections  
18 until such time as the voter provides written  
19 notification to the national election commissioner that  
20 he or she wishes to resume voting at his or her regular  
21 Polling Place. Provided, further, that a voter with a  
22 valid Voter Identification Card may vote at any special  
23 Polling Place designated for his her Congressional  
24 Election District without submitting a written request.

25 (4) The national election commissioner, or his or her

1           designee, shall review all special Polling Place  
2           requests for a particular Congressional Election  
3           District, and shall request that the National Election  
4           Director place on a special Polling Place Signature List  
5           for that Congressional Election District all the  
6           information contained on the National Voter Register for  
7           those absentee voters who submitted valid and timely  
8           requests. No later than six days before a National  
9           Election, the national election commissioners shall post  
10          at the National Election Office in their State the  
11          special Polling Place Signature List for each special  
12          Polling Place in their State.

13           (5) The National Election Director, or his or her  
14          designee, shall review all requests to vote at a special  
15          Polling Place outside the Federated States of  
16          Micronesia, and shall place on a special Polling Place  
17          signature list for that special Polling Place all the  
18          information contained on the National Voter Register for  
19          those absentee voters who submitted valid and timely  
20          requests. No later than 14 days before a National  
21          Election, the National Election Director, or his or her  
22          designee, shall post the special Polling Place Signature  
23          Lists for Guam and Honolulu in a publicly accessible  
24          place in each respective location to be set out in the  
25          regulations promulgated pursuant to this title.

1           (6) The National Election Director, or his or her  
2           designee, shall strike out or delete the entry of an  
3           absentee voter included on a special Polling Place  
4           Signature list from the Signature List for that voter's  
5           regular Polling Place. The absentee voter shall not be  
6           allowed to cast a ballot at his or her regular Polling  
7           Place on Election Day.

8           (7) Notwithstanding any other provision of this title,  
9           the special Polling Places located outside the Federated  
10          States of Micronesia shall remain open between 7.00 am  
11          and 5.00 p.m for seven days commencing on the sixth day  
12          before Election Day and ending on Election Day, except  
13          that, such special Polling Places shall be closed on any  
14          Sunday falling within the seven day period."

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

\_\_\_\_\_, 2007

**OVERRIDE 1/11/07**

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Joseph J. Urusemal  
President  
Federated States of Micronesia

