

AN ACT

To enact a Chuuk State Election Law, to establish the Chuuk State Election Commission pursuant to Article XII, Section 4 of the Chuuk Constitution, to repeal Truk District Law No. 27-1-6, and all amendments thereto in their entireties, and for other purposes.

BE IT ENACTED BY THE CHUUK STATE LEGISLATURE:

Section 1. Title. This Act shall be known and may be cited as the Election Law of 1996.

Section 2. Definitions and Rules.

Unless the provisions or the context otherwise require, these general provisions, rules of construction, and words have the following definitions: shall govern the construction of this Act.

(a) "Commission" means the Election Commission of Chuuk State.

(b) "Elector" means any person who is entitled to register under this Act.

(c) "Voter" means any elector who is registered under the provisions of this Act.

(d) "General Election" is an election held throughout the State of Chuuk on the first Tuesday following the first Monday in March every two years, or as prescribed by law.

(e) "Local Election" is a municipal election.

(f) "Special Election" is an election, the specific time for the holding of which is not prescribed by law.

(g) A "Candidate" is one who either seeks a nomination or is proposed for a nomination by sponsors in accordance with the provisions of this Act.

(h) "Nominee" is a candidate who has become entitled under the provisions of this Act to a place on the ballot.

(i) "Precinct". A precinct is where votes are cast

under the supervision of a precinct board. All precincts and precinct boards are directly under the supervision of the Election Commission. A precinct is also referred to as a polling place.

(j) "Vote Tabulating Device". A vote tabulating device is a mechanical, electronic or electro-mechanical machine approved by the Commission to count ballots in an election in Chuuk State.

(k) "Marking of Ballot". A "mark" or "marking" as used in this Act with respect to indicating the voter's choice on a ballot shall include the punching or slotting or otherwise marking of a ballot.

Section 3. Election Commission: Composition: Removal of Members; Chairman; Quorum.

(a) There is within the government of Chuuk State the independent Election Commission. The Commission shall consist of five (5) members, all of whom shall be eligible voters on the date of their appointment. The Governor shall appoint the five (5) members, one from each of the Senatorial Regions, with the advice and consent of the Senate. The members shall serve for a term of 4 years. If a vacancy should occur on the Commission, said vacancy shall be filled for the remainder of the term only, and by the method originally prescribed for its appointment. Every member of the Commission who is not an employee or not in the full-time service of the State Government, shall be paid a sum each day as provided by law for attendance at a meeting or performing his duties as member of the Commission. In the absence of law, the Commission may establish a temporary compensation.

(b) Any member may be removed for misconduct in office by a resolution duly adopted by a vote of two-thirds of the members of the House of Representatives, Chuuk State Legislature.

(c) The Commission shall every 2 years elect one of its members as Chairman. The chairmanship shall rotate among

the 5 senatorial regions. The Chairma shall preside at all meetings of the Commission. Other officers may be elected as the Commission deems necessary.

(d) A majority of the members of the Commission shall constitute a quorum. The vote of a majority of the Commission shall be required to make any action of the Commission effective, except as provided herein.

(e) Upon confirmation by the Senate of the quorum member of the Commission, the first confirmed member shall call the first meeting of the Commission to organize by electing a chairman. Thereafter the Commission shall organize every two years by rotating the chairmanship.

Section 4. Executive Director; Appointment.

(a) The Commission shall appoint an executive director subject to advice and consent of majority vote of all members of the Senate; PROVIDED, that upon the effective date of this Act the first confirmed member of the Commission shall immediately assume the duties of the executive director as acting executive director, without compensation, until a new executive director is appointed and confirmed. Said executive director shall on behalf of the Commission, administer and enforce the Election Law of Chuuk and shall perform and discharge those powers, duties, purposes, functions and jurisdiction hereunder or which hereafter by law may be vested in the Commission, as may be delegated through regulations, orders, or directive by the Commission. He or she shall be responsible for the daily operation and management of the office of the Commission.

(b) The executive director shall serve as the ex-officio secretary for the Commission, but shall not be a voting member thereof. As the Commission secretary, he shall keep minutes of the Commission proceedings, preserve all reports made to it, keep an accurate record of all examinations made pursuant to this Act and perform such other duties as the Commission shall prescribe.

(c) The executive director shall be a member of the unclassified public service. The executive director shall serve at the pleasure of the Commission; he may be removed by a majority vote of all members of the Commission.

Section 5. Compensation and Other Expenses. In the absence of law, compensation of all regular, temporary and/or part-time employees and all other expenses shall be as prescribed by the Commission, provided that all such costs shall not exceed any operation funds appropriated by the Legislature. Any government employee who works part-time or on temporary basis with the Commission shall not be entitled to compensation, except overtime pay, provided that every effort shall be made to have the work performed during the normal 8-hour period.

Section 6. Duties and Responsibilities. The Commission shall have direct and immediate supervision over the municipal and state officials designated in accordance with this Act and laws of the State of Chuuk to perform duties relative to the conduct of elections. The Commission shall suspend from the performance of said duties any of said officials who shall fail to comply with its instructions, orders, decisions or rulings or regulations, and appoint temporary substitutes or may remove any and all such officials who shall be found guilty of nonfeasance, or misfeasance in connection with the performance of their duties relative to the conduct of elections. The Commission shall designate such subordinate officers and employees as may be necessary for the efficient performance of its functions and duties.

Section 7. Election Manual. It shall be the duty and responsibility of the Commission to prepare and promulgate a manual of administrative procedures to be used in the conduct of elections. The manual shall set forth the regulations to be followed by all election officials as well as descriptions of the necessary equipment and forms to be used in election procedures. The content of the manual shall

used in election procedures. The content of the manual shall become effective upon the approval by majority members of the Commission. It shall be the responsibility of the Commission to provide all necessary forms for the conduct of elections.

Section 8. Powers of Commission. The Commission shall have the power to conduct all elections in the State of Chuuk, including national and municipal elections, if so provided by law or municipal constitutions. The Commission shall also have the power to issue summons to any elector or the parties to a controversy, pending before it, issue subpoenas duces tecum, to take testimony in any investigation or hearing pending before it and delegate such power to any officer. Any controversy submitted to the Commission shall be tried, heard and decided within 15 days counting from the time the corresponding petition giving rise to said controversy is filed. The Commission shall have the power to certify to the Supreme Court of Chuuk for any contempt.

Section 9. Placement on Ballot. No person shall be placed on the ballot for election to any public office unless the Commission has determined after a thorough examination and investigation that said person possesses or meets the qualifications required by law and the Constitution for the office for which he seeks nomination.

Section 10. Persons Entitled to Vote: Compliance with Registration Provisions. Every person not confined to a mental institution, nor judicially declared insane, nor committed under a sentence of imprisonment, who is a citizen of the FSM over 18 years of age, or who shall have reached his eighteenth birthday on the day set for election, who is a resident of Chuuk and who complies with the provisions of this Act governing the registration of electors, is entitled to vote at any primary, general, runoff, special, or local election to be held within the State of Chuuk; provided that in the election of municipal officers only those otherwise qualified electors who reside within the municipality

concerned shall have the right to vote for such municipal officers.

Section 11. Affidavit of Registration; Prerequisite; Making and Contents. No person shall be registered as a voter except by affidavit of registration made before the registration clerk in the municipality wherein such person resides, or before a registration clerk in the office of the Commission. Before such affidavit shall be made, the person shall be asked if he is currently registered to vote in any other jurisdiction(s). If he answers affirmatively, he shall identify said jurisdiction and complete and sign an attested statement on a form provided by the Commission which requests the cancellation of his registration and which shall be forthwith forwarded by the Commission to that jurisdiction. If he answers negatively, he shall nonetheless identify the jurisdiction in which he last voted. The Commission shall prepare forms for the collection of this data, and may require the submission of such additional information as will enable it to comply with this Section. The affidavit shall then be made in duplicate, and shall set forth all the facts required to be shown by this Act and the election manual.

Section 12. Times For Registration. Thirty (30) days prior to any general, primary, or special election, the registration rolls shall be closed for that election, and no further affidavits of registration shall be accepted by the Commission, except for those who turn 18 years of age within the 30 days period.

Section 13. Place of Registration. The registration of electors shall be in progress at the main office of the Commission during such hours as the office is open for business at all times prior to the closing of the registration rolls. Electors may also be registered at such times and places within and outside of the State as the Commission shall deem advisable and convenient and may deputize volunteers on a temporary basis for such purposes who

are qualified as set out in this Act.

Section 14. Appointment of Registration Clerks.

All members and regular employees of the Commission have the power to register voters and to administer the oath, and shall perform the day to day registration. Not later than 60 days before an election, the Commission shall appoint a temporary Registration Clerk for each precinct within Chuuk State and for each polling place outside of Chuuk State. Each clerk has the power to administer oath of registration. No registration fee shall be collected.

Section 15. Qualifications of Registration Clerks.

The Commission may appoint other government employees as registration clerks. No person holding an elective office or who is a candidate for elective office shall be appointed as a registration clerk. The registration clerk shall be an elector of the precinct wherein appointed.

Section 16. Penalties for Acts or Omissions. Any person having charge of affidavits of registration is guilty of a misdemeanor who:

(a) Neglects or refuses to make all the entries provided for in this Act;

(b) Neglects to take the oath of an elector applying to him for registration; or

(c) Fails or neglects to comply with any provision of this Act. Each and every omission constitutes a separate misdemeanor.

Section 17. Permanence of Records. The

registration of a voter is permanent for all purposes during his life, unless and until the affidavit of registration is cancelled by the Commission for any of the causes specified in this Act. It shall be the duty of the Commission to send to each registered voter when requested a card indicating that he is eligible to vote at any election without the necessity of registering.

Section 18. Grounds for Cancellation of

Registration. The Commission shall cancel the registration in the following cases:

(a) At the request of the person registered;

(b) When the insanity of a person registered is legally established;

(c) Upon the production of a certification form by the Chief of Public Safety that the person is serving a criminal sentence;

(d) Upon the death of the person registered; and

(e) Upon the production of a certified copy of a judgement directing the cancellation to be made.

Section 19. Report of Deaths. Not later than the fifteenth day of each month the Director of Health Services or his designee shall furnish the Commission an abstract of the register of deaths of electors for the previous month showing, for all decedents eighteen (18) years of age or over, the

(a) Name

(b) Sex

(c) Age

(d) Nativity and

(e) Place of residence

Section 20. Reports of adjudged Incompetents.

Every judge before whom proceedings are held which result in any person being declared incapable of managing or taking care of either himself or his property or both, and for whom a guardian of his person or his estate or both is accordingly appointed, or which results in his being committed to an insane place or asylum as an insane person, shall file with the Commission a certificate of that fact and thereupon the Commission shall cancel the name of that person from the register.

Section 21. List of Registrations. The commission shall prepare and compile a Registration List of all voters and provide sufficient copies thereof for use in a general election, or any other election.

1 Section 22. Copies of List to Candidates. Upon
2 written request of any candidate in any forthcoming election
3 or upon written request of his campaign committee, the
4 Commission shall furnish to him one (1) copy of the
5 Registration List of voters for such election. Extra copies
6 to candidates or copies furnished to others shall be at a
7 charge as may be prescribed in the Election Manual. All
8 moneys so collected shall be paid into the Treasury of the
9 State of Chuuk.

10 Section 23. Delivery of Registration List to
11 Precinct Boards. Before the day of election, with the other
12 election supplies, the Commission shall deliver to the
13 precinct board in each precinct or polling place a complete
14 list of registered voters for that precinct or polling place.
15 The List shall constitute the register to be used at that
16 election.

17 Section 24. Designation of Precincts. The
18 Commission shall, not less than thirty (30) days prior to the
19 date set for any election, or not less than 15 days prior to
20 a run-off or special election day, designate, announce and
21 publish precincts within and outside of Chuuk State where the
22 votes are to be cast in such election.

23 Section 25. Appointment of Precinct Boards. The
24 commission shall, not less than 30 days prior to any general
25 election, appoint the temporary members of the several
26 precinct boards. A precinct board shall consist of an
27 inspector and 2 clerks except precinct with registered voters
28 of 300 or less which shall have one inspector and one clerk.
29 The inspector is the chairman. If a precinct board member
30 fails to appear at the opening of the polls, the Commission
31 shall immediately make another appointment.

32 Section 26. Qualifications of Precinct Board
33 Members. No person may serve as a member of any precinct
34 board who:

35 (a) is not a voter of the precinct, nor

- (b) cannot read and write the English language,
(c) is holding or is a nominee for an elective office.

Section 27. Publication of Names of Precinct Board Members. The Commission shall publish the list of names of the members of the precinct boards and disseminate same to the public through available means of communication.

Section 28. Change of Designated Precinct or Polling Place. If, for any valid reason, the precinct designated for election is changed, the board shall designate another precinct or polling place as near thereto as possible, post notice of the change at or near the place first designated, immediately inform the Commission, and conduct the election at the place substituted.

Section 29. Oath of Members. The Commission shall require all members of precinct boards to take the oath of office, as prescribed by law, before any officer qualified to administer oaths. No fee shall be charged for administering the oath. If any member fails or refuses to take the oath of office, the Commission shall appoint a substitute and require the newly appointed member to take the oath.

Section 30. No Loss of Wages for Precinct Board Member. Any member of a precinct board shall on the day of an election which he is serving, absent himself from any service or employment and shall make suitable arrangement prior to his absence from his service or employment. He shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made from his usual salary or wages nor shall he be suspended or discharged from his service or employment.

Section 31. General Elections. General election for Governor, Lieutenant Governor, members of the Chuuk State Legislature, and any other officers as may be prescribed by law, shall be held on the first Tuesday following the first Monday in March every two years, or in accordance with this Act.

Section 31. Postponement of Election or Change of Election Day.

(a) If for serious cause resulting from any natural disaster or similar emergency it becomes reasonably impossible to hold any election duly scheduled in the State of Chuuk as a whole or in any part, the Election Commission may postpone any such election therein for such time as it may deem necessary, but in no event shall such postponement exceed 60 days from the date when such election should have been held, PROVIDED, however, that the incumbent Governor, Lt. Governor, Senators and Representatives shall serve in their respective official capacities and in the duration of the postponement until those to be elected shall qualify.

(b) If the FSM has a new general election day to be held earlier than presently held, Chuuk State shall hold its general elections on the new FSM general election day, PROVIDED, that the full terms of the incumbent Governor, Lt. Governor, Senators and Representatives shall continue unaffected and any resultant transition period shall be served out fully by the same incumbents in the following manner;

(1) On the day of the new general election for FSM, the incumbent Governor, Lt. Governor, Senators and Representatives shall not stand for election; they shall continue in office to complete their terms.

(2) Upon completion of the 2-year term of the incumbent Representatives, they shall continue to hold their offices in a transition period until the first anniversary date of the new general election of the FSM, at which time only members of the House shall stand for election. In the meantime, the incumbent Governor and Lt. Governor and Senators shall continue in office to complete their 4-year term.

(3) Upon completion of the 4-year term of the

1 incumbent Governor, Lt. Governor and Senators, they
2 shall continue to hold their offices in a transition
3 period until the second anniversary date of the new
4 general election of the FSM, at which time the
5 Governor, Lt. Governor, Senators and Representatives
6 shall all stand for election.

7 (c) If the FSM has a new general election day to be
8 held 61 days or more later than presently held, Chuuk State
9 shall hold its general election on the new FSM general
10 election day, PROVIDED, that the full terms of the incumbent
11 Governor, Lt. Governor, Senators and Representatives shall
12 continue unaffected and any resultant transition period shall
13 be served out fully by the same incumbents in the following
14 manner:

15 (1) Two years after taking office, the
16 incumbent Representatives shall have completed their
17 terms but they shall continue to hold their offices
18 in a transition period until the new FSM general
19 election day, at which time only members of the
20 House shall stand for election. In the meantime,
21 the incumbent Governor, Lt. Governor,
22 and Senators shall continue in office to complete
23 their 4-year terms.

24 (2) Four years after taking office, the
25 incumbent Governor, Lt. Governor, and Senators shall
26 have completed their terms but they shall continue
27 to hold their offices in a transition period until
28 the first anniversary date of the new general
29 election of the FSM, at which time the Governor, Lt.
30 Governor, Senators and Representatives shall all
31 stand for election.

32 (d) As used in this Section the word
33 "anniversary" means "election every two years" as
34 required by the two-year term of the House of
35 Representatives members as provided in the

Constitution.

Section 33. Ineligibility. No person shall sit in the Senate or House of Representatives nor be eligible to be a candidate for election to the Senate or House of Representatives who holds an office, position or appointment anywhere whether or not it is an independent office within the Chuuk State Government, National Government, or any other government.

Section 34. Qualifications of Members

(a) No person is eligible to serve as a Representative unless at least 25 years of age, or as a Senator unless at least 35 years of age, on the day of election; was a born Chuukese, has been a resident and registered voter of the Representative District or Senatorial Region from which elected for at least 5 years prior to the day of election, and is a citizen of the Federated States of Micronesia. For the purpose of this Act, a person "was a born Chuukese" if:

(1) born of parents one or both of whom are residents of Chuuk by birth and citizens of the FSM; or

(2) born in Chuuk of parents both of whom were born outside of Chuuk but have resided in Chuuk for at least 25 years to the day, and are citizens of the FSM

(b) Upon the effective date of the Chuuk State Constitution, no person convicted of a felony following such effective date is eligible to stand for election or to serve as a member of the Legislature, even if pardon. A member of the Legislature who has been convicted of a felony shall automatically be expelled from the Legislature, but is eligible to run again if the conviction is reversed on appeal.

(c) Each house is the sole and final judge of the election and qualifications of its members.

Section 35. Candidacy: Disqualification of

Election Officials. In the event the Commission or any members of a precinct board of election or person involved in the conduct of election files at any time as a candidate for office in any election, he shall be automatically disqualified to hold such office, which shall thereupon become vacant. Should such disqualifications adversely affect the quorum of the Election Commission during a pending election and the Senate is not in session the remaining member(s) of the Commission, on their own, notwithstanding provisions of this Act or any Other law to the contrary, shall enable itself to be fully functional by appointing qualified persons to fill such vacancies who shall serve with full authority until after the pending election when such vacancies shall be filled in accordance with Section 3 of this Act.

Section 36. Declaration of Candidacy. A person desiring to announce his candidacy shall file with the Commission a declaration in writing setting forth his candidacy for a specific office, stating that he is eligible for such office; and his post office and address for all election purposes.

Section 37. Declaration by Sponsors. A declarations of candidacy on behalf of a candidates may be filed by not less than 50 persons without the signature of said candidate. Any such group taking such action shall file with the Commission a declaration of candidacy subscribed under oath by the leader or corresponding officer of such group of persons. If a candidate who files his own declaration of candidacy for an elective office is also nominated by a group of persons for other elective offices, the one filed by the candidate himself shall govern, unless the candidate concerned shall decide otherwise. Only voters of the jurisdiction concerned may so file a declaration of candidacy.

Section 38. Candidacy Decline. Any candidate for whom a declaration of candidacy has been filed by sponsors may

writing to the Commission not less than 60 days before an election.

Section 39. Filing and Distribution of Petition.

Not less than 90 days before a general election, candidates or their sponsors shall file their declarations of candidacy with the Commission which shall disseminate to the public and may publish in a newspaper of general circulation the names of all candidates and the offices for which they have declared their candidacies. There shall be deposited with the Commission for each candidacy upon filing for Governor and Lt. Governor a fee of \$300 each and for the Legislature and any other state elective office a fee of \$150 which shall be paid to the general fund of the State for the sole purpose of funding the conduct of State elections.

Section 40. Use of Government Facilities by

Candidates. No State government facility, office, building, ground, vessel, aircraft, boat, instrument, apparatus, or property of every sort, whether non-consumable or otherwise, shall be used by any candidates, inclusive of an incumbent governor, lieutenant governor, members of the Legislature, mayor, advisor, and any other person regardless of government or private organization, unless payment for such use has been made in full directly to the State Treasurer by such candidate with proper documentation such as receipt and the like prior to utilization and unless equal opportunity and entitlement is accorded all candidates. Duration and number of use shall be based on the amount of prior payment actually made and availability of such state government facility, property, and so forth and in compliance with law and regulation. The state government shall establish in writing and disseminate to the public a standard rate of rental, fee, or payment for such facility, property, and so forth. All amounts collected shall be deposited in the State general fund.

Section 41. Election Expenses. All expenses

authorized and necessarily incurred in the preparation or the

1 authorized and necessarily incurred in the preparation or the
2 conducting of elections as provided in this Act, shall be paid
3 from appropriations by the Legislature, except as provided for
4 in Section 42 below, and except for national or municipal
5 elections who shall pay for their own elections carried out by
6 the Chuuk State Election Commission. All payments shall be
7 made in the same manner as other public expenditures.

8 Section 42. Expenses for Recall Elections. As
9 directed by a majority vote of the Commission, the signature
10 of the Executive Director or Chairman of the Election
11 Commission validating a recall petition, shall trigger the
12 automatic appropriation of the funds necessary to cover a
13 recall election expenses which amount shall not exceed that
14 actually spent for the most recent general election for
15 Governor or Lt. Governor, or for the Legislature in the
16 applicable Representative District or Senatorial Region, in
17 the case of recall of a member of the Legislature. These
18 funds shall be allotted to the Election Commission for the
19 conducting of such recall election. All payments shall be
20 made in the same manner as other public expenditures.

21 Section 43. Imitation or Use of Ballots Forbidden.
22 No person shall make, use, keep or furnish to others any paper
23 in imitation of official ballots, except sample ballots issued
24 by the Commission.

25 Section 44. Method of Tabulating Ballots.

26 (a) The Commission shall determine the appropriate
27 method of casting ballots, method of tabulating ballots, the
28 appropriate vote tabulating device if such a device is to be
29 used, and the form of ballot to be used in an election in
30 Chuuk. The Commission has the authority to determine the
31 nature of ballots used, whether they be paper, punch cards or
32 other electronic or electro-mechanical types of ballots. The
33 Commission may authorize manual or mechanical or combination
34 of both tabulations for all or part of ballots cast in any
35 election.

1 (b) The name of every candidate whose name has been
2 certified shall be printed on or adjacent to the appropriate
3 ballot.

4 Section 45. Sample Ballots. Not later than 30 days
5 before a general election, the Commission shall certify to the
6 printer the sample ballot with the names of the nominees
7 thereon in the same order and manner as they will appear on
8 the official ballot, and immediately thereafter cause a true
9 copy of the same to be disseminated to the public and may be
10 published at least once in a daily paper of general
11 circulation. The ballot, as published, shall be identical to
12 that used for voting except for the substitution of "Sample"
13 where the word "Official" shall appear upon the election
14 ballot, and may be reproduced for voter instruction in colors
15 contrasting with official ballots. The order in which the
16 names of candidates appear on ballots shall be by official
17 last names in alphabetical order.

18 Section 46. Space for Marking Ballot. Immediately
19 adjacent to the name of each nominee to the word "Incumbent",
20 as the case may be, shall be placed squares or spaces of
21 sufficient size for the placing of a mark therein. A mark
22 within the square or space adjacent to the name of any nominee
23 shall be counted as a vote for that nominee.

24 Section 47. Ballots Furnished to Precincts. For
25 each election, the Commission shall provide each election
26 precinct with ten (10) ballots for every eight (8) or fraction
27 of eight (8) voters registered in the election precinct.
28 Where a precinct has more than one polling place, such polling
29 places shall also be furnished the required
30 number of ballots.

31 Section 48. Delivery of Ballots, Machines and
32 Supplies. The Commission shall, before the opening of the
33 polls at any election, cause to be delivered each precinct or
34 a polling place where an election is to be held, the proper
35 number of ballots, voting machines if such are to be used and

1 supplies to be used in that precinct. The ballots shall be
2 delivered in sealed packages, with marks on the outside
3 clearly designating the precinct or polling place for which
4 they are intended, and the number of ballots enclosed.

5 Section 49. Receipt for Ballots. The Commission
6 shall cause to be prepared a receipt for each polling place,
7 enumerating the packages and stating the time, day and date
8 when they were delivered to the precinct board inspector. The
9 inspector shall sign the receipt of the packages, which shall
10 forthwith be returned and filed. The Commission may employ
11 such messengers as may be necessary to insure the safe and
12 expeditious delivery of the ballots.

13 Section 50. Loss or Destruction of Ballots. In
14 case of the prevention of an election in any precinct by the
15 loss or the destruction of the ballots intended for that
16 precinct, the inspector or other member of the board for that
17 precinct, shall make an affidavit setting forth the fact, and
18 transmit same to the Chairman of the election Commission.
19 Upon receipt of the affidavit, the Commission may, and upon
20 the application of any nominee for any office to be voted for
21 by the electors of that precinct, order a new election in that
22 precinct.

23 Section 51. Instructions of Voters. At the top of
24 the ballot, there shall be printed an instruction to the
25 voters, as to the number of nominees to vote for, the marks to
26 be used, including a sample of the marks and such other
27 instructions as the Commission deems necessary and proper.

28 Section 52. Cessation of Campaigning. All
29 campaigning for the purposes of election shall cease before
30 the time the polls open and shall remain inactive during the
31 period that the polls are open. For the purposes of this
32 Section, the term "Campaigning" shall include but not be
33 limited to any newspaper or broadcast advertisements appearing
34 on election day, the distribution of campaigning literature
35 and to the display of any campaign material, signs, posters or

1 the like within the visual panorama of any election poll.

2 Section 53. Bribery at Election. A person shall
3 not, directly or indirectly, by himself or through any other
4 person advance or pay, or cause to be paid, any money or other
5 valuable thing to or for the use of any other person, with the
6 intent that it, or any part thereof, shall be used in bribery
7 at any election; or knowingly pay or cause to be paid, any
8 money or other valuable thing to any person in discharge or
9 payment of any money, wholly or in part, expended in bribery
10 at any election.

11 Section 54. Disqualification. Any candidate
12 convicted under the provisions of this Act is disqualified
13 from holding the office for which he was a candidate or
14 nominee at the time of the violation.

15 Section 55. Complaints. Any person who believes a
16 violation of any provision of this Act has occurred may file
17 a complaint with the Commission. The Commission shall
18 expeditiously investigate the matter in accordance with law.
19 Whenever in the judgement of the majority of the Commission
20 members, any person has engaged in any acts or practices which
21 constitute a violation of this Act, the Commission shall refer
22 the record of said investigation to the independent prosecutor
23 or the Attorney General of Chuuk who shall institute a
24 criminal prosecution against the said person, and, in the
25 event the person is convicted of the violation prior to the
26 election in question, the Commission shall strike his name
27 from the ballot. In the event the person is convicted of the
28 violation subsequent to the election in question and was
29 elected to the office for which he was a candidate, such
30 candidate shall be disqualified from holding such office and
31 the independent Prosecutor and/or Attorney General shall take
32 whatever legal action is necessary to effect his
33 disqualification from office.

34 Section 56. Destruction or Removal of Facilities.
35 No person shall, during an election, remove or destroy any of

1 the supplies or other conveniences placed in the voting booths
2 or on the tables for the purpose of enabling the voter to
3 prepare his ballot.

4 Section 57. Posting Instruction Cards. On the day
5 of election the precinct board shall post at least one (1)
6 instruction card in each booth or table provided for the
7 preparation of the ballots, and at other places in and about
8 the polling place within easy access to the voters. Such
9 instructions shall be printed in both the English and Chuukese
10 languages.

11 Section 58. Posting Registration List. Before
12 opening the polls the precinct board shall post in a
13 conspicuous place, at or near the polling place and of easy
14 access to the voters at least one copy of the registration
15 list furnish for that polling place.

16 Section 59. Time for Opening and Closing Polls.
17 The polls shall be opened at 7 O'clock a.m, on the day of an
18 election and shall be kept open until 5 O'clock p.m., of the
19 same day, at which time the polls shall be closed except as
20 provided in this Act, and provided that after the precinct
21 board has ascertained that every person on the general
22 register of voters for that particular polling place has voted
23 or given every opportunity to vote, that polling place may be
24 closed even before 5 O'clock p.m.

25 Section 60. Liquor Sales at Polling Place or
26 Precinct Prohibited. A polling place shall not be a place
27 where any alcoholic beverage is sold or dispensed, and no
28 person shall sell or dispense alcoholic beverage at a polling
29 place.

30 Section 61. Persons Permitted Within Barricade.
31 Except for voters engaged in receiving, preparing or
32 depositing their ballots, only the precinct board and any
33 other persons authorized by law, shall be permitted to be
34 within the barricade before the closing of the polls. A
35 candidate may at his own discretion and expense have one poll

1 watcher at each polling place but such poll watcher shall not
2 be permitted within this barricade or room enclosing the area
3 where votes are cast.

4 Section 62. Exhibiting Ballot Box. Before
5 receiving any ballots the precinct shall, in the presence of
6 any voters assembled at the polling place, open and exhibit
7 and close the ballot box. Thereafter the ballot box shall not
8 be removed from the polling place or from the presence of the
9 voters until all the ballot boxes are sealed. All ballots
10 shall be accounted for before the ballot boxes are sealed.

11 Section 63. Absence of Precinct Officers. Not more
12 than two (2) members of any precinct board shall be absent
13 from the polling place at any one time.

14 Section 64. Residence Defined. For purposes of this
15 Act, the residence of a person is that place in which he
16 intends to and does maintain his permanent abode and has not
17 taken any legal or political action to contradict such
18 residency, although he may be actually residing at a place
19 other than his residence. Any change of residency shall not
20 take effect unless such change has been approved by
21 resolutions of the municipal councils of both the original and
22 intended residences at least one year prior to the next
23 election in the intended residence.

24 Section 65. Voting Prohibited When Residence
25 Abandoned, When Residence Retained.

26 a) Any elector who has abandoned his residency in
27 Chuuk or who votes in an election of another jurisdiction,
28 shall not vote in an election of Chuuk State. Likewise, any
29 person who falsifies information in order to be registered to
30 vote in Chuuk, shall not vote in an election of Chuuk State.
31 Any person who violates this section shall upon conviction be
32 imprisoned for not more than 3 months, fined not more than
33 \$500.00, or both.

34 b) Any person who has not voted in Chuuk State's
35 elections but has been voting in another or other states

1 or jurisdiction's elections for 5 years or more is
 2 presumed to have abandoned his residence and the right
 3 to vote in Chuuk State's elections. However, this
 4 presumption shall not apply to any qualified voter who
 5 is:

- 6 1) in attendance at an institution of learning;
- 7 2) engaged in navigation;
- 8 3) serving in the armed forces or the merchant
 9 marines, or the foreign diplomatic service;
- 10 4) receiving treatment at a medical institution; or
- 11 5) accompanying a spouse who is engaged in any
 12 activity listed above.

13 Section 66. Leave of Absence From Employment to
 14 Vote. Every voter shall, on the day of every election at
 15 which he is entitled to vote, be entitled, to absent himself
 16 from any service or employment, public or private, in which he
 17 is then engaged for two (2) consecutive hours between the time
 18 of opening and the time of closing the polls. The voter shall
 19 not, because of so absenting himself, be liable to any
 20 penalty, nor shall any deduction be made on account of such
 21 absence, from his usual salary or wages.

22 Section 67. Woman Voter's Change of Name. In case
 23 the surname of any woman offering to vote has been changed by
 24 reason of marriage or divorce since she has registered, she
 25 shall report her name as it was before marriage or divorce
 26 and also her name as it is at the time she votes. The
 27 precinct board shall thereupon make the necessary adjustment
 28 in the register, and permit her to vote.

29 Section 68. Delivery of Ballot by Election Officer
 30 Only. No person, other than a member of the precinct board,
 31 shall give or deliver any ballot to any voter. There shall be
 32 only one ballot or set of ballots for each voter.

33 Section 69. Only One (1) person in Booth. Booths
 34 shall not be occupied by more than one (1) person at a time.
 35 Voters shall not remain in or occupy a booth longer than is

1 necessary to prepare their ballots.

2 Section 70. Indicating Vote. In voting, the voters
3 shall place the appropriate mark in the voting square or space
4 adjacent to the name of any nominee for whom he intends to
5 vote. A write-in vote is prohibited at all elections in the
6 State of Chuuk.

7 Section 71. Two (2) or More Candidates to be
8 Elected. Where two (2) or more candidates for the same office
9 are to be elected, and the voter desires to vote for
10 candidates for that office, he shall place his voting mark in
11 the square or space adjacent to the names of all the
12 candidates for that office for whom he desires to vote, not
13 exceeding, however, the number of candidates who are to be
14 elected.

15 Section 72. Identifying Marks Prohibited. A voter
16 shall not place any marks upon his ballot by which it may be
17 afterwards identified as the one voted by him. A ballot
18 correctly marked and cast, however, shall be counted as a
19 valid ballot.

20 Section 73. Revealing Ballot Prohibited. After his
21 ballot is marked a voter shall not show it to any person in
22 such way as to reveal its contents. The marking of a ballot
23 to indicate a choice shall be limited to the space or spaces
24 provided or designated for marking the ballot.

25 Section 74. Delivery of Other Than Received Ballot
26 Prohibited. A voter shall not deliver to the precinct board,
27 or to any of its members, or deposit in the ballot box any
28 ballot other than the one he has received from the members
29 authorized by law to furnish him with the ballot. A person
30 who violates this Section shall, upon conviction thereof be
31 imprisoned for not more than 2 years or fined not more than
32 1,000.00, or both.

33 Section 75. Two (2) or More Ballots Deposited: A
34 Felony. Every person who knowingly deposits or attempts to
35 deposit in any ballot box two (2) or more of the same ballots,

1 shall be guilty of a felony and upon conviction, may be
 2 imprisoned for not more than 2 years or fined not more than
 3 \$1,000.00 or both.

4 Section 76. Assistance in Voting. When it appears
 5 from the registers that a voter has declared under oath, when
 6 he registered:

7 (a) That he cannot read or write; or

8 (b) That by reason of physical disability he is
 9 unable to mark his ballot, or when a voter declares under
 10 oath, administered by any member of the board at the time he
 11 appears at the polling place to vote, that he is then unable
 12 to mark his ballot because of physical disability, he shall
 13 receive the assistance of not less than two (2) members of the
 14 precinct board.

15 Section 77. Spoiled Ballot. Any voter who spoils
 16 a ballot may return it to a member of the precinct board and
 17 receive another in its place, one at a time, not to exceed
 18 three (3) in all.

19 Section 78. Cancellation of Ballot Received but Not
 20 Voted. Every voter who does not vote the ballot delivered to
 21 him shall, before leaving the polling place, return it to the
 22 member of the precinct board having charge of the ballots who
 23 shall immediately cancel and return it in the same manner as
 24 spoiled ballots.

25 Section 79. Accounting for Ballots. Every precinct
 26 board shall account for the ballots delivered to him by
 27 returning a sufficient number of official ballots cast and
 28 the number of spoiled ballots returned, the number of ballots
 29 charged. The Commission upon receiving returned ballots shall
 30 require such an accounting.

31 Section 80. Prohibited Act by Officers. Any
 32 inspector, or clerk of a precinct board shall be guilty of a
 33 misdemeanor if he:

34 (a) Attempts to find out any name on the ballot;

35 (b) Except as otherwise authorized by this Act,

1 examines, exhibits, or discloses the ballot of any voter;

2 (c) Makes or places any mark or device on any
3 ballot to ascertain the name of any person for whom the voter
4 has voted;

5 (d) Opens or permits to be opened the ballot box
6 during the time of voting.

7 Section 81. Closing Polls. When the polls are
8 closed, the precinct board shall proclaim that fact aloud at
9 the place of election. After the proclamation, no ballot
10 shall be received. However, if at the hour of closing, there
11 are any other voters in the polling place, or in line at the
12 door, who are qualified to vote and have not been able to do
13 so since appearing, the polls shall be kept open a sufficient
14 time to enable them to vote.

15 Section 82. Late Arrivals Rejected. Any one who
16 arrives at the polling place after the time provided for
17 closing the polls shall not be entitled to vote nor shall be
18 entitled to join a line, if any; or others who had arrived and
19 have been there before closing of the polls.

20 Section 83. Defacement of Unused and Spoiled
21 Ballots. Immediately upon the closing of the polls, and
22 before any ballot is taken from any of the ballot boxes, the
23 members of the precinct board shall, in the presence of all
24 authorized persons in the polling place who may desire to
25 observe them, proceed to deface every unused or spoiled
26 ballot, by drawing across its face, in ink or indelible
27 pencil, two (2) lines which shall cross each other, the cross
28 to be more than three (3) inches square. The members of the
29 precinct board shall thereupon immediately and before any
30 ballots are taken from any ballot box, place all defaced
31 ballots within an envelope and seal the envelope. A majority
32 of the members of the precinct board shall immediately write
33 their names across the sealed portion of the envelope.

34 Section 84. Destruction of Unused Ballots. On the
35 day of an election, immediately upon the arrival of the hour

1 thirty (30) days nor less than one (1) day before the date of
2 the election for which the vote is to be cast, and provided
3 further, that said ballot shall be immediately marked,
4 enclosed in the ballot envelope, placed in the return envelope
5 with the proper affidavit enclosed, and immediately returned
6 to the Commission.

7 Section 88. Furnishing of Envelopes and Affidavit
8 with Ballot. It shall be the duty of the Commission to
9 furnish the absentee voter with a blank ballot in an unmarked
10 ballot envelope. The Commission shall also furnish the
11 absentee voter with a voter's affidavit and an unsealed return
12 envelope, bearing upon its face the following:

13 "Election Commission State of Chuuk, Weno, Chuuk State, FSM
14 96942". On the reverse side of the return envelope shall be
15 printed the voter's full name and of the municipality in which
16 the absentee voter is a resident.

17 Section 89. Marking Ballot. The voter, on receipt
18 of said ballot, in the presence of the officer administering
19 the oath and of no other person shall, mark such ballot or
20 ballots, but in such manner that said officer would not know
21 how said ballot is marked.

22 Section 90. Officers Before Whom Voter May Appear.
23 At any time on or before the day of an election an absent
24 voter may appear before the Commission, or any person
25 appointed or designated by the Commission to assist any voter
26 in Chuuk if he or she is incapacitated, or any Notary Public
27 or any officer of the State of Chuuk or before any Notary
28 Public of a country in which he may be at the time of
29 receiving his ballot or any officer of an FSM embassy or
30 consulate authorized to administer oaths, to mark his ballot.

31 Section 91. Mailing or Delivering Ballot. The
32 sealed returned envelope containing the ballot may be
33 delivered to the Commission at its main office at any time
34 prior to the closing of the polls on election day. If not so
35 delivered, said envelope shall be mailed, postage pre-paid,

1 directly to the Commission in sufficient time to reach the
2 Commission prior to the closing of the polls on election day.

3 Section 92. Ballots Rejected by the Commission.

4 All ballots forwarded to absentee voters and not physically
5 received by the Commission at its main office prior to the
6 closing of the polls on election day shall be rejected.

7 Section 93. Checking Absentee Ballots. At any time

8 after the closing of the polls on election day, the Commission
9 shall cause to be publicly opened all absentee return
10 envelopes, announce the absent or disabled voter's name, and
11 compare the signature upon the application with the signature
12 upon the affidavit. In case the affidavit is found to be
13 sufficiently executed, that the signatures correspond, that
14 the applicant is a duly qualified elector of the precinct, and
15 that the applicant has not voted in person at such election,
16 the ballot shall be tabulated with the ballots of the precinct
17 in which the absentee voter has voted in accordance with his
18 affidavit and/or application for ballot.

19 Section 94. Causes for Rejecting Ballots. In case

20 the affidavit is found to be insufficient, the signature on
21 the affidavit and the application do not correspond, the
22 applicant is not a duly qualified elector in such precinct,
23 the ballot envelop or return envelope is open or has been
24 opened and resealed, the returned envelope contains more than
25 one (1) ballot envelope with ballots enclosed, or that said
26 voter has voted in person, such ballot shall not be accepted.

27 Section 95. Rejected Ballots. Every ballot not

28 accepted shall be endorsed on the back of the ballot envelope
29 "REJECTED BECAUSE _____ (giving reason therefore)."

30 All such rejected ballots shall be enclosed and securely
31 sealed in an envelope on which shall be endorsed "DEFECTIVE
32 BALLOTS," with a statement of the precinct in which, and the
33 date of the election at which, the ballots were cast. Said
34 envelope shall be signed by the Executive Director, or his
35 duly appointed designee.

1 Section 96. Refusal or Neglect to Return Ballot:

2 Penalty. Any person who, having procured an official ballot,
3 shall willfully neglect or refuse to cast or place it in the
4 ballot box, whether marked or not, or return the same in the
5 manner as provided in this Act, shall be guilty of a felony
6 and upon conviction, shall be imprisoned for not more than 2
7 years or fined not more than \$1,000, or both. Any person who
8 applies for and receives an absentee voter's ballot and
9 willfully neglects or refuses to return the same shall be
10 deemed to have committed such offense in the State of Chuuk.

11 Section 97. Voting at Another Polling Place.

12 a) Notwithstanding provisions of this Act to the
13 contrary, a legally registered voter shall have the right to
14 vote on election day at a polling place other than the polling
15 place at which he is legally registered to vote, even a place
16 outside his registered municipality, representative district,
17 senatorial region, or congressional election district, or
18 outside Chuuk State, if he notifies the Election Commission in
19 writing on a prescribed form at least 7 days before the
20 election day that he requests to vote at a specific polling or
21 voting place.

22 b) Upon receipt of a voter's request, the Election
23 Commission shall assign the polling place as requested and,
24 not more than 5 days before election day until the eve of
25 election day, shall disseminate this information to the public
26 by every available means of information, including the
27 broadcast and radio, as to the place where the voter may vote.
28 Upon such notification, the voter shall be permitted to vote
29 only at that polling place and shall be provided with the
30 appropriate ballot or ballots as the case may be.

31 Section 98. Two (2) Ballots in One (1) Envelope.

32 If two (2) or more separate ballots are found to be contained
33 in one (1) envelope, and if upon comparison of the count with
34 the number of voters on the roster, it appears that two (2)
35 ballots were cast by one (1) voter, the Commission shall

1 reject both ballots.

2 Section 99. Rejected Illegal Ballots. A majority
3 of those counting the ballots shall endorse upon all ballots
4 rejected for illegality, the cause of rejection, and sign the
5 endorsement.

6 Section 100. Delivery of Ballots to Election
7 Center. The ballots with the roster and all endorsements and
8 rejected ballots shall be placed in a box with the precinct
9 clearly shown thereon and delivered to the election center for
10 tabulation and publication.

11 Section 101. Vote Tabulating Device: Mode of
12 Tallying. The Commission may appoint such persons as may be
13 necessary for the manual tabulation of ballots and/or for the
14 operation of the vote tabulating device and to keep watch on
15 such tabulation for any possible illegal vote or any error or
16 omission on the part of the persons tabulating the ballots or
17 operating the vote tabulating device.

18 Section 102. Tabulating at Precincts.
19 Notwithstanding any other provision of law, the Chuuk Election
20 Commission may authorize ballots to be tabulated at the
21 precincts by the precinct boards and require result thereof to
22 be reported to the Election Center in person or by any
23 reliable means of communication available.

24 Section 103. Imperfectly Marked Ballots Not Void.
25 At any election, any ballot which is not marked as provided by
26 law shall be void; but the ballot shall be preserved. Two (2)
27 or more markings in one (1) voting square or a mark made
28 partly within a voting square or space does not make a ballot
29 void.

30 Section 104. Defective Ballots. If a ballot is
31 torn, bent, mutilated or otherwise defective so that it cannot
32 be so tabulated by vote tabulating machine, the Commission may
33 cause a duplicate to be punched, slotted or otherwise marked
34 in the presence of witnesses. Both the new ballot and the
35 defective ballot shall be marked with a serial number and the

1 new ballot shall bear the words "duplicate - serial number
2 _____." The ballot shall be counted.

3 Section 105. Ballot Not Rejected for Technical
4 Error. At any election a ballot shall not be rejected for any
5 technical error which does not render it impossible to
6 determine the voter's choice, even though the ballot is
7 somewhat spoiled or defected.

8 Section 106. Only Invalid Portions Rejected. If a
9 voter indicates either:

10 a) By placing his marks in the voting squares
11 adjacent to the names of any candidates;

12 b) By writing the names of persons for an office in
13 the blank spaces;

14 c) By a combination of both, the choice of more
15 than there are candidates to be elected or certified for any
16 office, or if for any reason it is impossible to determine his
17 choice for any office, his ballot shall not be counted for the
18 office, but the rest of his ballot, if properly marked, shall
19 be counted.

20 Section 107. Write-in Votes. Write-in voting or
21 voting for an independent candidate is prohibited in all state
22 elections in Chuuk.

23 Section 108. Unauthorized Marks on Ballot. No mark
24 upon a ballot which is unauthorized by this Act shall
25 invalidate a ballot, unless it appears that the mark was
26 placed there by the voter for the purpose of identifying the
27 ballot.

28 Section 109. Adding to or Withdrawal of Ballots
29 from Box. Every person who changes any ballot after it has
30 been deposited in the ballot box, or adds, or subtracts or
31 attempts to add or subtract any ballot to or from those
32 legally polled at any election, by fraudulent introduction
33 into or withdrawal from a box of ballots either before or
34 after the ballots have been counted shall be guilty of a
35 felony and upon conviction thereof, shall be imprisoned for

1 not less than 1 year or fined not less than \$1,000.00, or
2 both.

3 Section 110. Adding Ballots During Counting. Every
4 person who adds to, or mixes with or attempts to add to or mix
5 with, the ballots lawfully polled, any other ballots with
6 intent to change the result of an election shall be guilty of
7 a felony and upon conviction thereof, shall be imprisoned for
8 not less than 1 year or fined not less than \$1,000.00, or
9 both.

10 Section 111. Taking or Destroying Ballots. Every
11 person who knowingly carries away or destroys, or attempts to
12 carry away or destroy, any poll list or ballot, or ballot box
13 for the purpose of preventing, affecting the result of or
14 invalidating any election, or who willfully obtains, mutilates
15 or destroys any election return, shall be guilty of a felony
16 and upon conviction thereof, shall be imprisoned for not less
17 than one year or fined not less than \$1,000, or both.

18 Section 112. Interference with Board, Commission or
19 Voters. Every person who in any manner so willfully
20 interferes with the Commission or the precinct board or any
21 members thereof, in holding an election or conducting a
22 canvass, or with the voters lawfully exercising their right of
23 voting at an election, including implying, telling, or forcing
24 a voter to vote openly, as to prevent or attempt to prevent
25 the election or canvas from being fairly held and lawfully
26 conducted, shall be guilty of a felony and upon conviction
27 thereof, shall be imprisoned for not less than 1 year or fined
28 not less than \$1,000.00, or both,

29 Section 113. Removing or Defacing Results Posted.
30 Every person who without authorization removes or defaces any
31 posted copy of the result of votes cast shall be guilty of a
32 misdemeanor and upon conviction thereof, shall be imprisoned
33 for not more than 6 months or fined not more than \$100.00, or
34 both.

35 Section 114. Sealing Counted Ballots. As soon as

1 the names marked on the ballots validly voted are tabulated,
2 such ballots shall not thereafter be examined by any person,
3 except upon a recount as provided in this Act, but shall, as
4 soon as all of the votes in the precinct are tabulated, be
5 carefully sealed in a strong envelope with the name of the
6 precinct thereon and a majority of the members of the
7 Election Commission shall sign their names across the seal.

8 Section 115. Certification of Election. As soon
9 as all the votes for such precinct are counted and the ballots
10 sealed, the Election Commission shall certify the results of
11 the election in that precinct. The final certification shall
12 be signed by a majority of the Commission.

13 Section 116. Tabulation and Publication of Election
14 Results. Once the Commission begins the vote tabulation for
15 a region, the Commission shall tabulate the votes for all
16 available precincts of such region before beginning the vote
17 tabulation for another region. Upon tabulation of each of the
18 precinct votes, the Commission shall tabulate or cause to be
19 tabulated the cumulative results, including the total of
20 election results for each nominee, and make these results
21 known to the public.

22 Section 117. Returns Open to Public Inspection.
23 Immediately upon completion of the tabulation by the
24 Commission of all of the ballots from all of the precincts,
25 the overall election results shall be printed, disseminated,
26 and opened for public inspection.

27 Section 118. Election Center Opens Until Tabulation
28 Completes. The Commission shall, on the day of the closing of
29 the polls, keep the election return center open for the
30 tabulation of election results, until each and every ballot
31 has been tabulated and the results thereof made public.
32 Election results in the outer islands shall be relayed by
33 radio, or any other available communication means, to the
34 election return center and may, after the ballot boxes are
35 received at the election return center, be counted as the

1 Commission deems necessary.

2 Section 119. Certificates of Election. Immediately
3 after declaring the results of any election, the Commission
4 shall make or cause to be made "certificates of election" for
5 every person elected to office. The form of such certificates
6 shall be prescribed in the Election Manual. The Commission
7 shall cause to be placed in the hands of the elected person
8 the original of such certificate which shall constitute
9 evidence of that person's right of office.

10 Section 120. Review of Ballots. The Commission
11 shall not review any ballots already tabulated, and certified
12 except as permitted on a recount which shall be conducted by
13 the Commission only upon the order of a court of competent
14 jurisdiction.

15 Section 121. Entry of Results on Record.
16 Immediately upon completion of the tabulation of all ballots,
17 the Commission shall enter on its record a statement of the
18 result, which shall show:

- 19 a) The total number of votes cast in
20 the State;
- 21 b) The names of the persons voted for;
- 22 c) For what office each person was voted for; and
- 23 d) The number of votes given each person by the
24 entire State, or Region, or District, or Municipality as the
25 case may be. No declaration of the result may be withheld on
26 account of any defect or informality if it can with reasonable
27 certainty be ascertained by the commission what office is
28 intended and who is elected to the office.

29 Section 122. Preservation of Ballots. The
30 Commission shall be responsible for the preservation of all
31 the ballots cast and all rosters and certificates delivered to
32 it by the precinct boards for a period of 2 years after the
33 date of the election. The Commission shall be required to
34 produce such ballots upon the order of a court of competent
35 jurisdiction, and shall obtain a receipt for any release from

1 its custody.

2 Section 123. Contestant and Defendant Defined.

3 When used in this Act, "contestant" means any person
4 initiating an election contest. "Defendant" means that person
5 whose election or qualification is contested or those persons
6 receiving an equal or larger number of votes, other than the
7 contestant, when the body canvassing the returns declares that
8 no one person has received the largest number of votes for the
9 contested office. The Commission or an individual member may
10 be a defendant.

11 > Section 124. Irregularity or Misconduct Not
12 Affecting Result. No irregularity or improper conduct in the
13 proceedings of any precinct election board shall void an
14 election result, unless such irregularity or misconduct
15 resulted in a defendant being declared either elected or tied
16 for election.

17 Section 125. Where Illegal Votes Not Necessary to
18 Majority. An election shall not be set aside on account of
19 illegal votes, unless it appears that such number of illegal
20 votes has been given to the person whose right to the office
21 is contested or who has been certified as having tied for
22 first place, which, if taken from him, would reduce the number
23 of his legal votes below the number of votes given to some
24 other person for the same office, after deducting therefrom
25 the illegal votes which may be shown to have been given to
26 such other person.

27 Section 126. Complaint by Contestant. When a voter
28 contests any election he shall file with the Chuuk Election
29 Commission a written complaint, setting forth specifically:

30 a) The name of the contestant and that he is a voter
31 of the State, municipality or precinct, as the case may be, in
32 which the contested election was held.

33 b) The name of the defendant.

34 c) The Office.

35 d) The particular grounds of the contest.

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votes

1 shall be entitled to vote. All special elections shall be
2 conducted in the same manner and form as a general election,
3 except as otherwise provided in this Act.]

4 Section 143. Time of Special Election. Special
5 elections shall be held at a time set by the Election
6 Commission which shall be held not less than twenty-eight (28)
7 days or more than sixty (60) days from the date such special
8 election becomes necessary, provided that a runoff election
9 shall be as provided by Section 7 of Article VI of the Chuuk
10 State Constitution. The Election Commission shall also set
11 the time limit within which polling places may be designated,
12 precinct boards may be appointed, and declarations of
13 candidacy or nomination may be filed, subject to the
14 provisions of Section 24 and 25 of this Act.

15 Section 144. Calling Special Elections. All
16 special and runoff elections shall be called by proclamation
17 of the Chuuk State Election Commission. The Commission shall
18 disseminate such proclamation or the information contained
19 therein by every available means of communication, including
20 public information, the news media, broadcast, and radio.

21 Section 145. Election to Fill Vacancy in the Chuuk
22 State Legislature. The Election Commission shall call for a
23 special election to fill vacancies in the Legislature whenever
24 one or more vacancies occur therein not less than one year
25 remaining in the unexpired term as provided in this Act. An
26 unexpired term of less than one year shall be filled by
27 appointment of the Governor. The highest vote getter or vote
28 getters if there are more than one vacancy, shall be certified
29 by the Election Commission as elected and shall be
30 administered the oath of office immediately to fill the
31 unexpired term of office.

32 Section 146. Events Causing Vacancies. Vacancies
33 in the Chuuk State Legislature and/or in the municipalities
34 occur when the incumbent:

35 a) dies;

- 1 b) resigns;
- 2 c) refuses or fails to take office;
- 3 d) becomes insane as determined by competent
- 4 jurisdiction;
- 5 e) is expelled according to law;
- 6 f) changes residence from the
- 7 municipalities, precincts, or regions in which elected;
- 8 g) is ill or incapacitated beyond ability to
- 9 discharge the powers and duties of office as determined by
- 10 competent jurisdiction, medical doctor; or
- 11 h) undergoes any of the foregoing events in (a)
- 12 through (g) with respect to a person elected to office, after
- 13 the election but before such person commences his term of
- 14 office, constitutes a vacancy on the date the term commences,
- 15 unless the person so elected is the incumbent in which case
- 16 the vacancy occurs on the date of such event.

17 Section 147. Total Incapacity or Death After

18 Election but Before Commencing Term of Office.

19 a) If the newly elected person for Governor becomes

20 totally incapacitated or dies before commencing his term of

21 office, the person elected with him on the same ticket as Lt.

22 Governor shall become Acting Governor upon the expiration of

23 the term of the current or outgoing Governor, and a special

24 election for a new Governor shall be held according to law.

25 If the new team was elected just to fill a vacancy and the

26 Governor-elect becomes totally incapacitated or dies prior to

27 commencing his term of office, the vacancy

28 remains vacant and the incumbent Acting Governor continues in

29 office until a new ticket of candidates for Governor and Lt.

30 Governor is elected and takes office. In the case of an

31 incumbent team, upon the total incapacitation or death of the

32 Governor before commencing another term, the incumbent Lt.

33 Governor, whether or not on the incapacitated or deceased

34 Governor's ticket, becomes Governor only for the remaining

35 portion of the expiring term of the Governor, after which the

1 person elected as Lt. Governor on the ticket with the
2 incapacitated or deceased Governor shall become Acting
3 Governor, and a special election for a new Governor shall be
4 held according to law.

5 b) If a newly elected person to the Senate or House
6 of Representatives becomes totally incapacitated or dies
7 before commencing his term, no vacancy occurs until after the
8 expiration of the term of the outgoing incumbent member, after
9 which a special election shall be held to fill the vacancy;
10 but if the incapacitated or deceased newly elected person had
11 been elected just to fill a vacancy, such vacancy remains
12 unfilled and another special election shall be held to fill
13 the vacancy.

14 Section 148. Application of this Act. All the
15 provisions of this Act apply to all elections in the State of
16 Chuuk, including municipal or national election whenever
17 applicable unless otherwise specifically provided.

18 Section 149. Rules and Regulations. The Chuuk
19 State Election Commission has the power to promulgate in
20 writing the necessary rules and regulations including
21 administrative procedures, to effectuate the purpose of this
22 Act.

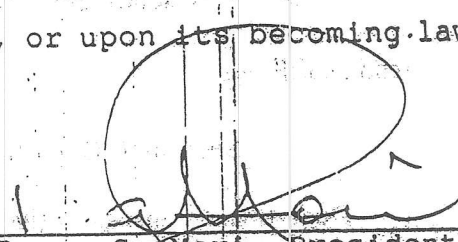
23 Section 150. Repealer. Chapter 1 of Title 21 of
24 the Truk District Code, Truk District Law No. 27-1-6, Truk
25 State Law No. 2-8, Truk State Law No. 5-104, Truk State Law
26 No. 5-129, and Truk State Law No. 6-10 are hereby repealed in
27 their entireties.

28 Section 151. Severability Clause. If any provision
29 of this Act, or the application thereof, is held invalid, such
30 holding shall not affect other provisions or application of
31 this Act which can be given effect without the invalid
32 provision or application, and to this end the provisions of

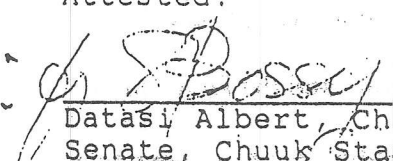
1 this Act are severable.

2 Section 152. Effective Date. This Act shall take
3 effect upon approval by the Governor, or upon its becoming law
4 without such approval.

Signed by:

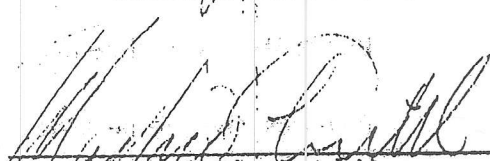

Roger S. Mori, President
Senate
Chuuk State Legislature

Attested:

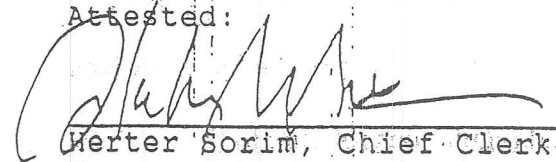

Datasi Albert, Chief Clerk
Senate, Chuuk State Legislature

Date: Sept. 26, 1996

Signed by:



Masachiro Christlib
Speaker
House of Representatives
Chuuk State Legislature

Attested:


Herter Sorim, Chief Clerk
House of Representatives
Chuuk State Legislature

Date: Sept. 26, 1996

Approved by:


Marcellino Umweh
Governor of Chuuk
Chuuk State Government

Date: 1996/1/16

HISTORY :
S.S.C.R. NO:

S.B.No.3-126;S.D.2
3-2R-23