

AN ACT

To further amend CSL No. 3-95-26, as amended by amending § 3, 19, 39, 59, 97, 101, 102, and for other purposes.

Be it enacted by the Chuuk State Legislature:

1 Section 1. Amendment. Section 3 of CSL No. 3-95-26 as amended is hereby further
2 amended to read as follows:

3 “Section 3. Election Commission; Composition; Removal of Members;
4 Chairman; Quorum.”

5 (a) There is within the government of Chuuk State the independent Election
6 Commission. The Commission shall consist of five (5) members, all of whom shall be
7 eligible voters on the date of their appointment. The Governor shall appoint the five
8 (5) members, one from each of the Senatorial Regions, with the advice and consent of
9 the Senate. The members shall serve for a term of 4 years. If a vacancy should occur
10 on the Commission, said vacancy shall be filled for the remainder of the term only,
11 and by method originally prescribed for its appointment. Every member of the
12 Commission who is not an employee or not in the full-time service of the State
13 Government shall be paid a sum of \$25.00 each day, for attendance at a meeting when
14 performing his duties as member of the Commission.

15 (b) Any member may be removed for misconduct in the office by a resolution duly
16 adopted by a majority vote of the members present of the House of Representatives.

17 (c) The Commission shall every 2 years elect one of its members as Chairman.
18 The chairmanship shall rotate among the 5 senatorial regions. The Chairman shall
19 preside at all meetings of the Commission. Other officers may be elected as the
20 Commission deems necessary.

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

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

1 Section 2. Amendment. Section 19 of CSL No. 3-95-26, as amended is hereby further
2 amended to read as follows:

3 “Section 19. Report of deaths. The Commission shall obtain certificate of
4 deaths from the Department of Health Services in Chuuk State on a monthly basis. Not
5 later than the fifteenth day of each month the Director of Health Services or his
6 designee shall furnish the Commission an abstract of the register of deaths of electors
7 for the previous month showing, for all decedents eighteen years of age or over, the:

8 (1) Name;

9 (2) Sex;

10 (3) Age;

11 (4) Nativity; and

12 (5) Place of residence

13 Section 3. Amendment. Section 39 of Chuuk State Law No. 3-95-26 as amended, is
14 hereby further amended to read as follows:

15 “Section 39. Filing and distribution of petition. Not less than 120 days before a
16 general election, candidates or their sponsors shall file their declarations of candidacy
17 with the Commission which shall disseminate to the public and may publish in a
18 newspaper of general circulation the names of all candidates and the offices for which
19 they have declared their candidacies. There shall be deposited with the Commission
20 for each candidacy upon filing for Governor and Lieutenant Governor a fee of \$500
21 each and for the Legislature and any other state elective office a fee of \$250 which
22 shall be paid to the general fund of the State for the sole purpose of funding the
23 conduct of State elections.”

24 Section 4. Amendment. Section 59 of CSL No. 3-95-26, as amended is hereby further
25 amended to read as follows:

26 “~~Section 59.~~ Time for opening and closing polls. The polls shall be opened at 7
27 o’clock a.m. on the day of an election and shall be kept open until 8 o’clock p.m. of the
28 same day, at which time the polls shall be closed except as provided in this Act; and
29 provided that after the precinct board has ascertained that every person on the general
30 register of voters for that particular polling place has voted or given every opportunity to

1 vote, that polling place may be closed even before 8 o'clock p.m.; provided however, that
2 all the out of state polling places shall continue to open until 8 o'clock p.m. local time."

3 Section 6. Amendment. Section 97 of Chuuk State Law No. 3-95-26 is hereby amended to
4 read as follows:

5 "Section 97. Voting at another polling place.

6 (1) Notwithstanding provisions of this Act to the contrary, a legally registered voter
7 shall have the right to vote on election day at a polling place other than the polling place at
8 which he is legally registered to vote, even a place outside his registered municipality,
9 representative district, senatorial region, or congressional election district, or outside Chuuk
10 State, if he notifies the Election Commission in writing on a prescribed form at least fifteen
11 days before the election day that he requests to vote at a specific polling or voting place.

12 (2) Upon receipt of a voter's request, the Election Commission shall assign the polling
13 place as requested and, not more than five days before election day until the eve of the
14 election day, shall disseminate this information to the public by every available means of
15 information, including the broadcast and radio, as to the place where the voter may vote.
16 Upon such notification, the voter shall be permitted to vote only at that polling place and
17 shall be provided with the appropriate ballot or ballots as the case may be.

18 (3) The commission shall cause to have a list published and made available of those
19 legally registered voters who have requested to vote in other polling places seven days
20 before the election day;

21 (4) Voters who have requested to cast their ballots pursuant to this Section whose
22 names fail to appear in the list of voters in said polling booths shall be allowed to vote upon
23 presentation of valid FSM passport or FSM Voters' identification card provided, his or her
24 name is found in the list provided and signed by both the Election Commission and the
25 respective candidates."

26 Section 7. Amendment. Section 101 of CSL No. 3-95-26 as amended, is hereby further
27 amended to read as follows:

28 "Section 101. Vote tabulating device; Mode of tallying. The commission may
29 appoint such persons as may be necessary for the manual tabulation of ballots and or for the
30 operation of the vote tabulating device and to keep watch on such tabulating for any
31 possible illegal vote or any error or omission on the part of the persons tabulating the

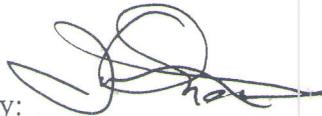
1 ballots or operating the vote tabulating device. In manual tabulating of ballots, there shall
2 be a verification interval after the tabulation of twenty five ballots to make sure counted
3 ballots are awarded correctly to deserving candidates.”

4 Section 8. Amendment. Section 102 of CSL No. 3-95-26, is hereby further amended to
5 read as follows:

6 “Section 102. Tabulating at precincts. Notwithstanding any other provisions of
7 law, the Chuuk State Election Commission, at the written request of the Executive Director
8 may authorize ballots to be tabulated at the precincts by the precinct boards and require
9 results thereof to be reported to the Election Center in person or by any reliable means of
10 communication available.”

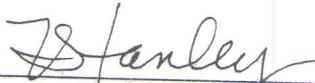
11 Section 9. Effective Date. This Act shall take effect upon approval by the Governor, or
12 upon its becoming law without such approval.

Signed by:



Innocente I. Oneisom, Speaker
House of Representatives
Chuuk State Legislature

Attested:

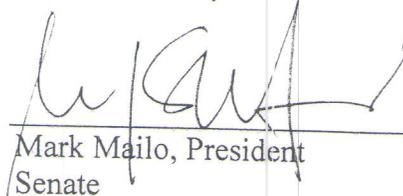


Florence P. Stanley, Chief Clerk
House of Representatives
Chuuk State Legislature

Date:

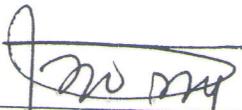
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Signed by:



Mark Mailo, President
Senate
Chuuk State Legislature

Attested:

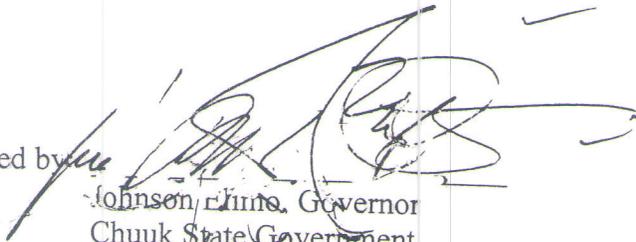


Songkinita S. Bossy, Chief Clerk
Senate
Chuuk State Legislature

Date:

10/25/12

Approved by:



Johnson Lingo, Governor
Chuuk State Government

Date:

11-08-12

History

H.B.No.: 11-20, HD2, SD3

H.C.R. No.: 11-1R-14

S.C.C.R. No.: 11-2R-49