

AN ACT

To further amend the District Election Act of 1978, TSL No. 27-1-6, as amended, by amending Subsection (6) of Section 16, Section 24, Subsection (2) of Section 35, Subsection (2) of Section 37, and Subsection (1) of Section 39 for the purpose of enabling the State Election Commissioner to designate special polling places outside of Truk State, and for other purposes.

Be it enacted by the Legislature of Truk State;

Section 1. Subsection (6) of Section 16 is hereby amended to read as follows:

"Section 16. Powers and Duties. Without additional compensation, the Election Commissioner shall have the overall supervision and administration of the election and shall perform such duties as are prescribed by law, which shall include, but not be limited to the following:

- (1) Appoint all members of the several Board of Election as provided for this Act;
- (2) To prescribe and promulgate rules, regulations, and instructions, including rules, regulations and instructions for absentee ballots, for the conduct of the election;
- (3) To determine, and prescribe forms of ballots and the form of all blanks, cards of instructions, pollbooks, tally sheets, and all forms and blanks required by the provisions of this Act for use by candidates, boards, committees, and voters, and supply the same to Boards of Election;
- (4) To require such reports from the several boards as may be required by law or regulations or as he may deem necessary;
- (5) To review and examine voting irregularities or violation of any election laws in accordance with the provisions of this Act;
- (6) To established voting precincts within each election district and designate special polling places outside of Truk State and appropriate polling places within each voting precinct, upon recommendations of the members of the Board of Election of the particular Election District;

(7) To receive nomination petitions and list of all candidates for election in alphabetical order on the ballots for each Election District;

(8) To register or cause to be registered all the voters in his administrative district and to maintain the general district register as provided in this Act;

(9) To prepare from the general district register a registered voter's list for each voting precinct prior to any election; and

(10) To designate a temporary Election Commissioner when necessary."

Section 2. Section 24 of TSL No. 27-1-6 is hereby amended to read as follows:

"Every affidavit on application for registration shall be submitted to the persons authorized to examine the qualifications of electors. Such affidavits may be submitted, and shall be processed, up to 10 days prior to the election itself."

Section 3. Subsection (2) of Section 35 is hereby amended to read as follows:

"Section 35. Absentee Voter Defined-Absentee Ballot.

(1) Any registered voter qualified to vote at any general or special election shall be entitled and enabled to vote by absentee ballot if:

(a) he is confined to his home or hospital by reason of such illness or physical disability as will prevent him from attending polls; or

(b) he is prevented from voting by reason of being at sea or absent from Truk District;

(2) An absentee ballot is an official ballot which is authorized by this Act to be voted at a special poll outside of any designated polling place or prior to the date of the election."

Section 4. Subsection (2) of Section 37 is hereby amended to read as follows:

"Section 37. Request for Absentee Ballot-Contents.

(1) Any registered voter qualified to vote in any election

may request and cast an absentee ballot with the Election Commissioner; PROVIDED, that he meets the requirements as set forth in Section 35;

(2) Any registered voter qualified to vote by absentee ballot may, not more than 90 days nor less than 15 days before the election, request the Election Commissioner in writing for an absentee ballot to be voted at the election. The request shall include information stating the voter's voting precinct, election district, reasons for being absentee, address to which he wishes his ballot forwarded and the establishment of his right to a ballot. Provided, that for purpose of the State General Election of 1986, registered voters may request absentee ballots up to 10 days of the Election."

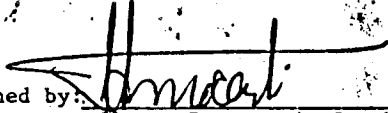
Section 5. Subsection (1) of Section 38 is hereby amended to read as follows:

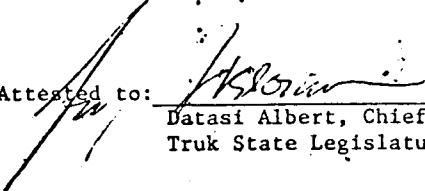
"Section 38. Marking and Return of Absentee Ballot-Voting at Polls Prohibited.

(1) The Election Commissioner or the Board of Election as the case may be, shall at least 10 days prior to an election, provide to any person who may be entitled to vote by absentee ballot, and who requests the same, an official ballot, a ballot envelope, and a covering reply envelope. The absentee voter shall by mail or at a designated special polling place mark the ballot in the usual manner provided by law and in such manner that no person can see or know the ballot is marked except as provided in Section 36. The absentee voter shall then deposit the ballot in the ballot envelope and securely seal the same. The absentee voter shall then complete and execute the affidavit. The ballot envelope and the affidavit shall then be enclosed and sealed in the covering reply envelope and shall be mailed or delivered to the Election Commissioner issuing the absentee ballot post marked not later than the established closing hour of the polls on the day of the election, except as provided in Section 36."

(2) It shall be unlawful for any person having voted an absentee ballot to cast a ballot at the poll on election day.

Section 6. This Act shall take effect upon approval by the Governor, or upon its becoming law without such approval.

Signed by: 
Simeon Innocenti, Speaker
Truk State Legislature

Attested to: 
Datasi Albert, Chief Clerk
Truk State Legislature

Date: Jan 13 1986

Approved by: 
Erhart Aten, Governor
Truk State

Date: Jan 14, 1986