

ELEVENTH LEGISLATURE OF THE STATE OF YAP
Third Regular Session
2025

(CHW)

Bill No. 11-163

A BILL FOR AN ACT

To amend Title 7 of the Yap State Code, Yap State Elections, by enacting a new Section 201 and renumbering Sections 201 through Section 204 as Sections 202 through 205, respectively, to create Board of Elections, by amending Sections 301, 302, 601 through 606, 701, 704, 801, 803, 806, 818, and 1001 through 1005 concerning officials, ballots and procedures for Yap State elections, and for other purposes.

Be it enacted by the Legislature of the State of Yap.

1 Section 1. Title 7 of the Yap State Code is hereby
2 amended by adding a new Section 201 to be read as follows:

3 "Section 201. Board of Elections.

4 (a) There is established a Board of Elections.

5 The purpose of the Board is to insure that all actions taken
6 by the Election Commissioner, who is appointed under Section
7 202 this chapter, conform to the powers and duties conferred
8 upon the Election Commissioner under Sections 203 through 205
9 of this chapter. Any action or failure to act by the
10 Commissioner may be brought before the Board for review by any
11 interested party.

12 (b) The Board will be made up of three members
13 who are by appointment of the Governor with the advice and
14 consent of the Legislature. The members of the Board will be

1 appointed to eight year terms. Members of the Board may be
 2 removed by the Governor and a replacement member appointed
 3 within 30 days. 3 meetings limit to discharge. In the event
 4 that any issue brought before the Board is not decided
 5 unanimously, a majority vote will decide the issue."

6 Section 2. Section 201 of Title 7 is hereby renumbered
 7 and amended to read as follow:

8 "Section 201~~2~~. Office of Election Commissioner.

9 (a) The Governor will appoint an Election
 10 Commissioner with the advice and consent of the Legislature or
 11 a committee thereof. The Election Commissioner shall hold his
 12 office for a term of six years until a successor is confirmed;
 13 provided that the Election Commissioner may be removed or
 14 suspended from office by the Governor for cause or upon the
 15 recommendation of the Election Board. Upon a removal from
 16 office for cause, Governor shall have 30 days to appoint a
 17 replacement subject to advice and consent of the Legislature.

18 (b) The Election Commissioner shall be the
 19 chief election officer of the State, with such powers and
 20 duties relating to the registration of voters and the conduct
 21 of the elections prescribed in this title."

1 Section 3. Section 202 of Title 7 is hereby renumbered
2 and amended to read as follows:

3 "Section 2023. Powers and duties.

4 The Election Commissioner shall have the overall supervision
5 and administration of the election and shall perform such
6 duties as are prescribed by law, which shall include, but not
7 be limited to, the following:

8 (a) To appoint all ~~members of the several~~
9 ~~boards of elections~~ pollworkers as provided for in this title
10 and establish rules and guidelines for such pollworkers;

11 (b) May prescribe and promulgate rules,
12 regulations or instructions, including rules, regulations or
13 instructions for absentee ballots, for the conduct of the
14 election and for electronic voting;

15 (c) To determine, and prescribe forms of
16 ballots and the forms of all blanks, cards of instruction,
17 pollbooks, tally sheets, and all forms and blanks required by
18 the provisions of this title for use by candidates, ~~boards/~~
19 pollworkers, committees, and voters, and supply the same to
20 ~~boards/of/election~~ the pollworkers;

21 (d) To require such reports from the ~~several~~

1 ~~boards~~pollworkers as may be required by law or regulation or
2 as he may deem necessary;

3 (e) To review and examine voting irregularities
4 or any alleged violation of any election laws in accordance
5 with the provisions of this title;

6 (f) To establish voting precincts within each
7 election district and designate appropriate polling places for
8 each voting precinct, upon recommendations of the ~~members of~~
9 ~~the board of election~~ pollworkers of the particular election
10 district; such polling places may be within the voting
11 precinct, for the voting precinct and outside the election
12 district but within the State, or outside the State subject to
13 the provisions of section 701;

14 (g) To receive nomination petitions and list
15 all candidates for election, in the order in which petitions
16 were filed, for each election district, provided that in the
17 case petitions are received at the same time, the order
18 between those candidates shall be determined by lot;

19 (h) To register or cause to be registered all
20 the voters in the State and to maintain the general state
21 register as provided in this title; and

1 (i) To prepare from the general state
2 register, a registered voter list for each voting precinct
3 prior to any election."

4 Section 4. Section 203 of Title 7 is hereby renumbered
5 and amended to read as follows:

6 "Section 2034. Official register to be kept by Election
7 Commissioner.

8 The Election Commissioner shall register or cause to be
9 registered, through the pollworkers or other means, all voters
10 in the general state register. The register shall consist of
11 one or more volumes for each election district with a general
12 alphabetical index of the voters. The general state register
13 shall be divided into as many parts as there are election
14 precincts in the election districts and shall have an index of
15 precincts. The general state register shall be maintained by
16 the Election Commissioner and shall, at all times during
17 business hours, be open to public inspection, and shall be a
18 public record. The register shall be ruled and printed in such
19 forms as the Election Commissioner may direct. The respective
20 pollworker for each election district shall maintain a copy of
21 their index of voters to update and submit the relevant

1 information to the Election Commissioner at least five working
 2 days before election day. The complete general state register
 3 shall be published and made available for public inspection at
 4 least one day prior to any election."

5 Section 5. Section 204 of Title 7 is hereby renumbered
 6 as Section 205.

7 Section 6. Section 301 of Title 7 is hereby and amended
 8 to read as follows:

9 "Section 301. Pollworkers; ~~Boards of election~~ created;
 10 appointment of members. The Election Commissioner shall
 11 appoint ~~a board of election~~ a slate of pollworkers for each
 12 election district whose members shall serve until resignation
 13 or until their successors are appointed. The members shall be
 14 citizens of the Federated States of Micronesia registered to
 15 vote under the provisions of this title and be of such numbers
 16 as are necessary to have at least two ~~board members~~
 17 pollworkers present at each polling place. No ~~board member~~
 18 pollworker shall actively participate in an election campaign
 19 at least three months before an election during his
 20 appointment."

21 Section 7. Section 302 of Title 7 is hereby and amended

1 to read as follows:

2 "Section 302. Powers and duties. Each ~~board of election~~
3 ~~member~~ pollworker shall have the powers and duties as follows:

4 (a) To perform all duties prescribed by law;

5 (b) To supervise and manage each polling
6 place;

7 (c) To receive, preserve and maintain ballot
8 boxes, locks, maps, cards of instructions and other supplies
9 and equipment necessary to conduct the election;

10 (d) To give such instruction deemed necessary
11 for the orderly conduct of the election;

12 (e) To provide for the issuance of all notices
13 and publications concerning the election;

14 (f) To review and examine the sufficiency and
15 validity of nominating petitions and other documents where the
16 Election Commissioner designates the ~~board~~ pollworkers to act
17 in his stead;

18 (g) To receive and transmit all ballot boxes,
19 locked, and sealed, to the Election Commissioner;

20 (h) To receive, investigate and decide
21 complaints concerning election irregularities and determine

1 the residence qualifications of voters, subject to review
2 according to section 818 of this title;

3 (i) To recommend to the Election Commissioner
4 designation of appropriate polling places for each voting
5 precinct;

6 (j) To perform such other duties as are
7 prescribed by law or rules issued by the Election
8 Commissioner;

9 (k) To register electors; and

10 (l) To update the general state register
11 every year."

12 Section 8. Section 601 of Title 7 is hereby amended to
13 read as follows:

14 "601. Official and specimen ballots; penalty for
15 imitating.

16 (a) All elections held in accordance with the
17 provisions of this title shall be held by official ballot
18 only. An official ballot is a written or printed, or partly
19 written and partly printed, paper, designated as an official
20 ballot and containing the names and pictures of persons to be
21 voted for and the office to be filled, and issued by the

1 Election Commissioner. The Election Commissioner shall have
 2 printed two exact copies of each official ballot which is to
 3 be used in the general election, for each voting place, such
 4 copies to have printed thereon, in large bold letters, and
 5 with ink of a color plainly contrasting to the color of the
 6 paper used, the word "Specimen". Two copies of each such
 7 specimen ballots shall be forwarded to the ~~members of the~~
 8 ~~board of the election~~ pollworkers at the same time with the
 9 official ballots and the ~~member of~~ ~~members of the election~~
 10 ~~board~~ pollworker or pollworkers shall post one of each such
 11 specimen ballots on either side of the entrance of the voting
 12 place or other places plainly in sight for the general public.

13 (b) Any person who knowingly, wilfully, and unlawfully
 14 prints, copies, imitates, or distributes, or causes to be
 15 printed, copied, imitated, or distributed any official ballot
 16 or any document that is so substantially similar in style or
 17 content to the official ballot as to cause the likelihood of
 18 confusion with the official ballot without the authorization
 19 of the Election Commissioner shall be guilty of a
 20 misdemeanor."

21 Section 9. Section 602 if Title 7 is hereby amended to

1 read as follows:

2 "Section 602. Contents of ballots. A ballot shall
3 contain the names and pictures of the persons and the offices
4 to be voted for and the election district in which the
5 election is being held, and the term or terms of the
6 respective offices being voted for."

7 Section 10. Section 603 of Title 7 is hereby amended to
8 read as follows:

9 "Section 603. Printing and distributing ballots.

10 (a) The ballots shall be printed by order of
11 the Election Commissioner at government expense. The Election
12 Commissioner shall deliver an adequate amount of ballots to
13 each election district.

14 (b) The Election Commissioner shall print a
15 specimen ballot and shall forthwith submit copies of the same
16 to the ~~members of the several boards of election~~ all
17 pollworkers and to the several candidates at their addresses
18 as given on their nomination papers, and the ~~members of the~~
19 ~~boards~~ pollworkers shall post a copy of the same in a
20 conspicuous place in their office or a public place."

21 Section 11. Section 604 of Title 7 is hereby amended to

1 read as follows:

2 "Section 604. Withdrawal of candidates; notice;
3 reprinting of ballots, costs.

4 (a) Any candidate may withdraw before an
5 election by giving notice in writing to the ~~member of members~~
6 ~~of the election board~~ pollworker or pollworkers or to the
7 Election Commissioner, whichever is more practical, in the
8 election district in which such candidate was seeking
9 nomination or election. If a candidate withdraws after the
10 printing of the ballots, the Election Commissioner shall cause
11 the name of the candidate so withdrawing and the name of any
12 candidate who may have died, to be stricken from the ballots
13 and, in that regard, may require the services of the ~~election~~
14 ~~board~~ pollworker of the election district or precinct in which
15 any person was a candidate and shall notify in writing such
16 ~~election board~~ pollworker of the withdrawal of ~~r~~ death,
17 whereupon notice thereof shall, before the opening of the
18 polls on election day, be posted at the polling place.

19 (b) If a candidate withdraws his name before
20 an election and the ballots are in the process of or have been
21 printed and it becomes necessary in the opinion of the

1 Election Commissioner or the ~~election board~~ pollworker for a
 2 reprinting of the ballots or a striking out of a candidate's
 3 name by a reprint block-out, all expenses thereof, except in
 4 case of a withdrawal necessitated for medical cause and so
 5 certified by a physician, shall be charged against the
 6 withdrawing candidate and shall be paid by him within 30 days
 7 after such withdrawal to the Election Commissioner. Monies so
 8 received shall be paid to the Treasurer to remain available
 9 for conducting general and special elections.

10 (c) Any person who shall, directly or indirectly,
 11 threaten or intimidate any candidate so as to cause or attempt
 12 to cause the candidate to withdraw from an election shall upon
 13 conviction be fined not more than \$2,000.00, or imprisoned for
 14 not more than one year, or both."

15 Section 12. Section 605 of Title 7 is hereby amended to
 16 read as follows:

17 "Section 605. Substitute candidates; insertion of names
 18 on ballots and notice at polling places. In the case of the
 19 death, withdrawal, or disqualification of candidates after the
 20 deadline for filing nominations, substitute candidates may be
 21 nominated prior to ten days before the date of an election.

1 A person nominated as a substitute for a candidate nominated
 2 by petition must be nominated by petition in the same manner
 3 as the candidate who has died, withdrawn, or been
 4 disqualified. The Election Commissioner in the case of any
 5 substitute candidate filling a vacancy caused by death,
 6 withdrawal, or disqualification of a candidate shall cause the
 7 name of any substitute candidate to be placed upon the proper
 8 ballots by reprinting, over-printing or through the use of
 9 stamps or such other means as the Election Commissioner may
 10 deem satisfactory for the purpose and may require the services
 11 of the ~~members of the election board~~ pollworkers who may be in
 12 the election district or precinct in which such a person is a
 13 candidate. The ~~election board~~ pollworker shall post a notice
 14 at the polling place of the name and office sought by any such
 15 substitute candidate."

16 Section 13. Section 606 of Title 7 is hereby amended to
 17 read as follows:

18 "Section 606. Ballots to remain until polls open. When
 19 printed, the ballots shall be fastened together in blocks of
 20 twenty-five each, in such manner that each ballot may be
 21 detached and removed separately. They shall be forwarded by

1 the Election Commissioner to the ~~member or members of the~~
2 ~~election board~~ pollworkers in sealed packages, which shall not
3 be opened until the opening of the polls. A record of the
4 number of ballots sent to each ~~election board member~~
5 pollworker shall be kept by the Election Commissioner."

6 Section 14. Section 701 of Title 7 is hereby amended to
7 read as follows:

8 "Section 701. Absentee voter; absentee ballot; special
9 polling place, defined.

10 (a) Any registered voter qualified to vote at
11 any general or special election shall be entitled to vote by
12 absentee ballot if:

13 (1) He is confined to his home or
14 hospital by reason of such illness or physical
15 disability as will prevent him from attending
16 the polls; or

17 (2) He is prevented from voting by
18 reason of being at sea or absent from the
19 State.

20 (b) An absentee ballot is an official ballot
21 which is authorized by this title to be voted outside of any

1 designated polling place or prior to the date of the election
2 or at a special polling place outside the State.

3 (c) A special polling place is a polling place
4 in a location outside the election district designated by the
5 Election Commissioner upon the recommendations of ~~members of~~
6 ~~the election board~~ the pollworkers.

7 (1) The Election Commissioner shall not
8 designate such a special polling place unless
9 there are at least 50 registered voters in
10 that location who are outside their election
11 district;

12 (2) Voting at any special polling place
13 in a location outside the election district
14 but within the State shall be pursuant to
15 section 707 of this title;

16 (3) Voting at any special polling place
17 in a location outside the State shall be by
18 absentee ballot; and

19 (4) The Election Commissioner may
20 appoint as ~~election board members~~ pollworkers
21 for an out-of-State special polling place

1 persons who will be voting at such special
2 polling place and who are otherwise qualified
3 under section 301 to be ~~members of the~~
4 ~~election board~~ pollworkers."

5 Section 15. Section 704 of Title 7 is hereby amended to
6 read as follows:

7 "Section 704. Marking and return of absentee ballot;
8 voting at polls prohibited.

9 (a) The Election Commissioner or the ~~board of~~
10 ~~election~~ pollworkers, as the case may be, shall at least five
11 days prior to an election, provide to any person who may be
12 entitled to vote by absentee ballot, and who requests the
13 same, an official ballot, a ballot envelope, an affidavit
14 prescribed by the Election Commissioner, and a covering reply
15 envelope. The absentee voter shall mark the ballot in the
16 usual manner provided in this title and in such manner that no
17 person can see or know how the ballot is marked except as
18 provided in section 701. The absentee voter shall then
19 deposit the ballot in the ballot envelope and securely seal
20 the same. The absentee voter shall then complete and execute
21 the affidavit. The ballot envelope and the affidavit shall

1 then be enclosed and sealed in the covering reply envelope and
 2 shall be mailed or delivered to reach the Election
 3 Commissioner issuing the absentee ballot not later than the
 4 established closing hour of business on the day of the
 5 election; provided, however, that the absentee voter who is
 6 voting at a special polling place outside the State shall
 7 deposit his ballot in a ballot box at that polling place on
 8 the day of the election, which ballot box shall be delivered
 9 to the Election Commissioner by the ~~election board members~~
 10 pollworkers present at the special polling place.

11 (b) It shall be unlawful for any person having
 12 voted an absentee ballot to cast another ballot at the polls
 13 on election day."

14 Section 16. Section 801 of Title 7 is hereby amended to
 15 read as follows:

16 "Section 801. Polling places to be supervised. The
 17 Election Commissioner shall ensure that polling places are
 18 supervised by the ~~election board~~ pollworkers and such other
 19 officials as the Election Commissioner shall deem necessary,
 20 who must be present at the designated polling places during
 21 the election. Only one poll worker may be absent from a

1 polling place at any time while the polling place is open.

2 Public schools and other public places shall be utilized
3 insofar as practicable as polling places. Rent shall not be
4 charged or paid for the use thereof."

5 Section 17. Section 803 of Title 7 is hereby amended to
6 read as follows:

7 "Section 803. Proclamation on opening of polls. At
8 exactly seven o'clock a.m., of the day of the election, a
9 ~~member of the election board~~ pollworker shall proclaim aloud
10 at each place of election that the polls are open, and shall
11 be kept open until seven o'clock p.m., of the same day, after
12 which time the polls shall be closed; provided, that, if at
13 the hour of closing there are any other voters in the polling
14 place, or in line at the door, who are qualified to vote and
15 have not been able to do so since appearing, the polls shall
16 be kept open for sufficient time to enable them to vote;
17 provided further, that, if all registered voters appearing on
18 a registered voter's list for any polling place have voted,
19 that polling place may close irrespective of the time of day."

20 Section 18. Section 806 of Title 7 is hereby amended to
21 read as follows:

1 "Section 806. ~~Pollworker~~watcher allowed. Each
2 candidate shall be entitled to have one ~~pollworker~~watcher at
3 each polling place."

4 Section 19. Section 818 of Title 7 is hereby amended to
5 read as follows:

6 "Section 818. Election irregularity; complaint;
7 procedure. Any person may file an oral or written complaint
8 on any election irregularity with a ~~member of the election~~
9 ~~board~~ pollworker present at the polling place. The ~~board~~
10 ~~member~~ pollworker shall give an individual against whom the
11 complaint is made time to present witnesses and explanation,
12 if any, but in no event shall such time be granted so as to
13 prevent the ~~election board~~ pollworker from making decision
14 prior to the time for the closing of the polls. The
15 complainant or the individual against whom the complaint is
16 made may appeal the decision to the Election commissioner or
17 his designated representative. The Election Commissioner, or
18 his said representative shall, as soon as possible, examine
19 the finding of the ~~election board~~ pollworker and may hear
20 witnesses, if he deems necessary. The Election Commissioner
21 or his said representative shall make his decision prior to

the time of the closing of the polls, and the aggrieved party may appeal the decision in accordance with section 1003 of this title. In the event the decision of the Election Commissioner or his designated representative cannot be obtained as heretofore provided, the aggrieved party may appeal the decision of the ~~election board~~ pollworkers in accordance with section 1003 of this title."

Section 20. Section 1001 of Title 7 is hereby amended to read as follows:

"Section 1001. Petition for recount; filing; contents.

A petition for recount may be filed by any candidate in an election who believes that there was fraud or error committed in the casting, canvassing or return of the votes cast at said election. The petition shall be filed with the Election Commissioner or the ~~board of election~~ pollworkers of the election district in which the recount is requested. Such petition shall contain a statement sworn to before a notary public or other person authorized to administer oaths that the petitioner has reason to believe and does believe that the records or copies of records made by the ~~board of election~~ pollworkers of such district are erroneous, specifying wherein

1 he deems such records or copies thereof to be in error or the
2 votes were cast by persons no entitled to vote therein, and
3 that he believes that a recount of the ballots cast in the
4 election district will affect the election of one or more
5 candidates voted for at such election. The petition may not
6 be filed later than one week after the election at which the
7 votes were cast unless such filing is prevented by
8 circumstances beyond the control of the petitioner."

9 Section 21. Section 1002 of Title 7 is hereby amended to
10 read as follows:

11 "Section 1002. Recommendation to be made by ~~board of~~
12 ~~election~~ pollworkers. If a petition for recount is filed with
13 a ~~board of election~~ the pollworkers, the ~~board~~ pollworkers
14 shall recommend to the Election Commissioner within three days
15 from receipt of the petition whether the recount shall take
16 place."

17 Section 22. Section 1003 of Title 7 is hereby amended to
18 read as follows:

19 "Section 1003. Denial of petition; appeal to State
20 Court.

21 (a) If the Election Commissioner decides not

1 to approve the petition and grant the recount, he shall record
 2 the reasons for such decision. The aggrieved candidate may,
 3 within ~~five~~three days after receipt of the decision of the
 4 Election Commissioner, submit the matter to the Board of
 5 Elections, who shall have five days to review and issue a
 6 decision. After receipt of the decision from the board, the
 7 aggrieved party may appeal his case to the State Court within
 8 five days as a civil matter. The State Court shall review the
 9 appeal promptly and render a decision. The Election
 10 Comissioner shall not certify until a decision is made by the
 11 State Court. If the decision is in favor of the recount, the
 12 Election Commissioner shall be so notified and shall proceed
 13 as provided in sections 1004 and 1005 of this chapter.

14 (b) Appeals may be made in the manner
 15 prescribed in subsection (a) of this section from any decision
 16 of the Election Commissioner concerning a ~~ruling of an~~
 17 ~~election board~~ decision of the pollworkers with respect to a
 18 challenge affecting the acceptability of a vote or votes. A
 19 petition hereunder for appeal shall contain the information
 20 specified in section 1001 of this chapter for a petition for
 21 recount. A decision of the Board of Elections or the State

1 Court in favor of the petitioner may have the effect of
2 disallowing the challenged votes but shall not halt or delay
3 balloting or counting and tabulating."

4 Section 23. Section 1004 of Title 7 is hereby amended to
5 read as follows:

6 "Section 1004. Approval of petition; notice of recount.

7 Regardless of whether a petition for recount is first filed
8 with ~~a board of election~~ the pollworkers or with the Election
9 Commissioner, if the Election Commissioner determines that
10 there is a substantial question of fraud or error and that
11 there is a substantial possibility that the outcome of the
12 election would be affected by a recount, he shall cause notice
13 of the recount to be given in a manner decided by him."

14 Section 24. Section 1005 of Title 7 is hereby amended to
15 read as follows:

16 "Section 1005. Recount by counting and tabulating
17 committee; procedure; results. The recount shall be held by
18 the counting and tabulating committee within ten days after
19 the decision of the Election Commissioner and shall be public.

20 The counting and tabulating committee shall make certificates
21 of such determination under oath showing the result of the

1 election and what persons were declared elected to fill
2 office, one of which shall be filed with the Election
3 Commissioner, one with ~~each board of election~~ the pollworkers
4 concerned, and one with the person filing the petition for
5 recount."

6 Section 25. This Act shall become law upon the approval
7 by the Governor, or upon its becoming law without such
8 approval.

9

10

11

12

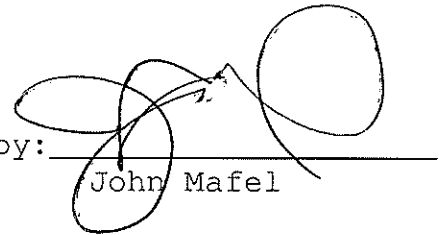
13

14

15

Date: 09/04/25

Introduced by:


John Mafel