



The President
Palikir, Pohnpei
Federated States of Micronesia

Decree amending the Emergency Decree issued on December 3, 2020, suspending the use of Special Polling Places in Guam and in Honolulu, to mandate the COVID-19 protocols and restrictions in a reasonable manner without disenfranchising eligible voters participating in the 2021 National Election by extending the deadline of receipt or the cut-off date of receipt of absentee ballots by mail

WHEREAS, on December 3, 2020, an emergency decree was issued temporarily suspending the use of special polling places for Guam and Honolulu for the March 2021 National Election and urging voters to plan ahead towards making requests for absentee ballots;

WHEREAS, the National Election Office received thousands of requests for absentee ballots by mail for the four FSM States;

WHEREAS, given the very limited flights to deliver mail into Kosrae, Pohnpei, Chuuk and Yap at this time due to the travel restrictions associated with the COVID-19 pandemic, the actual arrival of mail, including the arrival of mailed-in ballots, might go beyond the March 2 Election Day next week; and

WHEREAS, Section 105 of Title 9 of the FSM Code provides that whenever "a natural disaster or other event precludes holding the election" the President may postpone election to the next available date on which the natural disaster or other event will not hinder voting. Anticipating delays in the actual receipt of mailed-in ballots due to COVID-19 travel restrictions, postponing the cut-off date of the actual receipt of mailed-in ballots is required.

NOW THEREFORE, I, David W. Panuelo, President of the Federated States of Micronesia, pursuant to the authority vested upon me by Article X Section 9(a) of the FSM Constitution and by Section 105 Title 9 of the FSM Code, and for the sake of protecting the public health and maintaining safety of our citizens abroad and respecting their right of suffrage in a democratic election process and to avoid disenfranchising eligible voters at this time of the COVID-19 pandemic, do hereby DECREE as follows:


1. All health and safety protocols established in connection with the COVID-19 Pandemic shall be observed during the conduct of the March 2021 National Election.
2. All Election Staff shall facilitate the safe and orderly receipt, evaluation, processing and counting of mailed-in absentee ballots, and shall avoid disenfranchising eligible voters. On this premise, the National Election Commissioners shall accept all mailed-in ballots that were mailed out and postmarked on or before March 2, 2021. Ballots that were mailed out after March 2, 2021, are considered void, and shall be marked VOID without opening the envelope. Valid mailed-in ballots will be evaluated according to the procedures set out in paragraph 3 of this decree.



Decree Extending Cut-off date for mailed-in ballots
Page 2

3. The National Election Commissioners of the four FSM States shall receive and accept up to March 16, 2021, at 5:00 p.m. local time, all mailed-in absentee ballots that were postmarked on or before March 2, 2021. Any mailed-in ballots received after the cut-off date of March 16, 2021, will not be accepted. The National Election Commissioners shall ensure that their appropriate staffs monitor their official post office boxes on any incoming mailed-in ballots up to the cut off time and date. It is the responsibility of the Post Master General and the State postmasters to diligently work towards timely delivery of mailed-in ballots into the official post office boxes of the National Election Commissioners showing the date and time of receipt, without mistake or delay. All mailed-in ballots received by the cut-off date according to the terms and guidelines set out in this decree must be considered and counted.
4. The Acting National Election Director is directed to diligently process all requests for absentee ballots and expeditiously take action, through the offices of the Election Commissioners, on all valid ballots returned by mail and extend all the assistance necessary to the National Election Commissioners in connection with this decree.

SO ORDERED.


David W. Panuelo
President

Date: Feb 25th 2021