



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

ELECTION AND REFERENDA (AMENDMENT)(1) ACT 2016

Introduced by:

MINISTER JOHN SILK

Approved:

PRINTED NAME

SIGNATURE

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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016**



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Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

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2016**

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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**ELECTION AND REFERENDA (AMENDMENT)(1) ACT
2016**

A BILL FOR AN ACT to amend the Election and Referenda Act, 1980, by eliminating the postal voting system for persons residing outside of the Republic, and for related matters.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§1. Short Title.

This Act may be cited as Election and Referenda (Amendment)(1) Act, 2016.

§2. Amendments.

(1) Section 154 of the Election and Referenda Act is hereby amended as follows:

§154. Interpretation of Division 4

In this Division:

- (c) “confined voter” means a person who, pursuant to section 161 may vote before the day of the election due to prevention by illness or physical disability from attending a polling place in order to vote in an election.
- (d) “postal ballot paper” means an official ballot paper which, under Subdivision C, may be used pursuant to section 161, outside polling places or before the day of an election for the purpose of voting;

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- (d) ~~(e)~~ "postal voter" means a person who are eligible under Subdivision C of this Division to use postal voting system. ~~May vote outside polling places or before the day of an election;~~
- (e) ~~(f)~~ "special ballot container" means a ballot container provided in accordance with Section 156(4)(a)(iii) of this Chapter;
- (f) ~~(g)~~ "special polling place" means a polling place opened under Section 156(1) of this Chapter for voting by absentee voters, or declared open for that purpose under Section 156(2) of this Chapter.

(2) Section 156(1) of the Elections and Referenda Act is hereby amended to read as follows:

§156.Special polling places

- (1) In the case of a special election to the Nitijela, or of an election under the Local Government Act, 1980, the Chief Electoral Officer may order that such polling places as he thinks necessary be opened, outside the electorate or electorates concerned provided, that it is at a location within the Republic, on the day of the election.

(3) Section 161 of the Election and Referenda Act is hereby amended as follows:

§161.Application of for postal ballot papers by confined voter.

- (1) A registered voter who:
 - (a) is ~~prevented by~~ confined due to illness or physical disability from attending a polling place in order to vote in an election; or
 - (b) ~~resides outside of the Republic or will be outside of the Republic on the day of the election,~~ will be outside of the Republic temporarily on the day of the election, may apply for a postal ballot paper.
- (2) An application for a postal ballot paper under Subsection (1) shall be postmarked or made to reach the Chief Electoral Officer:

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(a) after the day on which the list of candidates is published under Section 148 of this Chapter, or after the twenty-first (21) day before the day of the election, whichever is the earlier: and

(b) not later than:

(i) five (5) days before the election, if the applicant will be outside of the Republic on the day of the election or the applicant is prevented by illness or confined due to physical disability from attending a polling place in order to vote in an election, ~~and will be within the Republic on the day of the election; or~~

(ii) ~~fourteen (14) days before the election, if the applicant resides outside of the Republic; provided, however, that in no event will an application for a postal ballot paper received through the mail be accepted on or after a date three days prior to the date of the election.~~

(3) The application shall include:

(a) sufficient information to allow the right of the applicant to vote, and the electorate (with respect to which he is entitled to vote), to be established;

(b) the address to which he wishes the postal ballot paper to be forwarded; and

(c) the grounds of the application.

(4) Regulations may be made on any matter relating to the subject of postal voters by confined voters, including, but not limited to the proof that may be required to show that a person will be outside of the Republic temporarily on the day of the election.

(3) Section 162 is hereby amended as follows:

§162. Provision and use of postal ballot papers.

(1) If the Chief Electoral Officer is satisfied that prima-facie an applicant for a postal ballot paper is entitled to receive one, he shall forward to him:

(a) an official ballot paper;

- (b) a ballot envelope, in a form approved by the Chief Electoral Officer;
- (c) a form of affidavit for completion by the applicant verifying:
 - (i) his right to vote in the election; and
 - (ii) his right to a postal vote, in a form approved by the Chief Electoral Officer; and
- (d) a covering reply envelope marked "Postal Ballot Paper Enclosed"

(2) The postal voter shall:

- (a) mark the ballot paper in the usual way, and so that no person can see or know how it is marked (except as allowed by Section 174 of this Chapter);
- (b) deposit the ballot paper in the ballot envelope and securely seal it;
- (c) complete the affidavit, and swear it before a person authorized to administer oaths in the place where the applicant is; and
- (d) enclose the ballot envelope and the affidavit in the covering reply envelope.

(3) The covering reply envelope must be placed in the mail and be postmarked on or before the date of the election; provided, however, that in no event will a covering reply envelope that is received through the mail be accepted on or after a ~~date~~ fourteen seven (14 7) days after the date of the election.

§3. Effective Date

This Act shall take effect in accordance with the Constitution and the Rules of Procedures of the Nitijela.

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016**

**ELECTION AND REFERENDA (AMENDMENT)(1) ACT
2016**

SIGNATURES

DATE: _____ **INTRODUCED BY** _____
Print Name *Signature*

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
37TH CONSTITUTIONAL REGULAR SESSION, 2016

**ELECTION AND REFERENDA (AMENDMENT)(1) ACT
2016**

BILL SUMMARY

This Bill proposes to amend the Election and Referenda Act, 1980, by eliminating the postal voting system for persons residing outside of the Republic. The Bill proposes for postal votes to apply only to (i) confined voters who are residing in the Republic but are prevented from attending a polling place due to illness or physical disability, and (ii) to those voters who are residing in the Republic but will be outside of the Republic temporarily on the day of the election, and (iii) for special polling places to be located only in the Republic.

The Bill proposes to amend: (i) Section 154 to eliminate the definitions of postal voter to exclude Marshallese who are residing outside of the Republic; to give a new definition for “confined voters” as those eligible to use postal voting system; (ii) Section 156 to ensure that special polling places for absentee voters are located only in the Republic and not abroad; (iii) Section 161 to ensure that postal voting applies only to: (a) those voters who are residing in the Republic but are confined due to illness or physical disability, and (b) to those voters who are outside Republic temporarily on Election Day; (iv) to reduce the receiving dates for postmarked covering envelopes to be received not later than seven (7) days after the election.

The objectives of this proposed legislation are to:

- (1) allow Marshallese citizens who are tax-payers and residing on the Islands to determine the person or persons to represent them in their Constituencies;
- (2) to eliminate improper filing of postal affidavits in order to safe guard the authenticity of the voters ballot;

- 1 (3) to expedite the counting and tabulation of ballots, to avoid prolonging the election
- 2 process; and
- 3 (4) to lessen the expenses for election in the Marshall Islands.