TITLE 2 – ELECTIONS
CHAPTER 1 - ELECTIONS AND REFERENDA

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

ELECTIONS AND REFERENDA ACT 1980

Arrangement of Sections

Section **Page**

PART I - PRELIMINARY **5**

§101. Short title. 5
§102. Interpretation. 5
§103. Reserved. 7
§104. Application of this Chapter....7

PART II - ELECTORAL QUALIFICATIONS **8**

§105. Nitijela election. 8
§106. Local government elections. 9
§107. Referenda....9
§108. Nitijela elections. 9
§109. Local government elections. 10
§109A. General exclusion from candidacy....11

PART III - ADMINISTRATION **12**

§110. The Electoral Administration. 12
§111. Independence of the Electoral Administration. 12
§112. Appointment, etc., of Chief Electoral Officer. 12
§113. Functions of Chief Electoral Officer....12
§114. Delegation by Chief Electoral Officer. 13
§115. Appointment, etc., of Boards of Elections....13
§116. Functions of Boards of Elections. 14
§117. Appointment, etc., of Counting and Tabulation Committee. 14
§118. Functions of Counting and Tabulation Committees. 15
§119. Local Counting and Tabulation Committees. 15

§120. Appointment, etc., of electoral staff. 15
§121. Certifying officers at elections by consensus. 16

PART IV - ELECTORATES, ETC. 16

§122. Nitijela elections. 16
§123. Local government elections. 16
§124. Referenda. 16
§125. Polling Places. 17

PART V - THE ELECTORAL REGISTER 17

§126. Compilation of the Register. 17
§127. Continuity of registration and correction of the Register. 18
§128. Voters lists. 18
§129. Applications to correct errors and omissions. 18

PART VI - REGISTRATION OF VOTERS 19

§130. Requirement of registration. 19
§131. Place of registration. 19
§132. Application for registration. 20
§133. Registration and Issuance of Voter Identification Number. 21
§134. Appeals. 21
§135. Re-registration. 22
§136. Closure of the Register. 22
§137. Registration of certain persons. 22

PART VII - HOLDING OF ELECTIONS AND REFERENDA 23

§138. General election to the Nitijela. 23
§139. Special elections to the Nitijela. 23
§140. Local government elections. 24
§141. Referenda. 24
§142. Proclamation of dates of elections and referenda. 24

PART VIII - ELECTORAL PROCEDURES 25

§143. Elections by consensus. 25
§144. Referenda. 25
§145. Nominations. 25
§146. Time of nomination. 26
§147. Placing of candidates' names on ballot. 26
§148. Publication of list of candidates. 26
§149. Unopposed candidates. 27
§150. Withdrawal or death of candidate. 27
§151. Official ballot papers. 27

§152. Printing and distribution of ballot papers. 28
§153. Specimen ballot papers. 28
SUBDIVISION A - PRELIMINARY 29
§154. Interpretation of Division 4. 29
§155. Application of Division 4. 29
SUBDIVISION B - ABSENTEE VOTERS 30
§156. Special polling places. 30
§157. Application for absentee ballot papers. 31
§158. Provision and use of absentee ballot papers. 31
§159. Disposition of special ballot containers and surplus votes. 33
§160. Conduct of elections. 33
SUBDIVISION C - POSTAL VOTERS 33
§161. Application of postal ballot papers. 33
§162. Provision and use of postal ballot papers. 34
§163. Disposition of postal ballot papers. 35
SUBDIVISION D - ADMISSION, ETC., OF ABSENTEE POSTAL VOTES 35
§164. Examination of absentee votes and postal votes. 35
§165. Admission of ballot papers. 36
§166. Rejection of ballot papers. 36
SUBDIVISION E - SPECIAL PROVISION FOR CERTAIN VOTERS 37
§167. Special procedures. 37
§168. Supervision of polling. 38
§169. Equipment of polling places. 38
§170. Time of polling. 38
§171. Poll watchers. 39
§172. Admission to polling places. 39
§173. Voting. 39
§174. Assistance to certain voters. 42
§175. Disposition of ballot boxes. 42
§176. Tendered ballot papers. 42
§177. Transmission of ballot boxes, etc., to the Counting and Tabulation Committee. 43
§178. The count by the Counting and Tabulation Committee. 43
§179. Reference to local Counting and Tabulation Committee. 44
§180. Petition for re-count. 45
§181. Rejection of petition. 45
§182. Re-count. 46
§183. Successful candidates. 46
§184. Tied elections. 47
§185. Declaration of the result. 47

§186. Preservation and destruction of electoral papers. 48
§187. Registration papers filed at elections. 48
§188. Reference to the High Court of questions as to voting qualifications. 48

PART IX - REFERENDA **49**

§189. Calling of national referenda. 49
§190. Questions for national referenda. 50
§191. Calling of local government referenda. 50
§192. Questions for Local government referenda 50
§193. Application of Part VIII to referenda. 51

PART X - MISCELLANEOUS **51**

§194. Electoral instructions. 51
§195. Use of public facilities. 51
§196. Expenses of elections and referenda. 52
§197. Reports by Chief Electoral Officer. 52
§198. Regulations. 52
§199. Severability. 53

SCHEDULE 1 **55**

Application for Entry in the Electoral Register 55

SCHEDULE 2 **56**

PROVISION/MODIFICATIONS, ETC. 56

TITLE 2 – ELECTIONS
CHAPTER 1 - ELECTIONS AND REFERENDA

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

ELECTIONS AND REFERENDA ACT 1980

AN ACT to make provisions with respect to elections and referenda.

Commencement:			*December 31, 1980*
Source:			*P.L. 1980-20*
Amended By:	*P.L. 1983-25*	*P.L. 1991-113*	*P.L. 1991-139*
P.L. 1992-9	*P.L. 1993-53*	*P.L. 1995-122*	*P.L. 1995-136*
P.L. 1997-42	*P.L. 2004-8*	*P.L. 2004-12*	*P.L. 2006-55*
P.L. 2006-70	*P.L 2016-11*	*P.L 2016-28*	*P.L 2018-78*
P.L. 2018-84	*P.L.2019-118*		

PART I - PRELIMINARY

§101. Short title.

This Chapter may be cited as the Elections and Referenda Act 1980. **[P.L. 1980-20, §1.]**

§102. Interpretation.

(1) As used in this Chapter:

(a) "**ballot box**" means a container that is securely sealed except for an opening sufficient to permit the deposit of ballot papers and marked with the words "**Chief Electoral Officer**" and "**Ballot Box**", and includes a special ballot container provided in accordance with Section 156(4)(a)(iii) of this Chapter;

(b) "**certifying officer**" means a certifying officer appointed under Section 126 of the *Local Government Act 1980*;

(c) "**election by consensus**" means an election by consensus under and within the meaning of Part VI of the *Local Government Act 1980*;

(d) "**election official**" means:

(i) the Secretary of Internal Affairs;

(ii) the Chief Electoral Officer;

(iii) a member of a Board of Elections; or

(iv) a person appointed under Section 120 of this Chapter;

(e) "**elective office**" means an office of:

(i) members of the Nitijela (including the office of the President and an office of Minister); or

(ii) member of the council of local government (including the office of head of the local government and an office of member of the executive committee of the local government), being an office to which persons are elected by eligible voters;

(f) "**electoral district**" means an electoral district prescribed by Article IV, Section 2 of the Constitution of the Marshall Islands, or an Act made in accordance therewith;

(g) "**electoral instructions**" means instructions issued under Section 112 of this Chapter;

(h) "**electoral subdivision**" means area of a ward under the *Local Government Act 1980*, other than any such ward that comprises the whole of the local government area, or consists of a number of other wards;

(i) "**electorate**" means:

(i) in relation to elections of the Nitijela and referenda referred to in Section 104(1)(b) and (f) of this Chapter, an electoral district; and

(ii) in relation to elections and referenda under or for the purposes of the *Local Government Act 1980*, a ward;

(j) "**eligible voter**" means a person who is eligible under Article IV, Section 3(1) and (2) of the Constitution of the Marshall Islands to vote in elections to the Nitijela;

(k) "**land right**" has the same meaning as it has in Article XIV, Section 1 of the Constitution of the Marshall Islands, that is to say "any right in any land in the Marshall Islands under the customary law or any traditional practice";

(l) "**polling place**" means a polling place designated under Section 125 of this Chapter, and includes a special polling place opened or declared open under Section 156(1) or (2) of this Chapter;

(m) "**registered voter**" means an eligible voter who is entered in the Register under Part VI of this Chapter;

(n) "**referendum**" includes plebiscite;

(o) "**Secretary**" means the Secretary of Internal Affairs;

(p) "**the Register**" means the Electoral Register compiled and maintained under Section 126 of this Chapter;

(q) "**the regulations**" mean any regulations in force under Section 198 of this Chapter;

(r) "**special election**" means an election to fill a casual vacancy in an elective office.

(s) "**felony**" means a crime or offense which may be punishable by imprisonment for a period of more than one year, or any meaning ascribed to the term by the Criminal Code of the Republic;

(2) Any expression used in this Chapter in relation to a local government or the system of local government that is also used in the *Local Government Act 1980* has the same meaning in this Chapter as it has in that Act. **[P.L. 1980-20, §2; amended by P.L. 1983-25, §4 P.L. 1992-9, §2.][new sub-paragraph (s) added by P.L. 2006-70].**

§103. Reserved.

§104. Application of this Chapter.

(1) This Chapter applies to and is in relation to:

(a) elections to the Nitijela;

(b) referenda required under the Constitution of the Marshall Islands;

(c) elections by ballot under the *Local Government Act 1980*;

(d) to the extent provided by this Chapter or the *Local Government Act 1980*, elections by consensus under that Act;

(e) referenda under the *Local Government Act 1980*; and

(2) Nothing in this Chapter prevents the provisions of this Chapter, or any of them, being applied, with or without modification, to any other kind of election or referendum. **[P.L. 1980-20, §4.]**

PART II- ELECTORAL QUALIFICATIONS

DIVISION 1- THE FRANCHISE

§105. Nitijela election.

(1) In accordance with Article IV, Section 3(1) and (2) of the Constitution of the Marshall Islands, all citizens of the Republic who have attained the age of eighteen (18) years, other than persons who:

(a) are certified to be insane; or

(b) are serving, with respect to their convictions for a felony, sentences of imprisonment or are released on parole or probation with respect to such convictions;

have the right and the duty to vote in elections of members of the Nitijela.

(2) In accordance with Article IV, Section 3(3) of the Constitution of the Marshall Islands every eligible voter has the right to vote in one and only one electoral district, being an electoral district in which he either resides or has land rights, and a person who, pursuant to that provision, has a choice of electoral districts:

(a) may exercise that choice in accordance with Section 131 of this Chapter; or

(b) if he does not exercise it, is entitled to vote only in the electoral district in which he has his principal land rights. **[P.L. 1980-20, §5.]**

§106. Local government elections.

Subject to the constitution of the local government, all eligible voters who are registered under this Chapter with respect to the ward for which the election is to be held have the right and the duty to vote in an election (whether by ballot or by consensus) under the *Local Government Act 1980* for a member of a local government for that ward, or in any other election under that Chapter, in an area that includes that ward. **[P.L. 1980-20, §6.]**

§107. Referenda.

(1) Any person who would have the right to vote in an election of a member of the Nitijela for an electoral district:

(a) in the whole of which a referendum of a kind that is referred to in Section 104(1) (b) or (f) of this Chapter is conducted; or;

(b) which is part of an area in which such a referendum is conducted, has the right and the duty to vote in the referendum.

(2) Any person who would have the right to vote in an election for a member of a local government for a ward:

(a) in the whole of which a referendum of a kind that is referred to in Section 104(1)(e) of this Chapter is conducted; or

(b) which is part of an area in which such a referendum is conducted, has the right and the duty to vote in the referendum.

(3) In any case in which the provisions of Subsections (1) and (2) of this Section are not appropriate, the right to vote in a referendum is as determined by law.

(4) Nothing in this Section affects the operation of Section 107(4) of the *Local Government Act 1980*. **[P.L. 1980-20, §7.]**

DIVISION 2- CANDIDATURE

§108. Nitijela elections.

(1) In accordance with Article IV, Section 5 of the Constitution of the Marshall Islands every eligible voter who has attained the age of twenty-one (21) years is qualified to be a candidate for election as a

member of the Nitijela for any electoral district, but no person may in any election, be a candidate in more than one electoral district.

(2) In accordance with Article IV Section 5 of the Constitution of the Marshall Islands, every employee of the Public Service, including the State-Owned Enterprises, the Public School System and the Justice (Marshall Islands Police Department) who becomes a candidate for election as a member of Nitijela shall be granted leave of absence. That leave of absence shall commence three months prior to the date of election. If any Public Service employee, including the State-Owned Enterprises, the Public School System and Justice (Marshall Islands Police Department) employee is declared elected as a member of Nitijela, he shall be deemed to have resigned from his employment in the Public Service provided in this Section.

(3) If any politically appointed Public Official stands for election as a member of Nitijela, he shall be deemed to have resigned his office. That resignation shall be deemed to take effect three (3) months prior to the election date pursuant to Section 108(2).

(4) For the purposes of subsection (3), Public Official means:

(a) any judge of the Superior Court or of the High Court;

(b) any Nuclear Claims Tribunal member;

(c) any ambassador;

(d) any Public Service Commission member;

(e) the Auditor-General; and

(f) any other official whose office requires that he be confirmed by a Resolution of the Nitijela.

(5) A mayor or councilman of a local government who stands for election as a member of the Nitijela in a special election shall be deemed to have resigned from his office.

[P.L. 1980-20, §8, amended by P.L. 1995-122, §5.][P.L. 1995-122 added subsection 4(a) and it referred to "any judge of the Supreme Court or of the High Court". However. P.L. 1997-42, §5 specifically refers to the Superior Court, a court which does not exist in the RMI. This appears to a typographical error.] [Leave of absence period is reduced by P.L. 2016 – 11][amended by P.L 2018-84]

§109. Local government elections.

(1) Subject to Subsection (2) of this Section, every eligible voter who is registered under this Chapter with respect to a place within a local

government area is qualified to be a candidate for election to an elective office in the local government.

(2) Nothing in Subsection (1) of this Section prevents the constitution of a local government from providing for further qualifications or disqualification for any elective office.

(3) If any councilman of a local government stands for election for mayor within a local government in a special election, he shall be deemed to have resigned his office. This shall apply to any member of the Nitijela running for mayor or councilman and any mayor running for councilman. That resignation shall be deemed to take effect on the date that the candidate certifies to the Chief Electoral Officer in the certificate prescribed by Section 145(l)(c) that he is willing and qualified to stand for election.

(4) Notwithstanding the provisions of any Act or Local Government Constitution to the contrary, in all cases where a Local Government Constitution provides that the Mayor or head of the Local Government be elected by a popular vote of all eligible voters in that electoral district, the candidate who polls the highest number of votes shall be declared the winner of the election. **[P.L. 1980-20, §9, amended by P.L. 1997-42, §5.][New subsection (4) added by P.L. 2004-8].**

§109A. General exclusion from candidacy

(1) Any person who has been convicted of a felony, whether in the Republic or in any other country, shall not be eligible to stand as a candidate for elections under section 108 or 109 of this Act or under the *Local Government Act 1980* or under any Local Government Constitution, unless that person presents evidence to the Chief Electoral Officer that he or she has been pardoned by the Cabinet under Article V, Section 1(3)(f) of the Constitution of the Marshall Islands or by the equivalent authority in any foreign country.

(2) Pursuant to Subsection (1), the Cabinet shall not pardon any person except with the recommendation of the Parole Board provided under Section 306(1)(b) of the *Parole of Prisoners Act 2001*. **[new section added by P.L. 2006-70]**

PART III- ADMINISTRATION

DIVISION I - THE ELECTORAL ORGANIZATION

§110. The Electoral Administration.

(1) The Electoral Administration shall be a part of the Ministry of Internal Affairs.

(2) The Electoral Administration consists of:

(a) the Secretary of Internal Affairs;

(b) the Chief Electoral Officer;

(c) the Boards of Elections;

(d) the Counting and Tabulation Committees and local Counting and Tabulation Committees; and

(e) certifying officers. **[P.L. 1980-20, §10; amended in its entirety by P.L. 1992-9, §3.]**

§111. Independence of the Electoral Administration.

(1) The Secretary of Internal Affairs is responsible for the overall operation of the Electoral Administration.

(2) In carrying out duties under this Chapter, the Chief Electoral Officer shall report to the Secretary. **[P.L. 1980-20, §11; amended by P.L. 1991-139, §2; amended in its entirety by P.L. 1992-9, §3.]**

DIVISION2- THE CHIEF ELECTORAL OFFICER

§112. Appointment, etc., of Chief Electoral Officer.

(1) There shall be a Chief Electoral Officer, who shall be a member of the Public Service.

(2) No appeal by any member of the Public Service lies against the promotion or appointment of any person as the Chief Electoral Officer. **[P.L. 1980-20, §12; amended by P.L. 1 992-9, §4.]**

§113. Functions of Chief Electoral Officer.

The Chief Electoral Officer is responsible for the supervision, conduct and organization of elections (including elections by consensus) and of referenda, and for the registration of electors and the maintenance of the

Electoral Register, and has such other powers, functions, duties and responsibilities as are conferred or imposed on him by this Chapter and the *Local Government Act 1980*. **[P.L. 1980-20, §13.]**

§114. Delegation by Chief Electoral Officer.

(1) The Chief Electoral Officer may, by writing under his hand, delegate to any person any of his powers and functions under this Chapter or the *Local Government Act 1980*, so that the delegated powers and functions may be exercised by the delegate in relation to the matters or class of matters, and in relation to the whole of the Republic or to the part of the Republic, specified in the instruction of delegation.

(2) A delegation under Subsection (1) of this Section may be made subject to such conditions and restrictions as the Chief Electoral Officer thinks proper.

(3) A delegation under Subsection (1) of this Section may be removed, in writing, at will, and no such delegation prevents the exercise of a power or the performance of a function by the Chief Electoral Officer. **[P.L. 1980-20, §14.]**

DIVISION 3- BOARDS OF ELECTIONS

§115. Appointment, etc., of Boards of Elections.

(1) There shall be a Board of Elections for each electoral district.

(2) The members of the Board of Elections shall be appointed by the Chief Electoral Officer and hold office until death, resignation by notice to the Chief Electoral Officer, replacement or termination under Subsection (5) of this Section.

(3) The members of a Board of Elections must be eligible voters.

(4) There shall be such number of each Board of Elections that at least one member may be present at each polling place, and the Chief Electoral Officer shall allocate a polling place or polling places to each member.

(5) If a member of the Board of Elections:

(a) ceases to be an eligible voter;

(b) becomes a candidate for, or holds, an elective office; or

(c) participates in an election or referendum campaign the Chief Electoral Officer shall terminate his appointment. **[P.L. 1980-20, §15.]**

§116. Functions of Boards of Elections.

(1) Subject to this Chapter and to the electoral instructions, and to any specific directions of the Chief Electoral Officer, a member of a Board of Elections shall:

(a) supervise and control, or assist in the supervision and control of, each polling place allocated to him;

(b) receive, preserve and maintain ballot boxes, locks, maps, cards of instructions and other supplies and equipment necessary for the conduct of elections and referenda;

(c) hold papers forwarded under Section 152 of this Chapter;

(d) give any instructions that he considers necessary for the orderly conduct of an election or referendum at the polling place;

(e) provide for the issuing of any notice or publication concerning an election or referendum as directed by the Chief Electoral Officer;

(f) recommend to the Chief Electoral Officer suitable polling places; and

(g) perform such other functions as are prescribed by law or the electoral instructions, or as are directed by the Chief Electoral Officer.

(2) The functions of a Board of Elections do not extend to elections by consensus under the *Local Government Act 1980*, but this Subsection does not prevent the Chief Electoral officer from appointing a member of a Board of Elections as a certifying officer. **[P.L. 1 980-20, §16.]**

DIVISION 4- COUNTING AND TABULATION COMMITTEE

§117. Appointment, etc., of Counting and Tabulation Committee.

The Chief Electoral Officer shall appoint, for the purposes of:

(a) each general election of members of the Nitijela;

(b) each general election under the *Local Government Act 1980*;

(c) each election conducted over the whole of a local government area under the *Local Government Act 1980*; and

(d) each referendum, a Counting and Tabulation Committee of not less than five (5) persons. **[P.L. 1980-20, §17.]**

§118. Functions of Counting and Tabulation Committees.

A Counting and Tabulation Committee shall count and tally votes in accordance with Section 178 of this Chapter, and conduct recounts in accordance with Section 182 of this Chapter. **[P.L. 1980-20, §18.]**

§119. Local Counting and Tabulation Committees.

(1) The Chief Electoral Officer:

(a) shall appoint, for the purposes of a special election of a member of the Nitijela (except in a case referred to in Section 117(c) of this Chapter) or of a member of a local government; and

(b) may appoint, for an area where he considers it impracticable that ballot boxes be delivered to a central point for counting and tallying, a local Counting and Tabulation Committee.

(2) A local Counting and Tabulation Committee shall perform the functions prescribed for it by Section 179 of this Chapter. **[P.L. 1980-20, §19.]**

DIVISION 5- ELECTORAL STAFF

§120. Appointment, etc., of electoral staff.

(1) The Chief Electoral Officer may, with the authority of the Public Service Commission as provided for by Article VII, Section 10(1) of the Constitution of the Marshall Islands, appoint persons to render temporary or casual assistance in relation to elections and referenda.

(2) Persons appointed under Subsection (1) of this Section are members of the Public Service, and shall be subject to the instructions and directions of the Chief Electoral Officer and responsible to him. **[P.L. 1980-20, §20.]**

DIVISION 6- CERTIFYING OFFICERS

§121. Certifying officers at elections by consensus.

The appointment and functions of certifying officers for the purposes of elections by consensus in the local government system are provided for by Division 2 of Part VI of the *Local Government Act 1980*. **[P.L. 1980-20, §21.]**

PART IV - ELECTORATES, ETC.

§122. Nitijela elections.

(1) The electorates for the purposes of elections of members of the Nitijela are set out in Article IV, Section 2 of the Constitution of the Marshall Islands, as amended by any Act made in accordance with that Section.

(2) Each electorate is divided into electoral subdivisions, the boundaries of which are, subject to Subsection (3) of this Section, the boundaries of the wards of the local government areas within the electorate.

(3) Where a local government area is divided into wards and the whole of the area is also declared to be a ward, or a ward consists of a number of other wards, that ward shall be disregarded for the purposes of Subsection (2) of this Section. **[P.L. 1980-20, §22.]**

§123. Local government elections.

The electorates for the purposes of elections (including elections by consensus) under the *Local Government Act 1980* are as provided for by or under that Act. **[P.L. 1980-20, §23.]**

§124. Referenda.

(1) Subject to Subsections (2) and (3) of this Section, for the purposes of a referendum, the area in which the referendum is to be conducted is divided into electoral subdivisions in accordance with Section 122(2) of this Chapter.

(2) In the case of a referendum to be conducted under Section 107(4) or 122 of the *Local Government Act 1980*, the division (if any) into electoral subdivisions is determined by the Chief Electoral Officer.

(3) In any case in which the provisions of Subsections (1) and (2) of this Section are not appropriate, the division (if any) into electoral subdivision is as determined by law, and in default of any law as determined by the Chief Electoral Officer. **[P.L. 1980-20, §24.]**

§125. Polling Places.

Within each electoral subdivision the Chief Electoral Officer shall designate, for each election or referendum to be conducted in the subdivision, suitable and convenient premises as polling places. **[P.L. 1980-20, §25.]**

PART V - THE ELECTORAL REGISTER

§126. Compilation of the Register.

(1) The Chief Electoral Officer is responsible for the compilation and maintenance of an Electoral Register for the Republic.

(2) The Register shall be compiled in such a way as to show the electoral district, the local government area and the electoral subdivision with respect to which each qualified voter has the right to vote.

(3) The Register shall show with respect to each registered voter:

(a) his name and sufficient other detail to allow him to be identified;

(b) the place and date of his birth or, if the date is not known his apparent age at the date of registration;

(c) the address of the residence or the location and nature of the land rights by virtue of which he is registered:

(d) the nature of his citizenship of the Republic, that is, whether an automatic citizen under Article XI, Section 1(1) of the Constitution of the Marshall Islands, a citizen by birth; a citizen by registration or a citizen by naturalization;

(e) in the case of a voter who is a citizen by registration or naturalization the date of registration or naturalization;

(f) the date of registration under this Chapter; and

(g) any further information required to establish the right of the voter to vote in a local government election, as such further information or as the regulations require.

(4) Subject to this Chapter, the Register shall be compiled in such manner as the electoral instructions require.

(5) For each qualified voter the Register may include, either a number assigned for purposes of voter registration or, if available, that voters' Marshall Islands Social Security Number or both.

(6) Regulations may be made for any matter relating to the compilation, continuity or correction of the Register. **[P.L. 1 980-20, §26, amended by P.L. 1992-9, §5.]**

§127. Continuity of registration and correction of the Register.

(1) Subject to this Chapter, and not withstanding Section 126 of this Chapter, the Chief Electoral Officer shall accept the general district register kept for the former Marshall Islands District of the Trust Territory of the Pacific Islands, as in effect immediately before the effective date of this Chapter, as part of the Register.

(2) The Chief Electoral Officer may from time to time:

(a) correct errors and supply omissions in the Register;

(b) delete entries in the Register that he is satisfied which relate to persons who are dead or have ceased to be eligible voters; and

(c) rearrange the Register to comply with Section 126 of this Chapter.

(3) An entry in the Register shall be taken to be correct until it is altered or deleted under this Chapter or otherwise in accordance with law. **[P.L. 1980-20, §27.)**

§128. Voters lists.

The Chief Electoral Officer may from time to time, and shall immediately before an election (including an election by consensus) or referendum, prepare, as necessary or convenient from the Register, voters lists for the various electoral districts, local government areas and electoral subdivisions affected, and send them to the relevant authorities. **[P.L. 1980-20, §28.]**

§129. Applications to correct errors and omissions.

(1) A person who claims that he is entitled to be entered in the Register or in the voters list and that:

(a) he has not been so entered; or

(b) he has been so entered incorrectly, may apply to the Chief Electoral Officer to have the Register or list amended.

(2) The Chief Electoral Officer shall make or cause to be made full and careful inquiry into the matter of the application, and shall advise the applicant as soon as practicable that he:

(a) accepts the claim and amends the Register or list accordingly; or

(b) rejects the claim.

(3) If the claim is rejected the applicant may elect to be automatically re-registered in the previous place of registration when the rejection occurs because of land right or residency, or may appeal to the High Court which may:

(a) confirm the rejection; or

(b) order the Chief Electoral Officer to amend the Register or list in such manner as the court directs. **[P.L. 1980-20, §29, amended by P.L. 1997-42, §4.]**

PART VI- REGISTRATION OF VOTERS

§130. Requirement of registration.

It is the duty of all eligible voters to ensure that they are at all times correctly entered in the Register. **[P.L. 1980-20, §30.]**

§131. Place of registration.

(1) An eligible voter shall be entered in the Register with respect to the electoral district in which, as set out in Section 105(2) of this Chapter, he is entitled to vote, and if he is entitled to a choice of electoral districts, the choice referred to in Section 105(2)(a) of this Chapter shall be exercised by specifying in his application for registration another electoral district in which he has, as specified in the application, another place of residence or land rights.

(2) An eligible voter shall be entered in the Register with respect to the electoral subdivision in which the place of residence (whether the

principal place of residence or not) or land rights by virtue of which he was entered under Subsection (1) of this Section is or are situated.

(3) An eligible voter must, if applicable, exercise their choice of electoral district as set out in Section 105(2) upon initial registration. Once registered, a voter may not re-register until after the next general election. Notwithstanding the provisions of Section 137, voters may re-register one time only during the period between general elections, except that a voter may register or change registration during the first three years before the fourth calendar year before the general election of the Nitijela. **[P.L. 1980-20, §31; amended by P.L. 1992-9, §6, P.L. 1997-42, §2.]**

§132. Application for registration.

(1) An eligible voter applying for entry in the Register may present himself at any time during business hours to a member of the Board of Elections for the electoral district with respect to which he applies for entry in the Register, or to a person in that district authorized to administer oaths and shall then and there:

(a) make and subscribe an application for registration verified by oath or affirmation taken or made before the member of the Board of Elections or authorized person;

(b) satisfy the member or authorized person, under oath and affirmation, as to his qualifications for registration; and

(c) if required by the member or person, produce further evidence (which, if required, may be that of witnesses) as to those qualifications.

(2) An application for registration shall be in the form set forth in Schedule 1 appearing at the end of this Chapter, or in substantially the same form as in said Schedule 1.

(3) A member of a Board of Election for an electoral district other than the electoral district with respect to which the applicant applies for entry in the Register, or a person outside the last-mentioned district authorized to administer oaths, may, if for a special reason he thinks it proper to do so, receive and process all application for registration.

(4) Reserved.

[new requirements for registration inserted by P.L. 2016-11] [s4. Repealed by P.L 2018-78]

(5) Regulation shall be made prescribing the types of documents or evidence required pursuant to paragraphs (a) and (b). **[P.L. 2016-11, as subsection 4]**

§133. Registration and Issuance of Voter Identification Number.

(1) If the member of a Board of Elections or person authorized to administer oaths to whom application is made under Section 132 of this Chapter is satisfied, based on the content of the application, that the applicant is entitled to be entered in the Register, he shall approve the application and forward it to the Chief Electoral Officer for the necessary entry in the Register.

(2) If, after giving the applicant an opportunity to be heard or to bring evidence on the matter, the Chief Electoral Officer is not satisfied that an applicant is entitled to be entered in the Register in accordance with the application, he may reject the application, but otherwise he shall enter the applicant in the Register.

(3) Upon registration of the applicant as anticipated under subsection (1) above, the Chief Electoral Officer shall issue the applicant with a voter identification number. Such identification number shall be displayed on the voters national identification card. **[P.L. 1980-20, §33.][amended by P.L. 2004-12]**

§134. Appeals.

(1) If an application for registration is not approved by the member of a Board of Elections or authorized person to whom it is made, the applicant may appeal to the Chief Electoral Officer who, after giving the applicant an opportunity to be heard and to bring evidence on the matter, may:

(a) approve the application and make the necessary entry in the Register; or

(b) reject the application.

(2) If the Chief Electoral Officer rejects an application under Subsection (1) of this Section, or under Section 133(2) of this Chapter, the applicant may appeal to the High Court which may:

(a) confirm the rejection; or

(b) order the Chief Electoral Officer to enter the applicant in the Register in such manner as the court directs. **[P.L. 1980-20, §34.]**

§135. Re-registration.

(1) If the Register or part of the Register is lost or destroyed, the Chief Electoral Officer may, by a public announcement made in such manner as he thinks most likely to come to the attention of the eligible voters concerned, call upon the eligible voters whose entries in the Register are affected by the loss or destruction to reapply under Section 132 of this Chapter for registration.

(2) If a registered voter:

(a) changes his name; or

(b) wishes to exercise, or to exercise again, the choice of electoral districts referred to in Section 105(2)(a) of this Chapter, or if any other particular m the Register concerning a registered voter changes, he shall reapply under Section 132 of this Chapter for registration.

(3) If any entry in the Register has been deleted under Section 127(2) of this Chapter on the grounds that the person concerned has ceased to be an eligible voter and the person again becomes an eligible voter, he shall reapply under Section 132 of this Chapter for registration. **[P.L. 1980-20, §35; amended by P.L. 1992-9 §6.]**

§136. Closure of the Registration of voters.

(1) A qualified voter may register or change registration during the first three years before the fourth calendar year before the general election of the Nitijela of which the voters registration shall close.

(2) The Chief Electoral Officer shall give notice of the closing date for the registration of voters pursuant to subsection (1) of this Section. **[reinserted by P.L 2016-11]**

(3) **[deleted by P.L. 199 7-42.][P.L. 1980-20, §36; amended by P.L.1991-113,§2(1); P.L. 1992-9, §6; P.L. 1997-42 §3, adding new subsection (1) and deleting previous subsections (2) and (3); see Appendix B, Known Drafting Errors.]**

§137. Registration of certain persons.

Notwithstanding anything in this Part (other than Section 136) or in Part V, an application for registration may be received from a person who has not

attained the age of eighteen (18) years but is otherwise an eligible voter, if the Chief Electoral Officer is satisfied that the applicant will have attained the age of eighteen (18) years before the next election which the applicant would be entitled to vote, or to vote if registered, and that there is no good reason why the applicant should be refused. **[P.L. 1980-20, §37.]**

PART VII - HOLDING OF ELECTIONS AND REFERENDA

§138. General election to the Nitijela.

General elections to the Nitijela shall be held as required by Article IV, Sections 6(3), 12 and 13 of the Constitution of the Marshall Islands. **[P.L. 1980-20, §38.]**

§139. Special elections to the Nitijela.

(1) Special elections to the Nitijela shall be held as required by Article IV, Section 6(2) of the Constitution of the Marshall Islands.

(2) Subject to Subsections (3) and (4) of this Section, a special election to the Nitijela shall be held on a date determined by the Chief Electoral Officer, being a date that is as soon as practicable after the occurrence of the vacancy that gives rise to the special election.

(3) If the date that would otherwise be determined under Subsection (2) is on or after the date on which the Nitijela will be automatically dissolved under Article IV, Section 12 of the Constitution of the Marshall Islands, the Chief Electoral Officer shall not determine the date for the special election and the special election shall not be held.

(4) If, between the date on which the vacancy that gives rise to a special election occurs and the date determined under Subsection (2) of this Section, the Nitijela is dissolved the special election shall not be held.

(5) In any special election to the Nitijela or a local government the Electoral Register as compiled for the most recent general election shall be used, provided that such Electoral Register shall be amended to include:

(a) all applicants for registration who have, since the date of the most recent general election, attained the age of eighteen (18) years and are otherwise eligible voters and have not registered elsewhere; and

(b) all eligible voters who have, since the date of the most recent general election, re-registered in such electoral district in accordance with Section 131(3) of this Chapter. **[P.L. 1980-20,§39; amended by P.L. 1992-9, §6; P.L. 1993-53, §2.]**

§140. Local government elections.

(1) Subject to Subsection (2) of this Section, elections within the system of local government shall be held as required by the constitutions of the various local governments and the *Local Government Act 1980*.

(2) Where in the opinion of the Chief Electoral Officer the organization and conduct of a local government election and an election to the Nitijela or a referendum would clash so that to conduct the two together would be impracticable, inconvenient or confusing, the Chief Electoral Officer may, by written notice to the local government, defer the local government election until a date determined by him and specified in the notice, being a date that is as soon as practicable after the date of completion of the other election or the referendum, as the case may be.

(3) Where the Chief Electoral Officer defers a local government election under Subsection (2) of this Section, the terms of office of the members of the local government are extended accordingly. **[P.L. 1 980-20, §40.]**

§141. Referenda.

Referenda shall be held as required by the Constitution of the Marshall Islands, the *Local Government Act 1980*, any other Act, the constitution of a local government, or an ordinance. **[P.L. 1980-20, §41.]**

§142. Proclamation of dates of elections and referenda.

(1) Except in the case of an election by consensus, the Chief Electoral Officer shall give as much notice as is reasonably practicable of the holding of an election and its date:

(a) by press and radio, in both Marshallese and English;

(b) throughout the area concerned:

(i) by written notices, in Marshallese and English, posted on public buildings and in other convenient places, and

(ii) in whatever manner is customary in the area concerned for the announcement of important news; and

(c) in such other manner as he thinks proper.

(2) In the case of an election by consensus, the Chief Electoral Officer shall give as much notice as is reasonably practicable of its approximate date, in the manner provided for in Subsection (1) of this Section, subject to finalization under Part VI, Division 2 of the *Local Government Act 1980*.

(3) In the case of a referendum, the Chief Electoral Officer shall give as much notice as is reasonably practicable of its subject and date, in the manner provided for in Subsection (1) of this Section.

(4) Members of the applicable Board of Elections shall take any further action that seems to them desirable, or that is directed by the Chief Electoral Officer, to publicize the matters referred to in Subsections (1), (2) and (3) of this Section. **[P.L. 1980-20, §42.]**

PART VIII- ELECTORAL PROCEDURES

DIVISION 1- APPLICATIONS OF PART VIII

§143. Elections by consensus.

This Part does not apply to elections by consensus under the *Local Government Act 1980*. **[P.L. 1980-20, §43.]**

§144. Referenda.

This part applies to referenda, subject to the exceptions and modifications set out in Part IX and Schedule 2 appearing at the end of this Chapter. **[P.L. 1980-20, §44.]**

DIVISION 2- THE NOMINATIONS

§145. Nomination of Candidates.

(1) Any person who is qualified to be a candidate for election as a member to the Nitijela, must with the consent of that person, be nominated by not less than 25 voters from that district, as the case may, by a nomination paper.

(2) The nomination papers shall be filed with the Chief Electoral Officer or a person appointed by him for the purpose. **[P.L. 1 980-20, §45; amended by P.L. 1983-25, §10; P.L. 1992-9, §7, P.L. 1995-136, §2; see Appendix B. Known Drafting Errors regarding the deletion of subsections (1), (2), and (3).] [§1 deleted by P.L. 1995-136.] [§1 re-inserted by P.L 2016-11] [§2 deleted by P.L. 1995-136 and re-inserted by P.L 2016-11.] [§3 deleted by P.L. 1995-136.] [§5 & §6 delete by P.L 2016-11]**

§146. Time and Closure of Nomination.

(1) The nomination papers with respect to an election shall be filed with the Chief Electoral Officer or the person appointed under pursuant to Section 145(2) of this Chapter on or before the closing date of nomination determined by the Chief Electoral Officer for the purposes of the election, not later than the end of the third year calendar pursuant to Section 136(1) of this Chapter.

(2) It is a sufficient compliance with this Section if the nomination paper is mailed with a post-marked date, before the date stated in Subsection (1) and a copy of the same electronically transmitted to the Chief Electoral Officer or the person appointed so as to reach him on or before the date, stating that the nomination paper has been so mailed.

(3) Notice of the date stated under Subsection (1) of this Section shall be given in the same manner as that on or in which notice of the holding of the election is given under Section 142 of this Chapter. **[P.L. 1980-20, §46; amended by P.L. 1992-9, §7.][§1, §2 &§3 amended by P.L 2016-11][deadline for nomination petition is amended by P.L. 2018-84]**

§147. Placing of candidates' names on ballot.

Subject to Section 149 of this Chapter, when all nominations (including nominations referred to in Section 146(2) of this Chapter) have been received and verified, the Chief Electoral Officer or the person appointed under Section 145(2) of this Chapter shall place them on the appropriate ballot in an order determined by lot. **[P.L. 1980-20, §47.]**

§148. Publication of list of candidates.

As soon as practicable after the names of the candidates have been placed on the ballot in accordance with Section 147 of this Chapter, the Chief Electoral Officer shall publish a list of the candidates in the same manner as that in which notice of the holding of the election was given under Section 142 of this Chapter. **[P.L. 1980-20, §48.]**

§149. Unopposed candidates.

(1) If at the same time when the list of candidates is settled under Section 147 of this Chapter, or at any later date by reason of the death or withdrawal of a candidate, there are not more candidates in an electorate than there are elective offices to be filled, the Chief Electoral Officer shall, in the manner prescribed by Section 185 of this Chapter, declare those candidates elected.

(2) If in an electorate there are less candidates than there are elective offices to be filled, the unfilled offices shall be treated as though they were casual vacancies occurring on the day of the declaration of the result of the election under Section 185 of this Chapter. **[P.L. 1980-20, §49.]**

§150. Withdrawal or death of candidate.

(1) A candidate may, by written notice delivered before the day of the election to the Chief Electoral Officer or to a person appointed under Section 145(5) of this Chapter, withdraw his nomination.

(2) If before the day of the election a candidate dies or withdraws, the Chief Electoral Officer shall cause the relevant ballot papers to be amended accordingly and shall, as far as practicable, give notice of the death or withdrawal in the same manner as that in which notice of the holding of the election was given under Section 142 of this Chapter. **[P.L. 1980-20, §50.]**

§151. Official ballot papers.

(1) All elections under this Chapter shall be conducted by official ballot papers.

(2) An official ballot paper is a ballot paper issued by or by the authority of the Chief Electoral Officer and shall:

(a) be designated as an official ballot paper; and

(b) contain statements of:

(i) the electorate to which it relates:

(ii) the elective office to which it relates;

(iii) the names of the candidates; and

(iv) such other information as the Chief Electoral Officer directs. **[P.L. 1980-20, §51.]**

§152. Printing and distribution of ballot papers.

(1) Official ballot papers shall be printed by order of the Chief Electoral Officer, and there shall be delivered to each electoral subdivision affected by an election such number of ballot papers (not being less than 100 more than the number of registered voters in the subdivision) as the Chief Electoral Officer directs.

(2) When printed, ballot papers shall be fastened together in blocks of 100 each, in such a manner that each ballot paper may be detached and removed separately, and shall be forwarded to the members of the Board of Elections whom they concern in sealed packages, which shall not be opened until the opening of the polls on the day of the election.

(3) A record of the number of ballot papers sent to each member of a Board of Elections shall be kept by the Chief Electoral Officer. **[P.L. 1980-20, §52.]**

§153. Specimen ballot papers.

(1) As soon as practicable after the closing of nominations under Section 146 of this Chapter, the Chief Electoral Officer shall cause to be printed exact copies of the ballot papers for each electorate, having printed them in large bold letters in a color plainly contrasting with the color of the paper the word "SPECIMEN", and shall forward two copies to each of the members of the Board of Elections for the electoral district and one copy to each of the candidates listed on the ballot paper.

(2) Each member of a Board of Elections receiving specimen ballot papers shall post one copy in a conspicuous place in his office or in a public place.

(3) The Chief Electoral Officer shall forward two copies of the specimen ballot papers to each polling place in the electorate for display on the day of the election one on either side of the entrance to the polling place. **[P.L. 1980-20, §53.]**

DIVISION 4- ABSENTEE, POSTAL AND OTHER SPECIAL VOTING PROCEDURES

SUBDIVISION A - PRELIMINARY

§154. Interpretation of Division 4.

In this Division:

(a) "absentee ballot paper" means an official ballot paper which, under Subdivision B of this Division, may be used for the purpose of voting at a special polling place;

(b) "absentee voter" means a person who, under Subdivision B of this Division, may vote at a special polling place;

(c) "confined voter" means a person who, pursuant to section 161 may vote before the day of 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, before the day of an election for the purpose of voting;

(e) "postal voter" means a person who are eligible under Subdivision C of this Division to use postal voting system;

(f) "special ballot container" means a ballot container provided in accordance with Section 156(4)(a)(iii) of this Chapter;

(g) "special polling place" means 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. **[P.L. 1980-20, §54; amended by P.L. 1983-25, §3, deleting original §54 and substituting new §54.][§154(c)(d)(e)(f) amended and new section (g) inserted by P.L.2016-28].**

§155. Application of Division 4.

This Division does not apply to or with respect to elections by consensus under the *Local Government Act 1980*. **[P.L. 1980-20, §55; amended by P.L. 1983-25, §3, deleting original §55 and substituting new §55.]**

SUBDIVISION B - ABSENTEE VOTERS

§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.

(2) If some other election or referendum is being conducted, outside the electorate or electorates concerned, on the day of the election, the Chief Electoral Officer may declare all or any polling places open for the purpose of such other election or referendum. The Chief Electoral Officer shall make every effort to allocate personnel in the special polling places so as to accommodate the number of absentee voters that may wish to vote.

(3) Subject to this Division, a special polling place shall be administered, supervised and controlled as though it was open for the purposes of an election in the electorate in which it is situated, but otherwise this Chapter applies as though it was a polling place in an electorate in which the election or referendum is actually being conducted.

(4) The Chief Electoral Officer shall:

(a) supply to each special polling place:

(i) two copies of the specimen ballot papers referred to in Section 153 of this Chapter, relating to the election;

(ii) an adequate number of absentee ballot papers, ballot and covering envelopes, and the list of voters referred to in Section 128 of this Chapter; and

(iii) a ballot container or containers in which envelopes containing completed ballot papers may be securely kept; and

(b) ensure that at least one election official is present in each special polling place at all times while it is open, which official shall witness the signature of the absentee voter on the list of voters.

(5) The specimen ballot papers referred to in Subsection (4)(a)(i) of this Section shall be displayed in accordance with Section 153(3) of this Chapter.

(6) A failure by the Chief Electoral Officer to comply with Subsection (4) of this Section does not invalidate or otherwise affect the result of an election.

(7) Regulations may be made on any matter relating to the subject of absentee voters. **[P.L. 1980-20 §56; amended by P.L. l983-25 §3; P.L. 1991-l13 §2(2), P.L. 1992-9, §8.][§56(1) amended by P.L. 2016-28].**

§157. Application for absentee ballot papers.

(1) A registered voter who, on the day of an election, is absent from the electorate with respect to which he is entered in the Register may, on that day and during polling hours, apply to an election official at a special polling place for an absentee ballot paper.

(2) The application shall be in writing, and shall include sufficient information to enable the right of the applicant to vote, and the electorate with respect to which he is entitled to vote, to be prima facie established.

(3) The application shall be made on a form approved by the Chief Electoral Officer. **[P.L. 1980-20, §57, amended by P.L. 1983-25 §3 deleting original §57 and substituting new §57.]**

§158. Provision and use of absentee ballot papers.

(1) If the election official is satisfied, based upon information in the list of voters or such other information as may be required by regulation, that an applicant for an absentee ballot paper is entitled to receive one, he shall give to him:

(a) an official ballot paper;

(b) a ballot envelope, in a form approved by the Chief Electoral Officer; and

(c) a covering envelope, in a form approved by the Chief Electoral Officer.

(2) The absentee voter shall:

(a) sign his name next to his printed name as it appears on the list of voters as provided in accordance with Section 156. The list

of voters shall have at the top of every page a printed affidavit stating that the voter who signs that document swears or affirms under penalty of law that the following are true and correct:

(i) that the person is currently qualified to vote in the election in that election ward and electoral district as provided in the list of voters;

(ii) that all of the information printed in the list of voters with respect to that person is true and correct, including but not limited to that voter's name, election ward, electoral district, date of birth, and address; and

(iii) that the person has not already voted in that election;

(b) mark the ballot paper in the usual way, and so that the person can see or know how it was marked (except as allowed by Section 174 of this Chapter);

(c) deposit the ballot paper in the ballot envelope and securely seal it;

(d) if applicable, enclose the ballot envelope and such other documentation as may be required by regulation in the covering envelope; and

(e) place the ballot envelope or covering envelope as applicable in the special ballot container, or if no such container is available, deliver it to the appropriate election official in the polling place.

(3) The absentee voter who places his signature on the list of voters in accordance with Subsection 2(a) of this Section shall be deemed to be signing an affidavit, under penalty of law, as to the truthfulness of the facts stated in the voters list. An election official shall observe the act of signing by the absentee voter on the list of voters.

(4) The electoral instructions may prescribe the procedures to be followed, so as to enable an absentee voter to vote, if insufficient documents referred to in Subsection (1) of this Section are available at a special polling place. **[P.L. 1980-20, §58, amended by P.L. 1983-25, §3, deleting original §58 and substituting new §58, amended by P.L. 1991-113, §2(3), deleting Subsections (1), (2) and (3), and substituting new Subsections (1) (2) and (3); amended by P.L. 1992-9, §8.]**

§159. Disposition of special ballot containers and surplus votes.

(1) After voting at a special polling place is completed, all special ballot containers shall be secured and locked or sealed.

(2) The special ballot containers and any covering envelopes containing absentee votes that are not contained in a special ballot container shall be collected by the election officials and forwarded, in such manner as the Chief Electoral Officer directs, to the Chief Electoral Officer or a person appointed by him for the purpose, together with a certification that the absentee ballot papers so delivered were dealt with in accordance with this Division. **[P.L. 1980-20, §58; amended by P.L. 1983-25, §3, deleting originals 58 and substituting new §58. amended by P.L. 1991-113,§2(3), deleting Subsections (1) (2) and (3), and substituting new Subsections (1) (2) and (3).]**

§160. Conduct of elections.

(1) Sections 169, 170(l)-(3), 172 and 174 of this Chapter apply to and with respect to absentee voting but, subject to the electoral instructions, the other provisions of Part VIII, Division 5 of this Chapter do not apply.

(2) The electoral instructions may make additional provision in relation to absentee voters, with respect to the conduct of elections. **[P.L. 1983-25, §3, introducing new §59, which has been renumbered to as §160.]**

SUBDIVISION C - POSTAL VOTERS

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

(1) A registered voter who:

(a) is confined due to illness or physical disability from attending a polling place in order to vote in an election; or

(b) 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:

(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 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.

(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 vote 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. **[P.L. 1983-25, §3, introducing new §59B, which has been renumbered to §161; amended by P.L. 1992-9, §9.][amended by P.L 2018-28]**

§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 seven (7) days after the date of the election. **[P.L. 1983-25, §3, introducing new §59C which has been renumbered to §162; amended by P.L. 1992-9, §9.][§162(3) amended by P.L. 2016-28].**

§163. Disposition of postal ballot papers.

A member of a Board of Elections who receives a covering reply envelope in accordance with Section 162(3)(b) of this Chapter shall, immediately after the close of the polls on the day of the election, forward the envelope to the Chief Electoral Officer. **[P.L. 1983-25, §3, introducing new §59D, which has been renumbered to §163.]**

SUBDIVISION D - ADMISSION, ETC., OF ABSENTEE POSTAL VOTES

§164. Examination of absentee votes and postal votes.

Upon receipt of a special ballot container or covering envelopes under Section 159 of this Chapter, or covering reply envelopes under Section 162 or 163 of this Chapter, the Chief Electoral Officer or a person appointed by him for the purpose shall:

(a) open the envelopes and remove their contents; and

(b) examine the affidavits as to their proper execution and the respective voters' rights to vote as absentee voters or postal voters, as the case may be, at the election. **[P.L. 1983-25, §3. introducing new 59E, which has been renumbered to §164.]**

§165. Admission of ballot papers.

(1) If the Chief Electoral Officer or the person appointed under Section 159(2) of this Chapter, as the case may be, is satisfied that an affidavit shows that the voter was entitled to vote with respect to the electorate for which he voted, no other vote has been cast in his name, and he has complied with Section 158(2) or 162 of this Chapter, as the case requires, the ballot paper shall be deposited in a container that is:

(a) securely sealed except for an opening sufficient to permit the deposit of ballot envelopes; and

(b) marked with the words "Chief Electoral Officer" and "This container holds absentee and postal ballot papers and must be opened only pursuant to law", or words to that effect.

(2) The container referred to in Subsection (1) of this Section shall be kept safely until the Chief Electoral Officer is satisfied that all absentee and postal ballot papers have been received, when he shall deliver it to the Counting and Tabulation Committee in accordance with Section 177 of this Chapter. **[P.L. 1983-25, §3, introducing new §59F, which has been renumbered to §165.]**

§166. Rejection of ballot papers.

(1) If when an envelope is opened in accordance with Section 165 of this Chapter:

(a) the Chief Electoral Officer or the person appointed under that Section, as the case may be, is not satisfied that the voter is entitled to vote as an absentee voter or a postal voter at the election;

(b) it is found that the voter has not complied with Section 158(2) or 162 of this Chapter, as the case may be;

(c) the ballot envelope is open, or has been opened and resealed; or

(d) it is found that the voter had not applied for entry in the electoral register with respect to the electoral district in which the ballot was cast, then the ballot envelope shall not be opened and the Chief Electoral Officer or the person appointed under Section 164 of this Chapter shall mark across its face the word "Rejected", giving his reason for rejection, and shall

preserve it in the same manner and for the same period that other rejected ballot papers are preserved.

(2) If when an envelope is so opened it is found that another vote has been cast in the name of the voter, the ballot envelope shall not be opened, and it shall be treated as a tendered ballot paper under Section 176 of this Chapter.

(3) If in a case to which Subsection (2) of this Section applies both an absentee vote and a postal vote were cast in the name of the vote, both ballot envelopes shall be treated in accordance with that Subsection.

(4) If a covering reply envelope is received by the Chief Electoral Officer under Section 162(3))(a) of this Chapter after the day of the election, he shall endorse on it the date and time of receipt.

(5) If a covering reply envelope is received by a member of a Board of Elections under Section 162(3)(b) of this Chapter after the day of the election, he shall endorse on it the date and time of receipt, and forward it to the Chief Electoral Officer.

(6) Envelopes referred to in Subsection (3) or (5) of this Section shall be kept, unopened, by the Chief Electoral Officer for the period of time required under Section 186 of this Chapter for the preservation of ballot papers and shall then, without being opened, be destroyed in the same manner as other ballot papers. **[P.L. 1983-25, §3 introducing new 59G which has been renumbered to §166; amended by P.L. 1992-9, §9.]**

SUBDIVISION E - SPECIAL PROVISION FOR CERTAIN VOTERS

§167. Special procedures.

The regulations may prescribe special procedures to enable voters who are:

(a) inpatients at a hospital, or members of the staff of a hospital;

(b) full-time students at an educational training institution, or members of the staff of such an institution; or

(c) passengers on or members of the crew of, a vessel operating in the Republic, and who would otherwise be required to vote in accordance with the preceding provisions of this Division, to vote at the hospital or institution or on the vessel, as the case may be, and for the delivery of the ballot papers to the

Counting and Tabulation Committee. **[P.L. 1983-25 §3 introducing new §59H which has been renumbered to §167.]**

DIVISION 5- CONDUCT OF ELECTIONS

§168. Supervision of polling.

(1) The Chief Electoral Officer shall ensure that polling places are supervised on the day of an election by members of Boards of Elections, and by such other persons appointed under Section 120 of this Chapter as he thinks necessary.

(2) Subject to the electoral instructions, the member of a Board of Elections to whom a polling place is allocated, or if there is more than one such member at least one of them, and any persons appointed under Section 120 of this Chapter for the polling place, must be present at the polling place at all times during the day of the election from the opening to the closing of the polls.

(3) No new registrations will be accepted on the day of the election.

(4) Regulations may be made addressing the general conduct of elections and the procedures to be followed in the polling place. When deemed necessary by the Cabinet in order to give full effect to the Constitutionally guaranteed right to participate in the electoral process, such regulations may, for any particular polling place, expand the polling hours provided in at Section 170. **[P.L. 1980-20, §60, this Section has been renumbered; amended by P.L. 1992-9, §10.]**

§169. Equipment of polling places.

The Chief Electoral Officer shall cause each polling place to be provided on the day of the election with sufficient ballot boxes, locks, official ballot papers, cards of instructions pencils, voters lists and other necessary supplies. **[P.L. 1980-20, §61, this Section has been renumbered.]**

§170. Time of polling.

(1) At 7 a.m. on the day of an election a member of the Board of Elections shall publicly announce at each polling place that the polls are open.

(2) Subject to Subsections (3) and (4) of this Section, a polling place shall remain open from 7 a.m. to 7 p.m. on the day of an election, and shall then close.

(3) If at 7 p.m. there are eligible voters in a polling place who wish to vote and have not been able to do so since arriving, the polling place shall be kept open for a sufficient time to allow them to vote.

(4) If all voters whose names appear on the voters lists supplied by the Chief Electoral Officer for a polling place have voted before 7 p.m., the polling place may be closed. **[P.L. 1980-20, §62, this Section has been renumbered]**

§171. Poll watchers.

Each candidate is entitled to have not more than two poll watchers at each polling place. **[P.L. 1980-20, §63, this Section has been re-numbered]**

§172. Admission to polling places.

The member of the Board of Elections present at a polling place shall regulate the admission of voters to the polling place, and shall exclude all other persons except:

(a) the poll watchers:

(b) election officials;

(c) policemen on duty; and

(d) any other person whom in his opinion has a lawful reason for being in the polling place. **[P.L. 1980-20, §64, this Section has been renumbered]**

§173. Voting.

(1) When a person enters a polling place to vote:

(a) he shall state his name in full and his address to the election officials, and present to the official for examination:

(i) his or her RMI national identification card; or

(ii) a valid passport; or

(iii) a valid drivers license; or

(v) any other identification documents produced to the satisfaction of the election official

(b) another election official shall check the voters list to see whether the person is a registered voter and, if so, shall announce in a loud, clear voice the name and address as shown in the list.

(c) if the person cannot present any of the required forms of identification, that person must provide verification as to the identity by the oral confirmation from;

(i) one poll watcher representing each of the candidates in the electoral district for which the voter is registered to vote in; and

(ii) two registered voters eligible to vote in the electoral district for which the voter is registered to vote in; and

(iii) one of the electoral officials.

(2) If the name of the person does not appear in the voters list, or if a person could not present any of the required forms of identification, and was unable to obtain full verification pursuant to section 1 (c) above, an election official shall:

(a) announce the fact in a loud, clear voice; and

(b) require him, before being allowed to vote, to complete before a member of the Board of Elections in the polling place an application in the form set forth in Schedule 1 appearing at the end of this Chapter, or in substantially the same forms.

(3) When a person votes by virtue of Subsection (2) of this Section:

(a) he shall place his ballot paper in an unmarked envelope to be provided by an election official, seal the envelope and hand it to an election official;

(b) the election official shall deal with the ballot paper as if the right of the person to vote had been challenged; and

(c) the vote shall be deemed to be, and shall be treated for all purposes of this Chapter as, a challenged vote.

(4) If a candidate, a poll watcher or an election official challenges the right of a person to vote, the person shall be allowed to record his vote in the usual way, except that:

(a) he shall place his ballot paper in an unmarked envelope to be provided by an election official, seal the envelope and hand it to an election official; and

(b) the election official shall:

(i) place the sealed envelope and, in the case where Subsection (2) of this Section applies, place the

application completed under Subsection (2)(b) of this Section along with the sealed envelope in an envelope marked "Challenged Vote" and seal the envelope;

(ii) endorse on the envelope the particulars of the voter and the grounds of the challenge; and

(iii) deposit the envelope in the ballot box.

(5) The voter shall mark his ballot paper in accordance with procedures laid down in the electoral instructions, but in such a way that the secrecy of the ballot is not infringed (except as allowed by Section 174 of this Chapter).

(6) (a) The voter (except those to whom Subsection (2) of this Section applies) must, prior to receiving ballot laterals from the election official, sign his name next to his printed name as it appears on the list of voters as provided in, accordance with Section 128.

(b) The list of voters shall have at the top of every page a printed affidavit stating that the voter who signs that document swears or affirms under penalty of law that the following are true and correct:

(i) that the person is currently qualified to vote in the election in that election ward and electoral district as provided in the list of voters;

(ii) that all of the information printed in the list of voters with respect to that person is true and correct, including but not limited to that voter's name, election ward, electoral district, date of birth, and address: and

(iii) that the person has not already voted in that election;

(c) The voter who places his signature on the list of voters in accordance with Subsection 6(a) of this Section shall be deemed to be signing an affidavit, under penalty of law, as to the truthfulness of the facts stated in the voters list. An election official shall observe the act of signing by the voter in the list of voters. **[P.L. 1980-20, §65; amended by P.L. 1983-25 §11, P.L. 1992-9, §10.][Subsection (1) amended by P.L. 2004-12][Subsections (1) and (2) amended by P.L. 2006-55]**

§174. Assistance to certain voters.

A voter who is blind or otherwise, by reason of some physical disability, unable to mark his ballot paper without assistance, or is unable to read or write, may have the assistance of a person chosen by him in marking his ballot paper. **[P.L. 1980-20, §66, this Section has been renumbered]**

§175. Disposition of ballot boxes.

(1) After voting at a polling place is completed, all ballot boxes shall be secured and locked.

(2) The locked boxes and all other supplies provided for the polling place by the Chief Electoral Officer shall be collected by the election officials and delivered in such manner as the Chief Electoral Officer directs, to the Chief Electoral Officer or a person appointed for the purpose, together with a certification that the ballot papers so delivered were dealt with in accordance with this Division and not otherwise. **[P.L. 1980-20, §67, this Section has been renumbered]**

§176. Tendered ballot papers.

(1) If, when a person presents himself to vote it is found that a vote has already been cast in his name and he asserts that he has not voted but is entitled to vote, he shall be allowed to record his vote in the usual way except that:

(a) the ballot piper (to be known as a "tendered ballot paper") shall be of a different color from that of the ordinary ballot paper:

(b) an election official shall endorse on the tendered ballot paper the particulars of the voter; and

(c) when he has marked his vote the voter shall, instead of depositing the ballot paper in the box, return it to the election official who shall set it aside in a separate packet.

(2) The packet of tendered ballot papers shall be forwarded to the Chief Electoral Officer, who shall:

(a) prepare a list showing the particulars of all persons who have voted on tendered ballot papers; and

(b) retain the tendered ballot papers.

(3) Tendered ballot papers shall not be counted toward an election.

(4) Tendered ballot papers and the list prepared under Subsection (2)(a) of this Section are admissible in evidence in any proceedings arising out of the election. **[P .L. 1980-20, §68, this Section has been renumbered]**

§177. Transmission of ballot boxes, etc., to the Counting and Tabulation Committee.

Subject to Section 179 of this Chapter, the Chief Electoral Officer shall as soon as practicable, cause the following to be transmitted to the Counting and Tabulation Committee:

(a) all ballot boxes delivered under Section 175;

(b) the container of absentee and postal votes referred to in Section 165; and

(e) any other covering envelopes and covering reply envelopes containing absentee or postal votes (except rejected ballot papers). **[P.L. 1980-20 §69; amended by P.L. 1983-25, §5.]**

§178. The count by the Counting and Tabulation Committee.

(1) Subject to Section 179 of this Chapter, the Counting and Tabulation Committee shall:

(a) open the ballot boxes, container and envelopes transmitted to it under Section 177 of this Chapter;

(b) determine whether any challenged ballot papers and the ballot papers contained in any envelopes transmitted to it under Section 177 of this Chapter are to be accepted or rejected; and

(c) count and tally all votes properly cast.

(2) The counting shall continue until all votes properly cast have been counted.

(3) Each candidate or his authorized representative is entitled to be present during the count, as well as such members of the public as can conveniently be allowed to be present in the premises in which the count takes place.

(4) On the completion of the counting, the premises in which the counting takes place shall be secured and locked and that no officials nor any candidate or his or her representative or anyone entitled to

be present during the count shall remain in or around the premises unless otherwise provided with good reason.

(5) On the completion of the count, the Counting and Tabulation Committee shall:

(a) certify the result of the count to the Chief Electoral Officer; and

(b) publicly announce the unofficial result of the election.

(6) Regulations may be made addressing any aspect of the counting and tabulation procedures. Effort should be made to increase the overall efficiency of the procedures while retaining and enhancing safeguards which assure fairness. **[P.L. 1980-20, §70, this Section has been renumbered; amended by P.L. 1992-9, §10.][Subsection (4) is added by P.L.2019-118].**

§179. Reference to local Counting and Tabulation Committee.

(1) Where the Chief Electoral Officer has appointed a Local Counting and Tabulation Committee for a special election in accordance with Section 119(1) of this Chapter, Sections 177 and 178 of this Chapter apply as though references in those Sections to the Counting and Tabulation Committee were a reference to the local Counting and Tabulation Committee.

(2) Where the Chief Electoral Officer has appointed a local Counting and Tabulation Committee for an area in accordance with Section 119(1)(b) of this Chapter:

(a) the Chief Electoral Officer shall cause the relevant ballot boxes delivered under Section 175 of this Chapter to be transmitted to the Local Committee; and

(b) the local Committee shall perform in relation to those ballot boxes and the ballot papers contained in them the functions of the Counting and Tabulation Committee under Section 178(1), (2) and (3) of this Chapter.

(3) When a local Counting and Tabulation Committee has completed the count in accordance with Subsection (2) of this Section, it shall:

(a) certify the result of the count to the Counting and Tabulation Committee; and

(b) re-deposit the counted ballot papers in the appropriate ballot boxes and forward them, and any rejected ballot papers, to the Counting and Tabulation Committee.

(4) When a local Counting and Tabulation Committee certifies a result to the Counting and Tabulation Committee in accordance with Subsection (3)(a) of this Section, the Counting and Tabulation Committee shall accept the certified result and incorporate the local committee figures into its own count without further check. **[P.L. 1980-20, §71, this Section has been renumbered.]**

DIVISION 6- RE-COUNTS

§180. Petition for re-count.

(1) A candidate in an election may file with the Chief Electoral Officer a petition for a re-count in the electorate on the grounds that:

(a) the result was so close that it would be proper to have the voting figures re-checked, or

(b) there was an error in relation to the count, the records of the election, or the admission or rejection of ballot papers, and that he believes that a re-count will affect the result of the election.

(2) In the case of a re-count applied for on the grounds set out in Subsection (1)(b) of this Section, the petition shall be supported by an affidavit of the petitioner, specifying his belief and the grounds for his belief that the manner in which the count or other alleged discrepancy was believed to have been erroneous.

(3) The petition shall be filed within two weeks after the date of the announcement of the unofficial result of the election in accordance with Section 178(4)(b) of this Chapter.

(4) If the Chief Electoral Officer, after considering the petition and any written evidence submitted with it, is of the opinion that there is a substantial possibility that the result of the election would be affected by a re-count he shall grant the petition, but otherwise he shall reject it. **[P.L. 1980-20 §72, this Section has been renumbered]**

§181. Rejection of petition.

(1) If the Chief Electoral Officer rejects a petition under Section 180 of this Chapter he shall advise the petitioner in writing accordingly, giving his reasons, and the petitioner may, within five (5) days after receipt of the advice, appeal to the High Court against the decision.

(2) On an appeal under Subsection (1) of this Section, the High Court may, in addition to any other order that it thinks proper:

(a) uphold the appeal, and order the Chief Electoral Officer to direct a re-count; or

(b) dismiss the appeal. **[P.L. 1980-20, §3, this Section has been renumbered]**

§182. Re-count.

(1) If the Chief Electoral Officer grants a petition under Section 180 of this Chapter, or if the High Court on appeal under Section 181 of this Chapter orders the Chief Electoral Officer to direct a re-count, the Chief Electoral Officer shall direct the Counting and Tabulation Committee to conduct a re-count.

(2) On a re-count, the Counting and Tabulation Committee shall publicly:

(a) check all records of the election to ensure that no ballot papers have been overlooked;

(b) re-examine, and admit or reject, all absentee ballot papers and postal ballot papers, and all challenged votes; and

(c) re-count and tally all votes properly cast.

(3) On the completion of the re-count, the Counting and Tabulation Committee shall:

(a) certify the result to the Chief Electoral Officer; and

(b) publicly announce the unofficial result of the re-count.

(4) The provisions of Section 178(2) and (3) of this Chapter apply in relation to a re-count in the same manner that they apply to an original count. **[P.L. 1980-20, §74; amended by P.L. 1983-25, §6.]**

DIVISION 7- DETERMINATION OF RESULT OF ELECTION

§183. Successful candidates.

Subject to the constitution of the local government, in the case of an election to a local government, the candidate or candidates receiving the greatest number of votes is or are elected. **[P.L. 1980-20, §75, this Section has been renumbered]**

§184. Tied elections.

If two or more candidates each receive an equal number of votes such that one or more would be elected if it were not for the other or others, the tie shall be resolved by the Chief Electoral Officer by lot, in the presence of such of the tied candidates or the authorized representatives of such of the tied candidates as desire to be present or to be represented. **[P.L. 1980-20, §76, this Section has been renumbered]**

§185. Declaration of the result.

(1) If after an election in an electorate no petition for a re-count is received, within the period allowed by Section 180(3) of this Chapter for the filing of petitions, the Chief Electoral Officer shall, on the day after the end of that period, publicly announce the unofficial result already announced under Section 178(4)(b) of this Chapter as the official result of the election.

(2) If after an election in an electorate a petition for a re-count is received within the period allowed by Section 180(3) of this Chapter for the filing of petitions, the Chief Electoral Officer shall publicly announce the unofficial result already announced under Section 170(4)(b) of this Chapter on the original count, or under Section 182(3)(b) of this Chapter on the re-count, as the case requires, as the official result of the election:

(a) if he grants the petition, on the day after he receives the certified result of the re-count under Section 1 82(3)(a) of this Chapter;

(b) if he rejects the petition and no appeal is made to the High Court within the period allowed by Section 181 of this Chapter for appeals, on the day after the end of that period; or

(c) if he rejects the petition and an appeal is made to the High Court within the period allowed by Section 181(1) of this Chapter for appeals, then:

(i) if the appeal is upheld, on the day after he receives the certified result of the recount by the court in accordance with Section 182(3)(a) of this Chapter; or

(ii) if the appeal is rejected, on the day after the court announces its decision.

(3) The Chief Electoral Officer shall give notice of the official result of an election in the same manner as that in which notice of the holding of the election was given under Section 142 of this Chapter.

(4) In order to assure that each electoral district is represented in the Nitijela, and to assure compliance with Section 10(1) of Article IV of the Constitution of the Marshall Islands. the Nitijela may, pending the declaration of the official result of the election, seat those candidates named as successful candidates in the unofficial results. **[P.L. 1980-20, §77, this Section has been re-numbered; amended by P.L. 1992-9, §11.]**

DIVISION 8- MISCELLANEOUS

§186. Preservation and destruction of electoral papers.

(1) The Chief Electoral Officer shall cause all used ballot papers, envelopes, voters lists, lists of tendered ballot papers and other papers used in connection with an election to be kept safely for thirty (30) days after the announcement of the official result of the election, and then, unless a court otherwise orders, to be destroyed by fire under his supervision or the supervision of a person appointed by him for the purpose.

(2) Subsection (1) of this Section does not apply to the Register or to applications referred to in Section 187 of this Chapter. **[P.L. 1980-20, §78, this Section has been renumbered; amended by P.L. 1991-113, §2(4), deleting the words six (6) months and substituting the words thirty (30)) days in Subsection (1).]**

§187. Registration papers filed at elections.

Applications in the form set forth in Schedule 1, or in substantially the same form that are completed as required under Section 173(2)(b) of this Chapter and that have not been rejected in the course of the election shall, immediately after the end of the period of six (6) months referred to in Section 186(1) of this Chapter, be treated by the Chief Electoral Officer as though they have been approved by a member of a Board of Elections, and by the Chief Electoral Officer, under Section 133 of this Chapter. **[P.L. 1980-20, §79, this Section has been renumbered]**

§188. Reference to the High Court of questions as to voting qualifications.

(1) Any person whose claim to a right to vote in an election has been rejected by an election official may require the Chief Electoral Officer

to refer the question to the High Court, and the Chief Electoral Officer shall, unless he admits the claim, refer the question to the High Court accordingly.

(2) At any stage of an election, a candidate or the authorized representative of a candidate may require the Chief Electoral Officer to refer to the High Court any question that has arisen concerning the right of a person to vote in the election, and the Chief Electoral Officer shall refer the question to the High Court accordingly. Provided, however, that any challenge relating to an entry in the electoral register must be made prior to the close of business on the fourth day preceding the date of an election. Regulations may be made specifying the types of documentation that must be submitted before the Chief Electoral Officer is required to refer questions to the High Court.

(3) Unless the High Court otherwise orders or the Chief Electoral Officer otherwise directs, no requirement or reference under Subsection (1) or (2) of this Section shall be allowed to delay the polling, the count or recount of votes or the declaration of the official result of an election. **[P.L. 1980-20, §80, this Section has been renumbered; amended by P.L. 1992-9, §11.]**

PART IX - REFERENDA

DIVISION I - NATIONAL REFERENDA

§189. Calling of national referenda.

Referenda shall be conducted throughout the Republic as required by the following provisions of the Constitution of the Marshall Islands:

(a) Article XII, Section 3 (which relates to amendment of the Constitution of the Marshall Islands by action of the Nitijela and referendum);

(b) Article XII, Section 4(1) (which relates to amendment of the Constitution of the Marshall Islands by constitutional convention and referendum);

(c) Article XII, Section 4(6) and (8) (which provides for a referendum on the question of calling a constitutional convention); and

(d) Article XII, Section 4(10) (which requires the Chief Secretary to make provision for a referendum in certain circumstances). **[P.L. 1980-20, §81, this Section has been renumbered]**

§190. Questions for national referenda.

(1) The question for decision by a referendum referred to in Section 189 of this Chapter, other than a referendum referred to in Section 189(d) of this Chapter, shall be prescribed by Act.

(2) Before an Act referred to in Subsection (1) of this Section proceeds further than the first reading, the Speaker shall obtain and present to the Nitijela a joint report from the Chief Electoral Officer and the Attorney-General on the form and wording of the question for decision in the proposed referendum.

(3) The question for decision in a referendum referred to in Section 189(d) shall be determined by the Chief Secretary in consultation with the Chief Electoral Officer and the Attorney-General. **[P.L. 1980-20, §82, this Section has been renumbered]**

DIVISION 2- LOCAL GOVERNMENT REFERENDA

§191. Calling of local government referenda.

Referenda for the purposes of the system of local government shall be conducted as provided for by:

(a) the *Local Government Act 1980* and any other Act; or

(b) the constitution of a local government; or

(c) an ordinance. **[P.L. 1980-20, §83, this Section has been renumbered]**

§192. Questions for Local government referenda.

The form and wording of a referendum referred to in Section 191 of this Chapter shall be determined by the Chief Electoral Officer in consultation with the Attorney-General, subject to confirmation by the Council of local government by resolution. **[P.L. 1980-20, §84, this Section has been renumbered]**

DIVISION 3- CONDUCT OF REFERENDA

§193. Application of Part VIII to referenda.

Subject to the exceptions and modifications set out in Schedule 2 appearing at the end of this Chapter, the provisions of Part VIII apply to and in relation to referenda as though:

(a) references in that Part to an election were references to a referendum; and

(b) references to ballot papers were references to ballot papers containing the question for decision at the referendum. **[P.L. 1980-20, §85, this Section has been renumbered]**

PART X - MISCELLANEOUS

§194. Electoral instructions.

(1) The Chief Electoral Officer may issue instructions made pursuant to Section 198 of this Chapter, not inconsistent with this Chapter or the regulations, relating to electoral procedures and to matters of the administration of this Chapter generally.

(2) It is the duty of election officials and other persons involved in the administration and conduct of elections and referenda, and of this Chapter generally, to be conversant with any instructions issued under Subsection (1) of this Section that relate to their respective functions.

(3) Where any instructions issued under Subsection (1) of this Section relate to voting procedures, any vote cast in contravention of them may be rejected. **[P.L. 1980-20, §104 this Section has been renumbered]**

§195. Use of public facilities.

If public or governmental facilities in an electorate are made available to any candidate or to the supporters of either side in a referendum, equal opportunity shall be given to all candidates in the electorate, or to the supporters of the other side in the referendum as the case may be. **[P.L. 1980-20, §105, this Section has been renumbered]**

§196. Expenses of elections and referenda.

(1) The expenses for the registration of voters and for the conduct of elections and referenda (other than referenda referred to in Section 191(b) or (c) of this Chapter) shall be borne by the Government of the Marshall Islands.

(2) The expenses for conducting a referendum referred to in Section 191(c) or (d) of this Chapter shall, unless an agreement between the Minister responsible for local government matters and the local government provides otherwise, be borne by the local government. **[P.L. 1980-20, §106, this Section has been renumbered]**

§197. Reports by Chief Electoral Officer.

(1) The Chief Electoral Officer shall, at least once in every period of twelve (12) months, furnish to the Speaker, for presentation to the Nitijela, a report on the operation of this Chapter and of the electoral system.

(2) The Chief Electoral Officer shall, after each general election to the Nitijela or to a local government and after each referendum; and may, after any special election, furnish to the Speaker, for presentation to the Nitijela, a report on the election or referendum. **[P.L. 1980-20, §107, this Section has been renumbered]**

§198. Regulations.

(1) The Cabinet may make regulations, not inconsistent with this Chapter, prescribing all matters that are required or permitted by this Chapter to be prescribed by regulations, or that are necessary or convenient to be so prescribed for carrying out or giving effect to this Chapter.

(2) The specific authorization for regulations made within any Section of this Chapter shall not be deemed to limit the general authority for regulations granted under this Section.

(3) All delegations of regulatory authority in this Chapter are deemed to be delegations to the Cabinet. **[P.L. 1980-20, §108, this Section has been renumbered, amended by P.L. 1992-9 §13(1)]**

§199. Severability.

In the event that any of the provisions of this Chapter are found to be invalid, or if the application of any provision of this Chapter to any person or circumstance is found to be invalid, such invalidity shall not affect any other provision or application which can be given effect without the invalid provision or application. **[Added by P.L. 1992-9, §13(2).]**

SCHEDULE 1

Reference Sections: 132, 135 and l73(2)(b) Elections and Referenda Act 1980

Application for Entry in the Electoral Register

1. My full name is: _____
2. I was born at: _____on_____19_____
3. My age is: _____
4. I reside at: _____
5. My occupation is: _____
6. I am a citizen of the Republic of the Marshall Islands.
7. I was registered/naturalized at: _____on_____ 19___
8. I have land rights on the following atolls or islands in the Republic:

_____

_____

9. My mother/father has land rights on the following atolls or islands in the Republic:

_____

10. I am not currently under sentence, parole or probation for a felony.
11. I am not currently certified to be insane.
12. I hereby apply to be entered in the Electoral Register with respect to_____ _____electoral district,_____local government area; and _____ ward
13. I solemnly swear that the above statement are true, so help me God. I solemnly promise and declare that the above statements are true.

_____

Signature of applicant

Subscribed and sworn to/affirmed before me this____day of_____20__

_____

(Signature of member of the Board of Elections or authorized person)

SCHEDULE 2

Adaptation of Part VIII to Referenda Sections: 144 and 193, Elections and Referenda Act.

PROVISION/MODIFICATIONS, ETC.

Division 2

Does not apply.

Section 151(2)(b)(iii)

Substitute: "(iii) the question for decision; and".

Section 153(1

Delete "and one copy to each of the candidates listed on the ballot paper."

Section 161(2)(a)

The first date referred to is the date on which the holding of the referendum was announced under Section 42.

Section 171

Does not apply.

Section 172(a)

Does not apply, and instead a member of the Board of Elections shall allow not more than four members of the public to be present.

Section 173. (4)

For the reference to each candidate or a pol1 watcher substitute a reference to any member of the public present.

Section 178.

Delete the reference to each candidate or his authorized representative.

Section 180.

Any eligible voter may petition for a re-Count in the electorate in which he is entitled to vote.

Section 183.

Does not apply.

Section 184.

Does not apply. On a tied result (whether on the original count or on a re-count) there shall automatically be a total re-count, and if on the re-count a result is a tie the question shall be deemed to have been decided in the negative.