

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
41ST CONSTITUTION REGULAR SESSION, 2020



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

ELECTIONS AND REFERENDA (AMENDMENT) ACT, 2020

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Republic of the Marshall Islands
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ELECTIONS AND REFERENDA (AMENDMENT) ACT, 2020

AN ACT to repeal and restore the postal voting system for persons residing outside of the Republic, and for other related matters.

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

§101. Short title.

This Act may be cited as the Elections and Referenda (Amendment) Act, 2020.

§102. Amendment.

(1)Section 131 shall be amended as follows:

§131. Place of Registration.

- (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 a voter may register or change registration only during the first three years following the general election of the Nitijela and no applications to register or re-register will be accepted in the year before a general election.

(2) (Section 135 is hereby amended to read as follows:

§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 in the Register concerning a registered voter changes, he shall reapply under Section 131 and Section 132 of this Chapter for registration.

(3) Section 136 is hereby amended to read as follows:

§136. Closure of the Registration of voters.

(1) Notwithstanding the provisions of Section 137, A qualified voter may register or change registration during the first three years following the general election of the Nitijela and no applications to register or re-register will be accepted in the year before the election.

(2) The Chief Electoral Officer shall give notice of the closing date for the registration of voters pursuant to subsection (1) of this Section.

(4) Section 154 shall be amended as follows:

§154. Interpretation of Division 4

In this Division:

(c) "Confined voters "means a person who, pursuant to section 161 may be vote before the day of the election due to prevention by illness or physical disability from attending a polling place in order to vote in an election.

(d) "Postal ballot paper" means an official ballot paper which, under subdivision C, may be used outside polling places or before the day of an election for the purpose of voting.

- (e) "postal voter" means a person who under subdivision C of this Division may vote outside polling places or before the day of an election;
 - (f) "special ballot container" means a ballot container provided accordance with section 154(4)(a)(iii) of this Chapter;
 - (g) "special polling places" means a polling place opened under Section 156(1) of this Chapter for voting by absentee voters, or declared open for that purpose under Section 156(2) of this Chapter.
- (2) Section 156(1) of the Election and Referenda Act is hereby amended to read as follows:

§156. Special polling places.

- (1) In the case of any 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, it is at a location within the Republic, on the day of the election.
- (3) Section 161 for the Election and Referenda Act is hereby amended as follows:

§161. Application of postal ballot papers.

- (1) A registered voter who:
- (a) resides outside of the Republic or will be outside of the Republic on the day of the election, may be apply for a postal ballot paper.
- (2) An application for a postal ballot paper shall be postmarked or made to reach the Chief Electoral Officer:
- (a) after the day on which the list of candidates is published under Section 148 of this Chapter, or after the twenty-first (21) day before the day of the election, whichever is the earlier: and
 - (b) not later than:
 - (i) five (5) days before the election:
 - (1) if the applicant, who is a usual resident of the Republic but will be outside of the Republic on the day of the election; or

- (2) if applicant is prevented by illness or due to physical disability from attending a polling place in order to vote in an election, and will be within the Republic on the day of the election; or
 - (ii) postmarked fourteen (14) days before the election if the applicant resides outside of the Republic; provided, however, that in no event will an application for a postal ballot paper received through the mail be accepted on or after a date three days prior to the date of the election.
- (3) The application shall include:
- (a) sufficient information to allow the right of the applicant to vote, and the electorate (with respect to which he is entitled to vote), to be established;
 - (b) the address to which he wishes the postal ballot paper to be forwarded; and
 - (c) the grounds of the application.
- (4) Regulations may be made on any matter relating to the subject of postal voters, including, but not limited to the proof that may be required to show that a person will be outside of the Republic on the day of the election.

- (4) Section 162 is hereby amended as follows:

§162. Provision and use of Postal ballot papers.

- (1) If the Chief Electoral Officer is satisfied that prima-facie an applicant for a postal ballot paper is entitled to receive on, 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. Has right to vote in the election; and
 - ii. Has 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 in Section 174 of this Chapter);
 - b. Deposit a 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; provide, however, that in no event will a covering reply envelope that is received through the mail be accepted on or after fourteen (14) days after the date of the election.

§103. Effective date.

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


CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 1ND2 was passed by the Nitijela of the Republic of the Marshall Islands on the 14th day of May 2021; and


2. That I am satisfied that Nitijela Bill No: 1ND2 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 8th day of June 2021.



Hon Kenneth A. Kedi
Speaker
Nitijela of the Marshall Islands

Attest:



Morean S. Watak
Clerk
Nitijela of the Marshall Islands

