

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
44TH CONSTITUTIONAL REGULAR SESSION, 2023**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

ELECTION AND REFERENDA (AMENDMENT) ACT, 2023

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ELECTION AND REFERENDA (AMENDMENT) ACT, 2023

AN ACT to amend Title 2 Chapter 1, in order to provide a special procedure for confine voters.

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

§101. Short title.

This Act may be cited as the Election and Referenda (Amendment) Act, 2023.

§102. Amendment.

- (i) Division 1, Section 154 of the Election and Referenda Act is amended as follows:
 - (c) “confined voter” means a person who, pursuant to section 161A 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;
- (ii) Division C, Section 161 is amended to provide special procedures for confined voters as follows:

SUBDIVISION C - POSTAL AND CONFINED VOTERS

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

- (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 apply for a postal ballot paper.
- (2) An application for a postal ballot paper 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:
 - (i) five (5) days before the election:
 - (1) if the applicant, who is usually resident of the Republic but will be outside of the Republic on the day of the election; or
 - (ii) fourteen (14) days before the election if the applicant resides outside of the Republic; provided, however, that in no event will an application for a postal ballot received through the mail be accepted on or after the 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.
 - (iii) Section 161 is amended to provide special procedures for confined voters by inserting a new Section 161A as follows:

§161A. Application for mobile ballot papers by confined voters.

- (1) A registered voter who 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, may apply for mobile voting procedure.
- (2) An application for a mobile 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 forty-fifth (45) day before the day of the election, whichever is the earlier;
 - (b) not later than the twenty-first (21) day before the election, and in no event will an application for mobile ballot paper received through the mail be accepted on or after the date of 14 days prior to the day 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/she wishes the mobile election officers to reach; and
 - (c) the grounds of the application on physical disability.
- (4) Upon the receipt of the application for a mobile ballot paper and upon the satisfaction of the Chief Electoral Officer, the Chief Electoral Officer shall send mobile electoral officers to conduct the election at the confined

voter's place of abode no earlier than ten (10) days before the day of the election and at least one (1) day before the day of election.

- (5) Regulations may be made on any matter relating to the subject of confined voters, including, but not limited to the proof that may be required to show that a person physical disability from attending a polling place in order to vote in an election on the day of the election.

- (iii) Subsection (3) of Section 162 is amended to provide as follows:

§162. Provision and use of postal ballot papers.

.....

- (3) The covering reply envelope must be (a) placed in the mail and postmarked, or (b) be made to reach the Chief Electoral Officer, 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 fourteen (14) days after the date of the election.

- (iv) Section 162 is amended by inserting a new Section 162A as follows:

§162A. Provision and use of mobile ballot papers.

- (1) Regulations may be made or instructions issued by the Chief Electoral Officer on any matter relating to the subject of mobile voting procedures, including but not limited to the applicability of the provisions included in SUBDIVISION B and DIVISION 5 of this Chapter.
- (2) Provision of mobile advanced voting services for confined voters will, as far as practicable, be administered, supervised, and controlled as though voting were taking place in a polling place, with necessary modifications to ensure the voter's privacy in the home is respected and secrecy of the vote is maintained.

§103. Effective Date.

This Chapter shall take effect on the date of its certification in accordance with the Constitution and the Rules of Procedures for the Nitijela.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: **116ND1** was passed by the Nitijela of the Republic of the Marshall Islands on the 22nd day of September 2023; and
2. That I am satisfied that Nitijela Bill No: **116ND1** 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 25th day of October 2023.



Hon. Kenneth A. Kedi

Speaker

Nitijela of the Marshall Islands

Attest:



Carl Alik

Assistant Clerk

Nitijela of the Marshall Islands