IN THE NITIJELA OF THE MARSHALL ISLANDS

25th CONSTITUTIONAL REGULAR SESSION, 2004 BILL NO:26

P.L. 2004-8

AN ACT

to amend the Elections and Referenda Act, 2MIRC Chapter 1 (the Act) section 109 by inserting additional provisions under said section in order to clarify the manner of electing the head of a Local Government or Mayor.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS

Section 1. **Short Title**

This Act may be cited as the Elections and Referenda (Amendment) Act, 2004.

Section 2. **Amendment**

Section 109 of the Act is hereby amended in the following manner;

§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.

Section 3. **Effective Date**

This Act shall take effect upon certification in accordance with the provisions of the Constitution of the Republic of the Marshall Islands and the Rules of procedures of the Nitijela.

CERTIFICATE

I hereby certify:

(1) that the above Nitijela Bill No. 26 was passed by the Nitijela of the Marshall Islands on the 29th day of September 2004; and

(2). that I am satisfied that Nitijela Bill No. 26 was passed in accordance with the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela..

BILL NO:26

P.L. 2004-8

I hereby place my signature before the Clerk of the Nitijela on this 5th day November 2004.

Attest:

Litokwa Tomeing
Speaker,
Nitijela of the Marshall Islands

Joe E Riklon
Clerk,
Nitijela of the Marshall Islands