NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
43RD CONSTITUTIONAL REGULAR SESSION, 2022

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

LOCAL GOVERNMENT (AMENDMENT) ACT 2022

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LOCAL GOVERNMENT (AMENDMENT) ACT 2022

AN ACT to repeal Public Law No.2022-48; to amend the Local Government Act to provide for clear language on the direct election of the Mayor at the General Election and to provide for replacement of any local government council members during the vacancy of council seat; and to provide for matters related thereto.

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

§101. Short title.

This Act may be cited as the Local Government (Amendment) Act 2022.

§102. Amendment.

(1) Section 123 of the Local Government Act is hereby amended:

§123. Electoral methods.

Elections for the purposes of this Chapter shall be either by ballot, or by consensus, and where provision is made in the constitution of a local government for an election the constitution may specify which method shall be used, except where it is provided for under Section 124(2) of this Chapter.

(2) Section 124 of the Local Government Act is amended as follows:

§124. Elections by ballot.

(1) An election that is to be conducted by ballot shall be conducted in accordance with the Elections and Referenda Act 1980 (2 MIRC 1).

(2) Pursuant to Section 109(4) of the Election and Referenda Act, 1980, the Mayor shall 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.

(3) Section 16, of Schedule 1 of the Local Government Act is amended as follows:

§16. Election.

(1) The Mayor shall be elected by a popular vote of all eligible voters in that electoral district, pursuant to Section 124 of this Chapter, and in accordance with the Election and Referenda Act, 1980

(2) The candidate who polls the highest number of votes shall be declared the Mayor of that electoral district.

(4) A new Section 16A is created under Schedule 1 of the Local Government Act is amended as follows:

§16A. Mayor: Qualifications and Terms.

(1) To become eligible as a candidate for Mayor a person must:

(a) possess the qualifications specified under the Election and Referenda Act,

(b) for at least one (1) year prior to filing a declaration of candidacy, be a registered voter and resident of the District.

(c) The term of office of Mayor shall be four (4) years and until a successor has been elected, qualified and declared, or unless however terminated earlier as per provided Section 17(1) of Schedule 1.

(5) Section 17 of Schedule 1 of the Local Government Act is amended as follows:

§17. Vacation of office.

.....

(2) If the office of the Mayor becomes vacant by reasons stated under Section 17:

(a) a special election may be held to continue to perform the functions for the remainder of the term, unless however, it is impracticable to conduct a special election;

(b) Where a special election is considered and decided, the Certifying Officer shall announce a special election approximately thirty (30) days prior to its occurrence.

(c) The Council shall appoint one of its members as the acting Mayor during the vacancy on temporal basis. The Acting Mayor shall act as the Mayor during the temporal absence or disability of the Mayor, subject to Section 17.

(6) Section 17 of Schedule 1 of the Local Government Act is amended by inserting a new 17A as follows:

§17A. Council Member: Casual Vacancy

If a council member dies, resign or otherwise vacates his/her seat, the seat shall be filled by the candidate receiving the next highest number of votes at the most recent general election. If there was no other candidate at the most recent general election, the seat shall be subject to special election.

§103. Consequential Amendment.

(6) Section 109(4) of the Election and Referenda Act is amended as follows:

§109. Local government elections.

.....

(1) Notwithstanding the provisions of any Act or Local Government Constitution to the contrary, in all cases, pursuant to the Local Government Act, 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.

§104. Effective Date.

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

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: **81** was passed by the Nitijela of the Republic of the Marshall Islands on the 25th day of **November** 2022; and

2. That I am satisfied that Nitijela Bill No: 81 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 7th day of December 2022.

Attest:

Hon. Kenneth A. Kedi
Speaker
Nitijela of the Marshall Islands

Morean S. Watak
Clerk
Nitijela of the Marshall Islands