



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

# **ELECTION AND REFERENDA (AMENDMENT)(1) ACT**

**Introduced by:**

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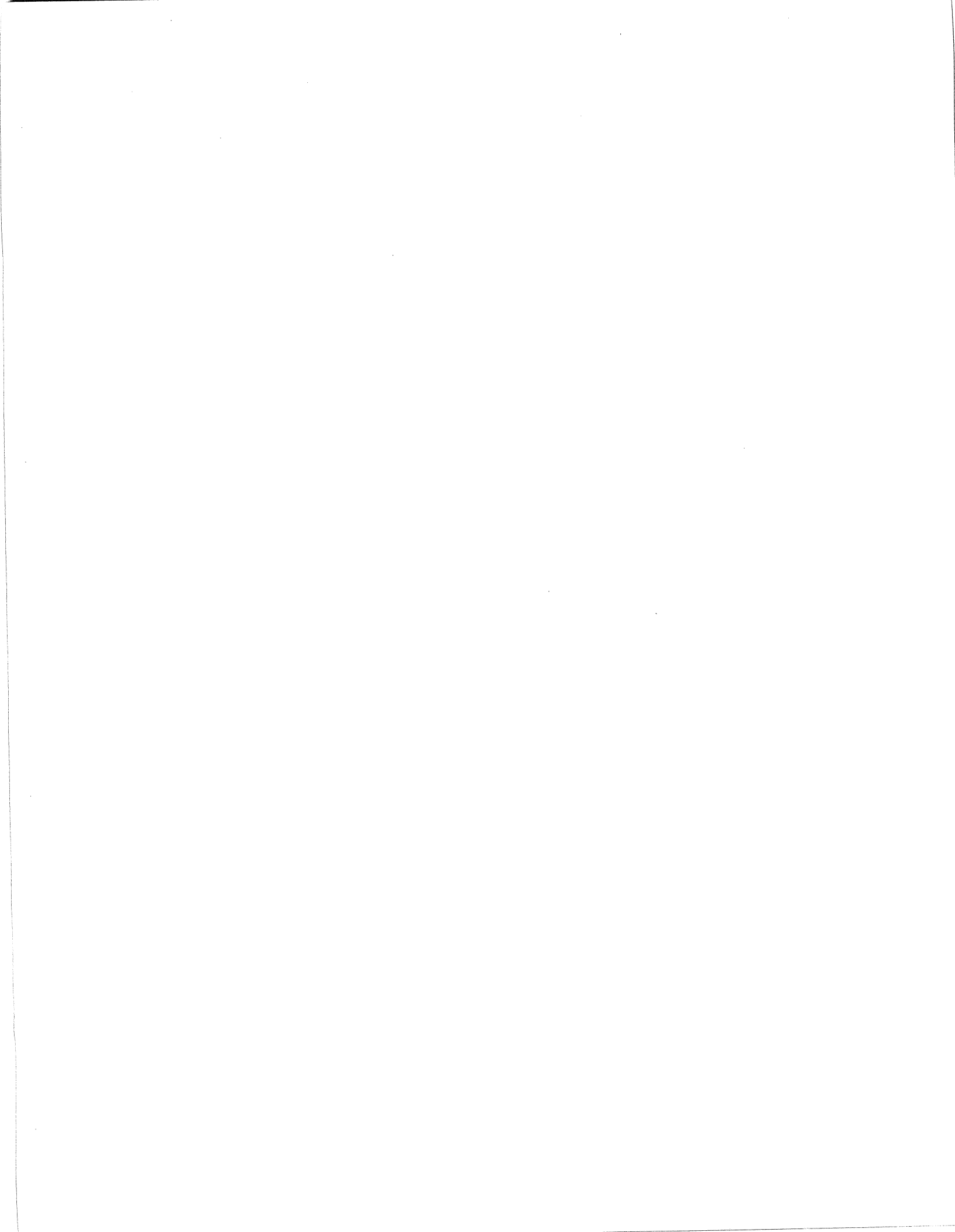
**HON. MINISTER JOHN M. SILK**

**Received:**

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**HON. KENNETH A. KEDI**

**BILL NO. 06 P.L. 2016- 28**



**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTION REGULAR SESSION, 2016**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**ELECTION AND REFERENDA (AMENDMENT)(1) ACT**

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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTION REGULAR SESSION, 2016



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**ELECTION AND REFERENDA (AMENDMENT)(1) ACT**

AN ACT to amend the Election and Referenda Act, 1980, by eliminating the postal voting system for persons residing outside of the Republic, and for 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 Election and Referenda (Amendment)(1) Act.

**§102. Amendments.**

(1) Section 154 of the Election and Referenda Act is hereby amended as follows:

**§154. Interpretation of Division 4**

In this Division:

(c) "confined voter" means a person who, pursuant to section 161 may 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 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 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 Elections and Referenda Act is hereby amended to read as follows:

**§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.

(3) Section 161 of the Election and Referenda Act is hereby amended as follows:

**§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 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 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 voters 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.

(3) 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 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.

**§103. Effective Date.**

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

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**CERTIFICATE**

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**I hereby certify:**

1. That Nitijela Bill No: 06 was passed by the Nitijela of the Republic of the Marshall Islands on the 29<sup>th</sup> day of September 2016; and

2. That I am satisfied that Nitijela Bill No: 06 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 25<sup>th</sup> day of October 2016.

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

**Attest:**

  
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**Morean Watak**  
Clerk  
Nitijela of the Marshall Islands