

Date Printed: 02/10/2009

JTS Box Number: IFES_45
Tab Number: 12
Document Title: TITLE 2 ELECTIONS AND REFERENDA
Document Date: 1980
Document Country: MAR
Document Language: ENG
IFES ID: EL00709



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TITLE 2.
ELECTIONS
CHAPTER 1.

ELECTIONS AND REFERENDA

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CHAPTER 1. ELECTIONS AND REFERENDA

An Act to make provision with respect to elections and referenda.

Commencement: December 31, 1980

Source: P.L. 1980-20

P.L. 1983-25

PART I - PRELIMINARY

§ 1. Short title.

This Act may be cited as the "Elections and Referenda Act 1980". [*P.L. 1980-20, § 1.*]

§ 2. Interpretation.

(1) As used in this Act:

- (a) "ballot box" means a container that is securely sealed except for an opening sufficient to permit the deposit of ballot papers and marked with the words "Chief Electoral Officer" and "Ballot Box", and includes a special ballot container provided in accordance with Section 56(4)(a)(iii) of this Act;
- (b) "certifying officer" means a certifying officer appointed under Section 26 of the Local Government Act 1980;
- (c) "election by consensus" means an election by consensus under and within the meaning of Part VI of the Local Government Act 1980;
- (d) "election official" means:
 - (i) the Chief Electoral Officer;
 - (ii) a member of a Board of Elections; or
 - (iii) a person appointed under Section 20 of this Act;
- (e) "elective office" means an office of:
 - (i) member of the Nitijela (including the office of the President and an office of Minister); or
 - (ii) member of the council of local government (including the office of head of the local government and an office of member of the executive committee of the local government), being an office to which persons are elected by eligible voters;
- (f) "electoral district" means an electoral district prescribed by Article IV, Section 2 of the Constitution of the Marshall Islands, or an Act made in accordance therewith;
- (g) "electoral instructions" means instructions issued under Section 112 of this Act;
- (h) "electoral subdivision" means area of a ward under the Local Government Act 1980, other than any such ward that comprises the whole of the local government area, or consists of a number of other wards;
- (i) "electorate" means:
 - (i) in relation to elections of the Nitijela and referenda referred to in Section 4(1)(b) and (f) of this Act, an electoral district, and
 - (ii) in relation to elections and referenda under or for the purposes of the Local Government Act 1980, a ward;
- (j) "eligible voter" means a person who is eligible under Article IV, Section 3(1) and (2) of the Constitution of the Marshall Islands to vote in elections to the Nitijela;

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- (k) "land right" has the same meaning as it has in Article XIV, Section 1 of the Constitution of the Marshall Islands, that is to say "any right in any land in the Marshall Islands under the customary law or any traditional practice";
- (l) "polling place" means a polling place designated under Section 25 of this Act, and includes a special polling place opened or declared open under Section 56(1) or (2) of this Act;
- (m) "registered voter" means an eligible voter who is entered in the Register under Part VI of this Act;
- (n) "referendum" includes plebiscite;
- (o) "the Register" means the Electoral Register compiled and maintained under Section 26 of this Act;
- (p) "the regulations" mean any regulations in force under Section 116 of this Act;
- (q) "special election" means an election to fill a casual vacancy in an elective office.

(2) Any expression used in this Act in relation to a local government or the system of local government that is also used in the Local Government Act 1980 has the same meaning in this Act as it has in that Act. [*P.L. 1980-20, § 2; amended by P.L. 1983-25, § 4, adding the definition for "polling place" and amending Paragraph (a) to Subsection (1).*]

§ 3. Reserved.

§ 4. Application of this Act.

- (1) This Act applies to and is in relation to:
 - (a) elections to the Nitijela;
 - (b) referenda required under the Constitution of the Marshall Islands;
 - (c) elections by ballot under the Local Government Act 1980;
 - (d) to the extent provided by this Act or the Local Government Act 1980, elections by consensus under that Act;
 - (e) referenda under the Local Government Act 1980; and
 - (f) other referenda required by law.
- (2) Nothing in this Act prevents the provisions of this Act, or any of them, being applied, with or without modification, to any other kind of election or referendum. [*P.L. 1980-20, § 4.*]

PART II - ELECTORAL QUALIFICATIONS

Division 1 - The Franchise

§ 5. Nitijela election.

(1) In accordance with Article IV, Section 3(1) and (2) of the Constitution of the Marshall Islands, all citizens of the Republic who have attained the age of eighteen (18) years, other than persons who:

- (a) are certified to be insane; or
- (b) are serving, with respect to their convictions for a felony, sentences of imprisonment or are released on parole or probation with respect to such convictions,

have the right and the duty to vote in elections of members of the Nitijela.

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(2) In accordance with Article IV, Section 3(3) of the Constitution of the Marshall Islands every eligible voter has the right to vote in one and only one electoral district, being an electoral district in which he either resides or has land rights, and a person who, pursuant to that provision, has a choice of electoral districts:

- (a) may exercise that choice in accordance with Section 31 of this Act; or
- (b) if he does not exercise it, is entitled to vote only in the electoral district in which he has his principal land rights. [P.L. 1980-20, § 5.]

§ 6. Local government elections.

Subject to the constitution of the local government, all eligible voters who are registered under this Act with respect to the ward for which the election is to be held have the right and the duty to vote in an election (whether by ballot or by consensus) under the Local Government Act 1980 for a member of a local government for that ward, or in any other election under that Act, in an area that includes that ward. [P.L. 1980-20, § 6.]

§ 7. Referenda.

(1) Any person who would have the right to vote in an election of a member of the Nitijela for an electoral district:

- (a) in the whole of which a referendum of a kind that is referred to in Section 4(1)(b) or (f) of this Act is conducted; or
 - (b) which is part of an area in which such a referendum is conducted,
- has the right and the duty to vote in the referendum.

(2) Any person who would have the right to vote in an election for a member of a local government for a ward:

- (a) in the whole of which a referendum of a kind that is referred to in Section 4(1)(e) of this Act is conducted; or
 - (b) which is part of an area in which such a referendum is conducted,
- has the right and the duty to vote in the referendum.

(3) In any case in which the provisions of Subsections (1) and (2) of this Section are not appropriate, the right to vote in a referendum is as determined by law.

(4) Nothing in this Section affects the operation of Section 7(4) of the Local Government Act 1980.

Division 2 - Candidature

§ 8. Nitijela elections.

In accordance with Article IV, Section 4 of the Constitution of the Marshall Islands every eligible voter who has attained the age of twenty-one (21) years is qualified to be a candidate for election as a member of the Nitijela for any electoral district, but no person may, in any election, be a candidate in more than one electoral district. [P.L. 1980-20, § 8.]

§ 9. Local government elections.

(1) Subject to Subsection (2) of this Section, every eligible voter who is registered under this Act 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 disqualifications for any elective office. [P.L. 1980-20, § 9.]

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PART III - ADMINISTRATION

Division 1 - The Electoral Organization

§ 10. The Electoral Administration.

The Electoral Administration consists of:

- (a) the Chief Electoral Officer;
- (b) the Boards of Elections;
- (c) the Counting and Tabulation Committees and local Counting and Tabulation Committees; and
- (d) certifying officers. [*P.L. 1980-20, § 10.*]

§ 11. Independence of the Electoral Administration.

(1) Except as provided in this Act, in the exercise of its or his functions under this Act no element of the Electoral Administration shall receive any direction from any authority or person, and the Electoral Administration shall act independently.

(2) Nothing in Subsection (1) of this Section affects:

- (a) the powers of the Chief Electoral Officer under the Local Government Act 1980; or
- (b) the powers of a court under the Constitution of the Marshall Islands or an Act. [*P.L. 1980-20, § 11.*]

Division 2 - The Chief Electoral Officer

§ 12. Appointment, etc., of Chief Electoral Officer.

(1) There shall be a Chief Electoral Officer, who shall be a member of the Public Service.

(2) The Public Service Commission shall obtain the concurrence of the Nitijela before it appoints any person to be the Chief Electoral Officer.

(3) No appeal by any member of the Public Service lies against the promotion or appointment of any person as the Chief Electoral Officer. [*P.L. 1980-20, § 12.*]

§ 13. Functions of Chief Electoral Officer.

The Chief Electoral Officer is responsible for the supervision, conduct and organization of elections (including elections by consensus) and of referenda, and for the registration of electors and the maintenance of the Electoral Register, and has such other powers, functions, duties and responsibilities as are conferred or imposed on him by this Act and the Local Government Act 1980. [*P.L. 1980-20, § 13.*]

§ 14. Delegation by Chief Electoral Officer.

(1) The Chief Electoral Officer may, by writing under his hand, delegate to any person any of his powers and functions under this Act or the Local Government Act 1980, so that the delegated powers and functions may be exercised by the delegate in relation to the matters or class of matters, and in relation to the whole of the Republic or to the part of the Republic, specified in the instruction of delegation.

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(2) A delegation under Subsection (1) of this Section may be made subject to such conditions and restrictions as the Chief Electoral Officer thinks proper.

(3) A delegation under Subsection (1) of this Section may be removed, in writing, at will, and no such delegation prevents the exercise of a power or the performance of a function by the Chief Electoral Officer. [*P.L. 1980-20, § 14.*]

Division 3 - Boards of Elections

§ 15. Appointment, etc., of Boards of Elections.

(1) There shall be a Board of Elections for each electoral district.

(2) The members of the Board of Elections shall be appointed by the Chief Electoral Officer, and hold office until death, resignation by notice to the Chief Electoral Officer, replacement or termination under Subsection (5) of this Section.

(3) The members of a Board of Elections must be eligible voters.

(4) There shall be such number of each Board of Elections that at least one member may be present at each polling place, and the Chief Electoral Officer shall allocate a polling place or polling places to each member.

(5) If a member of the Board of Elections:

(a) ceases to be an eligible voter;

(b) becomes a candidate for, or holds, an elective office; or

(c) participates in an election or referendum campaign,

the Chief Electoral Officer shall terminate his appointment. [*P.L. 1980-20, § 15.*]

§ 16. Functions of Boards of Elections.

(1) Subject to this Act and to the electoral instructions, and to any specific directions of the Chief Electoral Officer, a member of a Board of Elections shall:

(a) supervise and control, or assist in the supervision and control of, each polling place allocated to him;

(b) receive, preserve and maintain ballot boxes, locks, maps, cards of instructions and other supplies and equipment necessary for the conduct of elections and referenda;

(c) hold papers forwarded under Section 52 of this Act;

(d) give any instructions that he considers necessary for the orderly conduct of an election or referendum at the polling place;

(e) provide for the issuing of any notice or publication concerning an election or referendum as directed by the Chief Electoral Officer;

(f) recommend to the Chief Electoral Officer suitable polling places; and

(g) perform such other functions as are prescribed by law or the electoral instructions, or as are directed by the Chief Electoral Officer.

(2) The functions of a Board of Elections do not extend to elections by consensus under the Local Government Act 1980, but this Subsection does not prevent the Chief Electoral Officer from appointing a member of a Board of Elections as a certifying officer. [*P.L. 1980-20, § 16.*]

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Division 4 - Counting and Tabulation Committee

§ 17. Appointment, etc., of Counting and Tabulation Committee.

The Chief Electoral Officer shall appoint, for the purposes of:

- (a) each general election of members of the Nitijela;
- (b) each general election under the Local Government Act 1980;
- (c) each election conducted over the whole of a local government area under the Local Government Act 1980; and
- (d) each referendum,

a Counting and Tabulation Committee of not less than five (5) persons. [*P.L. 1980-20, § 17.*]

§ 18. Functions of Counting and Tabulation Committees.

A Counting and Tabulation Committee shall count and tally votes in accordance with Section 78 of this Act, and conduct re-counts in accordance with Section 82 of this Act. [*P.L. 1980-20, § 18.*]

§ 19. Local Counting and Tabulation Committees.

(1) The Chief Electoral Officer:

- (a) shall appoint, for the purposes of a special election of a member of the Nitijela (except in a case referred to in Section 17(c) of this Act) or of a member of a local government; and
- (b) may appoint, for an area where he considers it impracticable that ballot boxes be delivered to a central point for counting and tallying,

a local Counting and Tabulation Committee.

(2) A local Counting and Tabulation Committee shall perform the functions prescribed for it by Section 79 of this Act. [*P.L. 1980-20, § 19.*]

Division 5 - Electoral Staff

§ 20. Appointment, etc., of electoral staff.

(1) The Chief Electoral Officer may, with the authority of the Public Service Commission as provided for by Article VII, Section 10(1) of the Constitution of the Marshall Islands, appoint persons to render temporary or casual assistance in relation to elections and referenda.

(2) Persons appointed under Subsection (1) of this Section are members of the Public Service, and shall be subject to the instructions and directions of the Chief Electoral Officer and responsible to him. [*P.L. 1980-20, § 20.*]

Division 6 - Certifying Officers

§ 21. Certifying officers at elections by consensus.

The appointment and functions of certifying officers for the purposes of elections by consensus in the local government system are provided for by Division 2 of Part VI of the Local Government Act 1980. [*P.L. 1980-20, § 21.*]

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PART IV - ELECTORATES, ETC.

§ 22. Nitijela elections.

(1) The electorates for the purposes of elections of members of the Nitijela are set out in Article IV, Section 2 of the Constitution of the Marshall Islands, as amended by any Act made in accordance with that Section.

(2) Each electorate is divided into electoral subdivisions, the boundaries of which are, subject to Subsection (3) of this Section, the boundaries of the wards of the local government areas within the electorate.

(3) Where a local government area is divided into wards and the whole of the area is also declared to be a ward, or a ward consists of a number of other wards, that ward shall be disregarded for the purposes of Subsection (2) of this Section. [*P.L. 1980-20, § 22.*]

§ 23. Local government elections.

The electorates for the purposes of elections (including elections by consensus) under the Local Government Act 1980 are as provided for by or under that Act. [*P.L. 1980-20, § 23.*]

§ 24. Referenda.

(1) Subject to Subsections (2) and (3) of this Section, for the purposes of a referendum, the area in which the referendum is to be conducted is divided into electoral subdivisions in accordance with Section 22(2) of this Act.

(2) In the case of a referendum to be conducted under Section 7(4) or 22 of the Local Government Act 1980, the division (if any) into electoral subdivisions is determined by the Chief Electoral Officer.

(3) In any case in which the provisions of Subsections (1) and (2) of this Section are not appropriate, the division (if any) into electoral subdivision is as determined by law, and in default of any law as determined by the Chief Electoral Officer. [*P.L. 1980-20, § 24.*]

§ 25. Polling Places.

Within each electoral subdivision the Chief Electoral Officer shall designate, for each election or referendum to be conducted in the subdivision, suitable and convenient premises as polling places. [*P.L. 1980-20, § 25.*]

PART V - THE ELECTORAL REGISTER

§ 26. Compilation of the Register.

(1) The Chief Electoral Officer is responsible for the compilation and maintenance of an Electoral Register for the Republic.

(2) The Register shall be compiled in such a way as to show the electoral district, the local government area and the electoral subdivision with respect to which each qualified voter has the right to vote.

(3) The Register shall show with respect to each registered voter:

- (a) his name and sufficient other detail to allow him to be identified;
- (b) the place and date of his birth or, if the date is not known, his apparent age at the date of registration;

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- (c) the address of the residence or the location and nature of the land rights by virtue of which he is registered;
- (d) the nature of his citizenship of the Republic, that is, whether an automatic citizen under Article XI, Section 1(1) of the Constitution of the Marshall Islands, a citizen by birth, a citizen by registration or a citizen by naturalization;
- (e) in the case of a voter who is a citizen by registration or naturalization the date of registration or naturalization;
- (f) the date of registration under this Act; and
- (g) any further information required to establish the right of the voter to vote in a local government election,

as such further information or as the regulations require.

(4) Subject to this Act, the Register shall be compiled in such manner as the electoral instructions require. [*P.L. 1980-20, § 26.*]

§ 27. Continuity of registration and correction of the Register.

(1) Subject to this Act, and notwithstanding Section 26 of this Act, the Chief Electoral Officer shall accept the general district register kept for the former Marshall Islands District of the Trust Territory of the Pacific Islands, as in effect immediately before the effective date of this Act, as part of the Register.

(2) The Chief Electoral Officer may from time to time:

- (a) correct errors and supply omissions in the Register;
- (b) delete entries in the Register that he is satisfied which relate to persons who are dead or have ceased to be eligible voters; and
- (c) rearrange the Register to comply with Section 26 of this Act.

(3) An entry in the Register shall be taken to be correct until it is altered or deleted under this Act or otherwise in accordance with law. [*P.L. 1980-20, § 27.*]

§ 28. Voters lists.

The Chief Electoral Officer may from time to time, and shall immediately before an election (including an election by consensus) or referendum, prepare, as necessary or convenient from the Register, voters lists for the various electoral districts, local government areas and electoral subdivisions affected, and send them to the relevant authorities. [*P.L. 1980-20, § 28.*]

§ 29. Applications to correct errors and omissions.

(1) A person who claims that he is entitled to be entered in the Register or in the voters list and that:

- (a) he has not been so entered; or
- (b) he has been so entered incorrectly,

may apply to the Chief Electoral Officer to have the Register or list amended.

(2) The Chief Electoral Officer shall make or cause to be made full and careful inquiry into the matter of the application, and shall advise the applicant as soon as practicable that he:

- (a) accepts the claim and amends the Register or list accordingly; or
- (b) rejects the claim.

- (3) If the claim is rejected, the applicant may appeal to the High Court, which may:
 - (a) confirm the rejection; or
 - (b) order the Chief Electoral Officer to amend the Register or list in such manner as the court directs. [*P.L. 1980-20, § 29.*]

PART VI - REGISTRATION OF VOTERS

§ 30. Requirement of registration.

It is the duty of all eligible voters to ensure that they are at all times correctly entered in the Register. [*P.L. 1980-20, § 30.*]

§ 31. Place of registration.

(1) An eligible voter shall be entered in the Register with respect to the electoral district in which, as set out in Section 5(2) of this Act, he is entitled to vote, and if he is entitled to a choice of electoral districts, the choice referred to in Section 5(2)(a) of this Act shall be exercised by specifying in his application for registration another electoral district in which he has, as specified in the application, another place of residence or land rights.

(2) An eligible voter shall be entered in the Register with respect to the electoral subdivision in which the place of residence (whether the principal place of residence or not) or land rights by virtue of which he was entered under Subsection (1) of this Section is or are situated. [*P.L. 1980-20, § 31.*]

§ 32. Application for registration.

(1) An eligible voter applying for entry in the Register may present himself at any time during business hours to a member of the Board of Elections for the electoral district with respect to which he applies for entry in the Register, or to a person in that district authorized to administer oaths, and shall then and there:

- (a) make and subscribe an application for registration verified by oath or affirmation taken or made before the member of the Board of Elections or authorized person;
- (b) satisfy the member or authorized person, under oath and affirmation, as to his qualifications for registration; and
- (c) if required by the member or person, produce further evidence (which, if required, may be that of witnesses) as to those qualifications.

(2) An application for registration shall be in the form set forth in Schedule 1 appearing at the end of this Act, or in substantially the same form as in said Schedule 1.

(3) A member of a Board of Elections for an electoral district other than the electoral district with respect to which the applicant applies for entry in the Register, or a person outside the last-mentioned district authorized to administer oaths, may, if for a special reason he thinks it proper to do so, receive and process an application for registration. [*P.L. 1980-20, § 32.*]

§ 33. Registration.

(1) If the member of a Board of Elections or person authorized to administer oaths to whom application is made under Section 32 of this Act is satisfied that the applicant is entitled to be entered in the Register in accordance with the application, he shall approve the application and forward it to the Chief Electoral Officer for the necessary entry in the Register.

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(2) If, after giving the applicant an opportunity to be heard or to bring evidence on the matter, the Chief Electoral Officer is not satisfied that an applicant is entitled to be entered in the Register in accordance with the application, he may reject the application, but otherwise he shall enter the applicant in the Register. [*P.L. 1980-20, § 33.*]

§ 34. Appeals.

(1) If an application for registration is not approved by the member of a Board of Elections or authorized person to whom it is made, the applicant may appeal to the Chief Electoral Officer who, after giving the applicant an opportunity to be heard and to bring evidence on the matter, may:

- (a) approve the application and make the necessary entry in the Register; or
- (b) reject the application.

(2) If the Chief Electoral Officer rejects an application under Subsection (1) of this Section, or under Section 33(2) of this Act, the applicant may appeal to the High Court which may:

- (a) confirm the rejection; or
- (b) order the Chief Electoral Officer to enter the applicant in the Register in such manner as the court directs. [*P.L. 1980-20, § 34.*]

§ 35. Reregistration.

(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 32 of this Act for registration.

(2) If a registered voter:

- (a) changes his name;
- (b) changes any place of residence with respect to which he is entered in the Register from one electoral subdivision to another; or
- (c) wishes to exercise, or to exercise again, the choice of electoral districts referred to in Section 5(2)(a) of this Act,

or if any other particular in the Register concerning a registered voter changes, he shall reapply under Section 32 of this Act for registration.

(3) If any entry in the Register has been deleted under Section 27(2) of this Act on the grounds that the person concerned has ceased to be an eligible voter and the person again becomes an eligible voter, he shall reapply under Section 32 of this Act for registration. [*P.L. 1980-20, § 35.*]

§ 36. Closure of the Register.

(1) The Chief Electoral Officer may, in his discretion, refuse to enter or reenter an eligible voter in the Register if:

- (a) an election (including an election by consensus) or a referendum is pending;
- (b) the election or referendum will be conducted in an area to which the application relates, so that any entry would affect the part of the Register in relation to which the election would be conducted; and

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(c) either:

- (i) the application was received by the Chief Electoral Officer within the period of fourteen (14) days before the date of the election or referendum;
- (ii) (in the case of an application for reregistration by reason of a change of name, place of residence or other particular entered in the Register) the change took place within thirty (30) days before the date of the election or referendum; or
- (iii) (in the case of an application for reregistration by reason of wish of the applicant, to exercise or to exercise again, the choice of electoral district referred to in Section 5(2)(a) of this Act) the application was made after the announcement of the date of the election or referendum, (or in the case of a special election) after the occurrence of the event that made the special election necessary, or in any case within sixty (60) days before the date of the election or referendum.

(2) If the Chief Electoral Officer refuses, under Subsection (1) of this Section, to enter or reenter an eligible voter in the Register, he shall make the entry or reentry as soon as practicable after the completion of the election or referendum. [*P.L. 1980-20, § 36.*]

§ 37. Registration of certain persons.

Notwithstanding anything in this Part (other than Section 36) or in Part V, an application for registration may be received from a person who has not attained the age of eighteen (18) years but is otherwise an eligible voter, if the Chief Electoral Officer is satisfied that the applicant will have attained the age of eighteen (18) years before the next election in which the applicant would be entitled to vote, or to vote if registered, and that there is no good reason why the applicant should be refused. [*P.L. 1980-20, § 37.*]

PART VII - HOLDING OF ELECTIONS AND REFERENDA

§ 38. General election to the Nitijela.

General elections to the Nitijela shall be held as required by Article IV, Sections 6(3), 12 and 13 of the Constitution of the Marshall Islands. [*P.L. 1980-20, § 38.*]

§ 39. Special elections to the Nitijela.

(1) Special elections to the Nitijela shall be held as required by Article IV, Section 6(2) of the Constitution of the Marshall Islands.

(2) Subject to Subsections (3) and (4) of this Section, a special election to the Nitijela shall be held on a date determined by the Chief Electoral Officer, being a date that is as soon as practicable after the occurrence of the vacancy that gives rise to the special election.

(3) If the date that would otherwise be determined under Subsection (2) is on or after the date on which the Nitijela will be automatically dissolved under Article IV, Section 12 of the Constitution of the Marshall Islands, the Chief Electoral Officer shall not determine the date for the special election and the special election shall not be held.

(4) If, between the date on which the vacancy that gives rise to a special election occurs and the date determined under Subsection (2) of this Section, the Nitijela is dissolved, the special election shall not be held. [*P.L. 1980-20, § 39.*]

TITLE 2. ELECTIONS

§ 40. Local government elections.

(1) Subject to Subsection (2) of this Section, elections within the system of local government shall be held as required by the constitutions of the various local governments and the Local Government Act 1980.

(2) Where in the opinion of the Chief Electoral Officer the organization and conduct of a local government election and an election to the Nitijela or a referendum would clash so that to conduct the two together would be impracticable, inconvenient or confusing, the Chief Electoral Officer may, by written notice to the local government, defer the local government election until a date determined by him and specified in the notice, being a date that is as soon as practicable after the date of completion of the other election or the referendum, as the case may be.

(3) Where the Chief Electoral Officer defers a local government election under Subsection (2) of this Section, the terms of office of the members of the local government are extended accordingly. [*P.L. 1980-20, § 40.*]

§ 41. Referenda.

Referenda shall be held as required by the Constitution of the Marshall Islands, the Local Government Act 1980, any other Act, the constitution of a local government, or an ordinance. [*P.L. 1980-20, § 41.*]

§ 42. Proclamation of dates of elections and referenda.

(1) Except in the case of an election by consensus, the Chief Electoral Officer shall give as much notice as is reasonably practicable of the holding of an election and its date:

(a) by press and radio, in both Marshallese and English;

(b) throughout the area concerned

(i) by written notices, in Marshallese and English, posted on public buildings and in other convenient places, and

(ii) in whatever manner is customary in the area concerned for the announcement of important news; and

(c) in such other manner as he thinks proper.

(2) In the case of an election by consensus, the Chief Electoral Officer shall give as much notice as is reasonably practicable of its approximate date, in the manner provided for in Subsection (1) of this Section, subject to finalization under Part VI, Division 2 of the Local Government Act 1980.

(3) In the case of a referendum, the Chief Electoral Officer shall give as much notice as is reasonably practicable of its subject and date, in the manner provided for in Subsection (1) of this Section.

(4) Members of the applicable Board of Elections shall take any further action that seems to them desirable, or that is directed by the Chief Electoral Officer, to publicize the matters referred to in Subsections (1), (2) and (3) of this Section. [*P.L. 1980-20, § 42.*]

CHAPTER 1. ELECTIONS AND REFERENDA

PART VIII - ELECTORAL PROCEDURES

Division 1 - Applications of Part VIII

§ 43. Elections by consensus.

This Part does not apply to elections by consensus under the Local Government Act 1980. [*P.L. 1980-20, § 43.*]

§ 44. Referenda.

This Part applies to referenda, subject to the exceptions and modifications set out in Part IX and Schedule 2 appearing at the end of this Act. [*P.L. 1980-20, § 44.*]

Division 2 - The Nominations

§ 45. Nominations.

(1) A person wishing to stand for election must be nominated by twenty-five (25) registered voters in the electorate for which he wishes to stand.

(2) The nomination paper shall be in a form prescribed by the Chief Electoral Officer, and shall include:

- (a) the full name, address and description of the candidate;
- (b) the full name, addresses and descriptions of the nominators;
- (c) a certificate by the candidate that he is willing and qualified to stand for election; and
- (d) signatures of the candidate and the nominators.

(3) If the candidate or a nominator signs with his mark only, the signature must be witnessed by a registered voter in the affected electoral district, which witness must be someone other than a candidate or one of the nominators.

(4) A person is not entitled to be a candidate for more than one elective office at the same time.

(5) Nomination papers shall be filed with the Chief Electoral Officer or a person appointed by him for the purpose. [*P.L. 1980-20, § 45; amended by P.L. 1983-25, § 10, amending Subsection (1).*]

§ 46. Time of nomination.

(1) Nomination papers with respect to an election shall be filed with the Chief Electoral Officer or the person appointed under Section 45(5) of this Act on or before a date determined by the Chief Electoral Officer for the purposes of the election, being a date that is as practicable to the date of the election.

(2) It is a sufficient compliance with Subsection (1) of this Section if the nomination paper is mailed before the date determined under that Subsection and a telegram is dispatched to the Chief Electoral Officer or the person appointed under Section 45(5) of this Act so as to reach him on or before that date, stating that the nomination paper has been so mailed.

(3) Notice of the date determined under Subsection (1) of this Section shall be given at the same time and in the same manner as that on or in which notice of the holding of the election is given under Section 42 of this Act. [*P.L. 1980-20, § 46.*]

TITLE 2. ELECTIONS

§ 47. Placing of candidates' names on ballot.

Subject to Section 49 of this Act, when all nominations (including nominations referred to in Section 46(2) of this Act) have been received and verified, the Chief Electoral Officer or the person appointed under Section 45(5) of this Act shall place them on the appropriate ballot in an order determined by lot. [*P.L. 1980-20, § 47.*]

§ 48. Publication of list of candidates.

As soon as practicable after the names of the candidates have been placed on the ballot in accordance with Section 47 of this Act, the Chief Electoral Officer shall publish a list of the candidates in the same manner as that in which notice of the holding of the election was given under Section 42 of this Act. [*P.L. 1980-20, § 48.*]

§ 49. Unopposed candidates.

(1) If at the same time when the list of candidates is settled under Section 47 of this Act, or at any later date by reason of the death or withdrawal of a candidate, there are not more candidates in an electorate than there are elective offices to be filled, the Chief Electoral Officer shall, in the manner prescribed by Section 85 of this Act, declare those candidates elected.

(2) If in an electorate there are less candidates than there are elective offices to be filled, the unfilled offices shall be treated as though they were casual vacancies occurring on the day of the declaration of the result of the election under Section 85 of this Act. [*P.L. 1980-20, § 49.*]

§ 50. Withdrawal or death of candidate.

(1) A candidate may, by written notice delivered before the day of the election to the Chief Electoral Officer or to a person appointed under Section 45(5) of this Act, withdraw his nomination.

(2) If before the day of the election a candidate dies or withdraws, the Chief Electoral Officer shall cause the relevant ballot papers to be amended accordingly and shall, as far as practicable, give notice of the death or withdrawal in the same manner as that in which notice of the holding of the election was given under Section 42 of this Act. [*P.L. 1980-20, § 50.*]

Division 3 - Ballot Papers

§ 51. Official ballot papers.

(1) All elections under this Act shall be conducted by official ballot papers.

(2) An official ballot paper is a ballot paper issued by or by the authority of the Chief Electoral Officer, and shall:

(a) be designated as an official ballot paper; and

(b) contain statements of

(i) the electorate to which it relates;

(ii) the elective office to which it relates;

(iii) the names of the candidates; and

(iv) such other information as the Chief Electoral Officer directs. [*P.L. 1980-20, § 51.*]

CHAPTER 1. ELECTIONS AND REFERENDA

§ 52. Printing and distribution of ballot papers.

(1) Official ballot papers shall be printed by order of the Chief Electoral Officer, and there shall be delivered to each electoral subdivision affected by an election such number of ballot papers (not being less than 100 more than the number of registered voters in the subdivision) as the Chief Electoral Officer directs.

(2) When printed, ballot papers shall be fastened together in blocks of 100 each, in such a manner that each ballot paper may be detached and removed separately, and shall be forwarded to the members of the Board of Elections whom they concern in sealed packages, which shall not be opened until the opening of the polls on the day of the election.

(3) A record of the number of ballot papers sent to each member of a Board of Elections shall be kept by the Chief Electoral Officer. [*P.L. 1980-20, § 52.*]

§ 53. Specimen ballot papers.

(1) As soon as practicable after the closing of nominations under Section 46 of this Act, the Chief Electoral Officer shall cause to be printed exact copies of the ballot papers for each electorate, having printed them in large bold letters in a color plainly contrasting with the color of the paper the word "SPECIMEN", and shall forward two copies to each of the members of the Board of Elections for the electoral district and one copy to each of the candidates listed on the ballot paper.

(2) Each member of a Board of Elections receiving specimen ballot papers shall post one copy in a conspicuous place in his office or in a public place.

(3) The Chief Electoral Officer shall forward two copies of the specimen ballot papers to each polling place in the electorate, for display on the day of the election one on either side of the entrance to the polling place. [*P.L. 1980-20, § 53.*]

Division 4 - Absentee, Postal and Other Special Voting Procedures

Subdivision A - Preliminary

§ 54. Interpretation of Division 4.

In this Division:

- (a) "absentee ballot paper" means an official ballot paper which, under Subdivision B of this Division, may be used for the purpose of voting at a special polling place;
- (b) "absentee voter" means a person who, under Subdivision B of this Division, may vote at a special polling place;
- (c) "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;
- (d) "postal voter" means a person who, under Subdivision C of this Division, may vote outside polling places or before the day of an election;
- (e) "special ballot container" means a ballot container provided in accordance with Section 56(4)(a)(iii) of this Act;
- (f) "special polling place" means a polling place opened under Section 56(1) of this Act for voting by absentee voters, or declared open for that purpose under Section 56(2) of this Act. [*P.L. 1980-20, § 54; amended by P.L. 1983-25, § 3, deleting original § 54 and substituting new § 54.*]

TITLE 2. ELECTIONS

§ 55. Application of Division 4.

This Division does not apply to or with respect to elections by consensus under the Local Government Act 1980. [P.L. 1980-20, § 55; amended by P.L. 1983-25, § 3, deleting original § 55 and substituting new § 55.]

Subdivision B - Absentee voters

§ 56. 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, on the day of the election.

(2) If some other election or referendum is being conducted, outside the electorate or electorates concerned, on the day of the election, the Chief Electoral Officer may declare all or any polling places open for the purpose of such other election or referendum.

(3) Subject to this Division, a special polling place shall be administered, supervised and controlled as though it was open for the purposes of an election in the electorate in which it is situated, but otherwise this Act applies as though it was a polling place in an electorate in which the election or referendum is actually being conducted.

(4) The Chief Electoral Officer shall

(a) supply to each special polling place:

(i) two copies of the specimen ballot papers referred to in Section 53 of this Act, relating to the election;

(ii) an adequate number of absentee ballot papers and of the envelopes and affidavits referred to in Section 58(1) of this Act; and

(iii) a ballot container or ballot containers in which envelopes containing completed ballot papers may be securely kept; and

(b) ensure, to the best of his ability, that at least one person authorized to administer oaths is present in each special polling place at all times while it is open.

(5) The specimen ballot papers referred to in Subsection (4)(a)(i) of this Section shall be displayed in accordance with Section 53(3) of this Act.

(6) A failure by the Chief Electoral Officer to comply with Subsection (4) of this Section does not invalidate or otherwise affect the result of an election. [P.L. 1980-20, § 56; amended by P.L. 1983-25, § 3, deleting original § 56 and substituting new § 56.]

§ 57. Application for absentee ballot papers.

(1) A registered voter who, on the day of an election, is absent from the electorate with respect to which he is entered in the Register may, on that day and during polling hours, apply to an election official at a special polling place for an absentee ballot paper.

(2) The application shall be in writing, and shall include sufficient information to enable the right of the applicant to vote, and the electorate with respect to which he is entitled to vote, to be *prima facie* established.

(3) The application shall be made on a form approved by the Chief Electoral Officer. [P.L. 1980-20, § 57; amended by P.L. 1983-25, § 3, deleting original § 57 and substituting new § 57.]

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§ 58 Provision and use of absentee ballot papers.

- (1) If the election official is satisfied that prima facie an applicant for an absentee ballot paper is entitled to receive one, he shall give 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 complaint by the applicant verifying his right to vote in the election, and declaring (on a form approved by the Chief Electoral Officer) that he has not already voted; and
 - (d) a covering envelope, marked "Absentee Ballot Paper Enclosed".
- (2) The absentee voter shall:
 - (a) mark the ballot paper in the usual way, and so that no person can see or know how it was marked (except as allowed by Section 74 of this Act);
 - (b) deposit the ballot paper in the ballot envelope and securely seal it;
 - (c) complete the affidavit, and, subject to Subsection (3) of this Section, swear it before a person authorized to administer oaths in the place in which the special polling place is situated;
 - (d) enclose the ballot envelope and the affidavit in the covering envelope; and
 - (e) place the covering envelope in the special ballot container, or if no such container is available deliver it to the appropriate election official in the polling place.
- (3) If no person authorized to administer oaths is present in the polling place when an absentee voter wishes to swear an affidavit in accordance with Subsection (2)(c) of this Section, it may be sworn before an election official.
- (4) The electoral instructions may prescribe the procedures to be followed, so as to enable an absentee voter to vote, if insufficient documents referred to in Subsection (1) of this Section are available at a special polling place. [*P.L. 1980-20, § 58; amended by P.L. 1983-25, § 3, deleting original § 58 and substituting new § 58.*]

§ 59. Disposition of special ballot containers and surplus votes.

- (1) After voting at a special polling place is completed, all special ballot containers shall be secured and locked or sealed.
- (2) The special ballot containers and any covering envelopes containing absentee votes that are not contained in a special ballot container shall be collected by the election officials and forwarded, in such manner as the Chief Electoral Officer directs, to the Chief Electoral Officer or a person appointed by him for the purpose, together with a certification that the absentee ballot papers so delivered were dealt with in accordance with this Division. [*P.L. 1980-20, § 59; amended by P.L. 1983-25, § 3, deleting original § 59 and substituting new § 59.*]

§ 60. Conduct of elections.

- (1) Sections 69, 70(1)-(3), 72 and 74 of this Act apply to and with respect to absentee voting but, subject to the electoral instructions, the other provisions of Part VIII, Division 5 of this Act do not apply.
- (2) The electoral instructions may make additional provision in relation to absentee voters, with respect to the conduct of elections. [*P.L. 1983-25, § 3, introducing new § 59A, which has been renumbered to § 60.*]

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Subdivision C - Postal voters

§ 61. Application of postal ballot papers.

- (1) A registered voter who is:
 - (a) prevented by illness or physical disability from attending a polling place in order to vote in an election; or
 - (b) prevented by absence from voting in the electorate with respect to which he is entered in the Register,may apply for a postal ballot paper.
- (2) An application for a postal ballot paper shall be made to reach the Chief Electoral Officer:
 - (a) after the day on which the list of candidates is published under Section 48 of this Act, or after the twenty-first day before the day of the election, whichever is the earlier; and
 - (b) not later than:
 - (i) five (5) days before the election, if the applicant will be within the Republic on the day of the election; or
 - (ii) ten (10) days before the election, if the applicant will be outside the Republic on 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 wishes the postal ballot paper to be forwarded; and
 - (c) the grounds of the application. [*P.L. 1983-25, § 3, introducing new § 59B, which has been renumbered to § 61.*]

§ 62. 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 74 of this Act);
 - (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 shall be either:
 - (a) mailed to reach the Chief Electoral Officer not later than the closing of the polls on the day of the election;
 - (b) delivered by and on the day of the election to a member of the Board of Elections concerned with the election or with another election occurring on the same day; or

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- (c) deposited in a special ballot container. [*P.L. 1983-25, § 3, introducing new § 59C, which has been renumbered to § 62.*]

§ 63. Disposition of postal ballot papers.

A member of a Board of Elections who receives a covering reply envelope in accordance with Section 62(3)(b) of this Act shall, immediately after the close of the polls on the day of the election, forward the envelope to the Chief Electoral Officer. [*P.L. 1983-25, § 3, introducing new § 59D, which has been renumbered to § 63.*]

Subdivision D - Admission, etc., of absentee postal votes

§ 64. Examination of absentee votes and postal votes.

Upon receipt of a special ballot container or covering envelopes under Section 59 of this Act, or covering reply envelopes under Section 62 or 63 of this Act, the Chief Electoral Officer or a person appointed by him for the purpose shall:

- (a) open the envelopes and remove their contents; and
- (b) examine the affidavits as to their proper execution and the respective voters' rights to vote as absentee voters or postal voters, as the case may be, at the election. [*P.L. 1983-25, § 3, introducing new § 59E, which has been renumbered to § 64.*]

§ 65. Admission of ballot papers.

(1) If the Chief Electoral Officer or the person appointed under Section 59(2) of this Act, as the case may be, is satisfied that an affidavit shows that the voter was entitled to vote with respect to the electorate for which he voted, no other vote has been cast in his name, and he has complied with Section 58(2) or 62 of this Act, as the case requires, the ballot paper shall be deposited in a container that is:

- (a) securely sealed except for an opening sufficient to permit the deposit of ballot envelopes; and
- (b) marked with the words "Chief Electoral Officer" and "This container holds absentee and postal ballot papers and must be opened only pursuant to law", or words to that effect.

(2) The container referred to in Subsection (1) of this Section shall be kept safely until the Chief Electoral Officer is satisfied that all absentee and postal ballot papers have been received, when he shall deliver it to the Counting and Tabulation Committee in accordance with Section 77 of this Act. [*P.L. 1983-25, § 3, introducing new § 59F, which has been renumbered to § 65.*]

§ 66. Rejection of ballot papers.

- (1) If when an envelope is opened in accordance with Section 65 of this Act:
 - (a) the Chief Electoral Officer or the person appointed under that Section, as the case may be, is not satisfied that the voter is entitled to vote as an absentee voter or a postal voter at the election;
 - (b) it is found that the voter has not complied with Section 58(2) or 62 of this Act, as the case may be; or

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(c) the ballot envelope is open, or has been opened and resealed, then the ballot envelope shall not be opened and the Chief Electoral Officer or the person appointed under Section 64 of this Act shall mark across its face the word "Rejected", giving his reason for rejection, and shall preserve it in the same manner and for the same period that other rejected ballot papers are preserved.

(2) If when an envelope is so opened it is found that another vote has been cast in the name of the voter, the ballot envelope shall not be opened, and it shall be treated as a tendered ballot paper under Section 76 of this Act.

(3) If in a case to which Subsection (2) of this Section applies both an absentee vote and a postal vote were cast in the name of the voter, both ballot envelopes shall be treated in accordance with that Subsection.

(4) If a covering reply envelope is received by the Chief Electoral Officer under Section 62(3)(a) of this Act after the day of the election, he shall endorse on it the date and time of receipt.

(5) If a covering reply envelope is received by a member of a Board of Elections under Section 62(3)(b) of this Act after the day of the election, he shall endorse on it the date and time of receipt, and forward it to the Chief Electoral Officer.

(6) Envelopes referred to in Subsection (3) or (5) of this Section shall be kept, unopened, by the Chief Electoral Officer for the period of time required under Section 86 of this Act for the preservation of ballot papers and shall then, without being opened, be destroyed in the same manner as other ballot papers. [*P.L. 1983-25, § 3, introducing new § 59G, which has been renumbered to § 66.*]

Subdivision E - Special provision for certain voters

§ 67. Special procedures.

The regulations may prescribe special procedures to enable voters who are:

- (a) inpatients at a hospital, or members of the staff of a hospital;
- (b) full-time students at an educational training institution, or members of the staff of such an institution; or
- (c) passengers on, or members of the crew of, a vessel operating in the Republic,

and who would otherwise be required to vote in accordance with the preceding provisions of this Division, to vote at the hospital or institution or on the vessel, as the case may be, and for the delivery of the ballot papers to the Counting and Tabulation Committee. [*P.L. 1983-25, § 3, introducing new § 59H, which has been renumbered to § 67.*]

Division 5 - Conduct of Elections

§ 68. Supervision of polling.

(1) The Chief Electoral Officer shall ensure that polling places are supervised on the day of an election by members of Boards of Elections, and by such other persons appointed under Section 20 of this Act as he thinks necessary.

(2) Subject to the electoral instructions, the member of a Board of Elections to whom a polling place is allocated, or if there is more than one such member at least one of them, and any persons appointed under Section 20 of this Act for the polling place, must be present at the polling place at all times during the day of the election from the opening to the closing of the polls. [*P.L. 1980-20, § 60, this Section has been renumbered.*]

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§ 69. Equipment of polling places.

The Chief Electoral Officer shall cause each polling place to be provided on the day of the election with sufficient ballot boxes, locks, official ballot papers, cards of instructions, pencils, voters lists and other necessary supplies. [*P.L. 1980-20, § 61, this Section has been renumbered.*]

§ 70. Time of polling.

(1) At 7 a.m. on the day of an election a member of the Board of Elections shall publicly announce at each polling place that the polls are open.

(2) Subject to Subsections (3) and (4) of this Section, a polling place shall remain open from 7 a.m. to 7 p.m. on the day of an election, and shall then close.

(3) If at 7 p.m. there are eligible voters in a polling place who wish to vote and have not been able to do so since arriving, the polling place shall be kept open for a sufficient time to allow them to vote.

(4) If all voters whose names appear on the voters lists supplied by the Chief Electoral Officer for a polling place have voted before 7 p.m., the polling place may be closed. [*P.L. 1980-20, § 62, this Section has been renumbered.*]

§ 71. Poll watchers.

Each candidate is entitled to have not more than two poll watchers at each polling place. [*P.L. 1980-20, § 63, this Section has been renumbered.*]

§ 72. Admission to polling places.

The member of the Board of Elections present at a polling place shall regulate the admission of voters to the polling place, and shall exclude all other persons except:

- (a) the poll watchers;
- (b) election officials;
- (c) policemen on duty; and
- (d) any other person who in his opinion has a lawful reason for being in the polling place. [*P.L. 1980-20, § 64, this Section has been renumbered.*]

§ 73. Voting.

(1) When a person enters a polling place to vote:

- (a) he shall state his name in full and his address to the election officials; and
- (b) another election official shall check the voters list to see whether the person is a registered voter and, if so, shall announce in a loud, clear voice the name and address as shown in the list.

(2) If the name of the person does not appear in the voters list, an election official shall:

- (a) announce the fact in a loud, clear voice; and
- (b) require him, before being allowed to vote, to complete before a member of the Board of Elections in the polling place an application in the form set forth in Schedule I appearing at the end of this Act, or in substantially the same form.

TITLE 2. ELECTIONS

- (3) When a person votes by virtue of Subsection (2) of this Section:
 - (a) he shall place his ballot paper in an unmarked envelope to be provided by an election official, seal the envelope and hand it to an election official;
 - (b) the election official shall deal with the ballot paper as if the right of the person to vote had been challenged; and
 - (c) the vote shall be deemed to be, and shall be treated for all purposes of this Act as, a challenged vote.
- (4) If a candidate, a poll watcher or an election official challenges the right of a person to vote, the person shall be allowed to record his vote in the usual way, except that:
 - (a) he shall place his ballot paper in an unmarked envelope to be provided by an election official, seal the envelope and hand it to an election official; and
 - (b) the election official shall
 - (i) place the sealed envelope and, in the case where Subsection (2) of this Section applies, place the application completed under Subsection (2)(b) of this Section along with the sealed envelope in an envelope marked "Challenged Vote" and seal the envelope;
 - (ii) endorse on the envelope the particulars of the voter and the grounds of the challenge; and
 - (iii) deposit the envelope in the ballot box.
- (5) The voter shall mark his ballot paper in accordance with procedures laid down in the electoral instructions, but in such a way that the secrecy of the ballot is not infringed (except as allowed by Section 74 of this Act) [*P.L. 1980-20, § 65; amended by P.L. 1983-25, § 11, introducing Subsection 3. Original Subsections 3 and 4 have been renumbered to Subsections 4 and 5. This Section has been renumbered.*]

§ 74. Assistance to certain voters.

A voter who is blind or otherwise, by reason of some physical disability, unable to mark his ballot paper without assistance, or is unable to read or write, may have the assistance of a person chosen by him in marking his ballot paper. [*P.L. 1980-20, § 66, this Section has been renumbered.*]

§ 75. Disposition of ballot boxes.

- (1) After voting at a polling place is completed, all ballot boxes shall be secured and locked.
- (2) The locked boxes and all other supplies provided for the polling place by the Chief Electoral Officer shall be collected by the election officials and delivered in such manner as the Chief Electoral Officer directs, to the Chief Electoral Officer or a person appointed for the purpose, together with a certification that the ballot papers so delivered were dealt with in accordance with this Division and not otherwise. [*P.L. 1980-20, § 67, this Section has been renumbered.*]

§ 76. Tendered ballot papers.

- (1) If, when a person presents himself to vote it is found that a vote has already been cast in his name and he asserts that he has not voted but is entitled to vote, he shall be allowed to record his vote in the usual way, except that:
 - (a) the ballot paper (to be known as a "tendered ballot paper") shall be of a different color from that of the ordinary ballot paper;
 - (b) an election official shall endorse on the tendered ballot paper the particulars of the voter; and

CHAPTER 1. ELECTIONS AND REFERENDA

- (c) when he has marked his vote the voter shall, instead of depositing the ballot paper in the box, return it to the election official who shall set it aside in a separate packet.
- (2) The packet of tendered ballot papers shall be forwarded to the Chief Electoral Officer, who shall:
 - (a) prepare a list showing the particulars of all persons who have voted on tendered ballot papers; and
 - (b) retain the tendered ballot papers.
- (3) Tendered ballot papers shall not be counted toward an election.
- (4) Tendered ballot papers and the list prepared under Subsection (2)(a) of this Section are admissible in evidence in any proceedings arising out of the election. [*P.L. 1980-20, § 68, this Section has been renumbered.*]

§ 77. Transmission of ballot boxes, etc., to the Counting and Tabulation Committee.

Subject to Section 79 of this Act, the Chief Electoral Officer shall as soon as practicable, cause the following to be transmitted to the Counting and Tabulation Committee:

- (a) all ballot boxes delivered under Section 75;
- (b) the container of absentee and postal votes referred to in Section 65; and
- (c) any other covering envelopes and covering reply envelopes containing absentee or postal votes (except rejected ballot papers). [*P.L. 1980-20, § 69; amended by P.L. 1983-25, § 5, this Section has been renumbered.*]

§ 78. The count by the Counting and Tabulation Committee.

- (1) Subject to Section 79 of this Act, the Counting and Tabulation Committee shall publicly:
 - (a) open the ballot boxes, container and envelopes transmitted to it under Section 77 of this Act;
 - (b) determine whether any challenged ballot papers and the ballot papers contained in any envelopes transmitted to it under Section 77 of this Act are to be accepted or rejected; and
 - (c) count and tally all votes properly cast.
- (2) The counting shall continue until all votes properly cast have been counted.
- (3) Each candidate or his authorized representative is entitled to be present during the count, as well as such members of the public as can conveniently be allowed to be present in the premises in which the count takes place.
- (4) On the completion of the count, the Counting and Tabulation Committee shall:
 - (a) certify the result of the count to the Chief Electoral Officer; and
 - (b) publicly announce the unofficial result of the election. [*P.L. 1980-20, § 70, this Section has been renumbered.*]

§ 79. Reference to local Counting and Tabulation Committee.

- (1) Where the Chief Electoral Officer has appointed a local Counting and Tabulation Committee for a special election in accordance with Section 19(1) of this Act, Sections 77 and 78 of this Act apply as though references in those Sections to the Counting and Tabulation Committee were a reference to the local Counting and Tabulation Committee.
- (2) Where the Chief Electoral Officer has appointed a local Counting and Tabulation Committee for an area in accordance with Section 19(1)(b) of this Act:

TITLE 2. ELECTIONS

- (a) the Chief Electoral Officer shall cause the relevant ballot boxes delivered under Section 75 of this Act to be transmitted to the local Committee; and
 - (b) the local Committee shall perform in relation to those ballot boxes and the ballot papers contained in them the functions of the Counting and Tabulation Committee under Section 78(1), (2) and (3) of this Act.
- (3) When a local Counting and Tabulation Committee has completed the count in accordance with Subsection (2) of this Section, it shall:
- (a) certify the result of the count to the Counting and Tabulation Committee; and
 - (b) re-deposit the counted ballot papers in the appropriate ballot boxes and forward them, and any rejected ballot papers, to the Counting and Tabulation Committee
- (4) When a local Counting and Tabulation Committee certifies a result to the Counting and Tabulation Committee in accordance with Subsection (3)(a) of this Section, the Counting and Tabulation Committee shall accept the certified result and incorporate the local committee figures into its own count without further check. [*P.L. 1980-20, § 71, this Section has been renumbered.*]

Division 6 - Re-counts

§ 80. Petition for re-count.

- (1) A candidate in an election may file with the Chief Electoral Officer a petition for a re-count in the electorate on the grounds that:
- (a) the result was so close that it would be proper to have the voting figures rechecked; or
 - (b) there was an error in relation to the count, the records of the election, or the admission or rejection of ballot papers, and that he believes that a re-count will affect the result of the election.
- (2) In the case of a re-count applied for on the grounds set out in Subsection (1)(b) of this Section, the petition shall be supported by an affidavit of the petitioner, specifying his belief and the grounds for his belief that the manner in which the count or other alleged discrepancy was believed to have been erroneous.
- (3) The petition shall be filed within two weeks after the date of the announcement of the unofficial result of the election in accordance with Section 78(4)(b) of this Act.
- (4) If the Chief Electoral Officer, after considering the petition and any written evidence submitted with it, is of the opinion that there is a substantial possibility that the result of the election would be affected by a re-count he shall grant the petition, but otherwise he shall reject it. [*P.L. 1980-20, § 72, this Section has been renumbered.*]

§ 81. Rejection of petition.

- (1) If the Chief Electoral Officer rejects a petition under Section 80 of this Act he shall advise the petitioner in writing accordingly, giving his reasons, and the petitioner may, within five (5) days after receipt of the advice, appeal to the High Court against the decision.
- (2) On an appeal under Subsection (1) of this Section, the High Court may, in addition to any other order that it thinks proper:
- (a) uphold the appeal, and order the Chief Electoral Officer to direct a re-count; or
 - (b) dismiss the appeal. [*P.L. 1980-20, § 73, this Section has been renumbered.*]

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§ 82. Re-count.

(1) If the Chief Electoral Officer grants a petition under Section 80 of this Act, or if the High Court on appeal under Section 81 of this Act orders the Chief Electoral Officer to direct a re-count, the Chief Electoral Officer shall direct the Counting and Tabulation Committee to conduct a re-count.

- (2) On a re-count, the Counting and Tabulation Committee shall publicly:
- (a) check all records of the election to ensure that no ballot papers have been overlooked;
 - (b) reexamine, and admit or reject, all absentee ballot papers and postal ballot papers, and all challenged votes; and
 - (c) re-count and tally all votes properly cast.

(3) On the completion of the re-count, the Counting and Tabulation Committee shall:

- (a) certify the result to the Chief Electoral Officer; and
- (b) publicly announce the unofficial result of the re-count.

(4) The provisions of Section 78(2) and (3) of this Act apply in relation to a re-count in the same manner that they apply to an original count. [*P.L. 1980-20, § 74; amended by P.L. 1983-25, § 6, this Section has been renumbered.*]

Division 7 - Determination of Result of Election

§ 83. Successful candidates.

Subject to the constitution of the local government, in the case of an election to a local government, the candidate or candidates receiving the greatest number of votes is or are elected. [*P.L. 1980-20, § 75, this Section has been renumbered.*]

§ 84. Tied elections.

If two or more candidates each receive an equal number of votes such that one or more would be elected if it were not for the other or others, the tie shall be resolved by the Chief Electoral Officer by lot, in the presence of such of the tied candidates or the authorized representatives of such of the tied candidates as desire to be present or to be represented. [*P.L. 1980-20, § 76, this Section has been renumbered.*]

§ 85. Declaration of the result.

(1) If after an election in an electorate no petition for a re-count is received within the period allowed by Section 80(3) of this Act for the filing of petitions, the Chief Electoral Officer shall, on the day after the end of that period, publicly announce the unofficial result already announced under Section 78(4)(b) of this Act as the official result of the election.

(2) If after an election in an electorate a petition for a re-count is received within the period allowed by Section 80(3) of this Act for the filing of petitions, the Chief Electoral Officer shall publicly announce the unofficial result already announced under Section 70(4)(b) of this Act on the original count, or under Section 82(3)(b) of this Act on the re-count, as the case requires, as the official result of the election:

- (a) if he grants the petition, on the day after he receives the certified result of the re-count under Section 82(3)(a) of this Act;

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- (b) if he rejects the petition and no appeal is made to the High Court within the period allowed by Section 81 of this Act for appeals, on the day after the end of that period; or
- (c) if he rejects the petition and an appeal is made to the High Court within the period allowed by Section 81(1) of this Act for appeals, then:
 - (i) if the appeal is upheld, on the day after he receives the certified result of the re-count by the court in accordance with Section 82(3)(a) of this Act; or
 - (ii) if the appeal is rejected, on the day after the court announces its decision.

(3) The Chief Electoral Officer shall give notice of the official result of an election in the same manner as that in which notice of the holding of the election was given under Section 42 of this Act. [*P.L. 1980-20, § 77, this Section has been renumbered.*]

Division 8 - Miscellaneous

§ 86. Preservation and destruction of electoral papers.

(1) The Chief Electoral Officer shall cause all used ballot papers, envelopes, voters lists, lists of tendered ballot papers and other papers used in connection with an election to be kept safely for six (6) months after the announcement of the official result of the election, and then, unless a court otherwise orders, to be destroyed by fire under his supervision or the supervision of a person appointed by him for the purpose.

(2) Subsection (1) of this Section does not apply to the Register or to applications referred to in Section 87 of this Act. [*P.L. 1980-20, § 78, this Section has been renumbered.*]

§ 87. Registration papers filed at elections.

Applications in the form set forth in Schedule 1, or in substantially the same form that are completed as required under Section 73(2)(b) of this Act and that have not been rejected in the course of the election shall, immediately after the end of the period of six (6) months referred to in Section 86(1) of this Act, be treated by the Chief Electoral Officer as though they have been approved by a member of a Board of Elections, and by the Chief Electoral Officer, under Section 33 of this Act. [*P.L. 1980-20, § 79, this Section has been renumbered.*]

§ 88. Reference to the High Court of questions as to voting qualifications.

(1) Any person whose claim to a right to vote in an election has been rejected by an election official may require the Chief Electoral Officer to refer the question to the High Court, and the Chief Electoral Officer shall, unless he admits the claim, refer the question to the High Court accordingly.

(2) At any stage of an election, a candidate or the authorized representative of a candidate may require the Chief Electoral Officer to refer to the High Court any question that has arisen concerning the right of a person to vote in the election, and the Chief Electoral Officer shall refer the question to the High Court accordingly.

(3) Unless the High Court otherwise orders or the Chief Electoral Officer otherwise directs, no requirement or reference under Subsection (1) or (2) of this Section shall be allowed to delay the polling, the count or re-count of votes or the declaration of the official result of an election. [*P.L. 1980-20, § 80, this Section has been renumbered.*]

PART IX - REFERENDA

Division 1 - National Referenda

§ 89. Calling of national referenda.

Referenda shall be conducted throughout the Republic as required by the following provisions of the Constitution of the Marshall Islands:

- (a) Article XII, Section 3 (which relates to amendment of the Constitution of the Marshall Islands by action of the Nitijela and referendum);
- (b) Article XII, Section 4(1) (which relates to amendment of the Constitution of the Marshall Islands by constitutional convention and referendum);
- (c) Article XII, Section 4(6) and (8) (which provides for a referendum on the question of calling a constitutional convention); and
- (d) Article XII, Section 4(10) (which requires the Chief Secretary to make provision for a referendum in certain circumstances). [*P.L. 1980-20, § 81, this Section has been renumbered.*]

§ 90. Questions for national referenda.

(1) The question for decision by a referendum referred to in Section 89 of this Act, other than a referendum referred to in Section 89(d) of this Act, shall be prescribed by Act.

(2) Before an Act referred to in Subsection (1) of this Section proceeds further than the first reading, the Speaker shall obtain and present to the Nitijela a joint report from the Chief Electoral Officer and the Attorney-General on the form and wording of the question for decision in the proposed referendum.

(3) The question for decision in a referendum referred to in Section 89(d) shall be determined by the Chief Secretary in consultation with the Chief Electoral Officer and the Attorney-General. [*P.L. 1980-20, § 82, this Section has been renumbered.*]

Division 2 - Local Government Referenda

§ 91. Calling of local government referenda.

Referenda for the purposes of the system of local government shall be conducted as provided for by:

- (a) the Local Government Act 1980 and any other Act; or
- (b) the constitution of a local government; or
- (c) an ordinance. [*P.L. 1980-20, § 83, this Section has been renumbered.*]

§ 92. Questions for local government referenda.

The form and wording of a referendum referred to in Section 91 of this Act shall be determined by the Chief Electoral Officer in consultation with the Attorney-General, subject to confirmation by the Council of local government by resolution. [*P.L. 1980-20, § 84, this Section has been renumbered.*]

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Division 3 - Conduct of Referenda

§ 93. Application of Part VIII to referenda.

Subject to the exceptions and modifications set out in Schedule 2 appearing at the end of this Act, the provisions of Part VIII apply to and in relation to referenda as though:

- (a) references in that Part to an election were references to a referendum; and
- (b) references to ballot papers were references to ballot papers containing the question for decision at the referendum. [*P.L. 1980-20, § 85, this Section has been renumbered.*]

PART X - OFFENSES

§ 94. Breach of secrecy.

Any person who in any way violates the secrecy of the ballot shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both. [*P.L. 1980-20, § 86, this Section has been renumbered.*]

§ 95. Failure to register.

(1) Any eligible voter who fails, without reasonable excuse (the burden of proof of which is on him), to ensure that he is at all times correctly entered in the Register shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$100 and to an additional fine not exceeding \$5 for each day for which the offense continues after a conviction for the offense.

(2) Reserved. [*P.L. 1980-20, § 87, this Section has been renumbered.*]

§ 96. Offenses by persons assisting voters.

A person assisting, in accordance with Section 74 of this Act, another person to record his vote and who influences the voter in the recording of his vote, or who does not record the vote in the manner in which he is directed by the voter to do so, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both. [*P.L. 1980-20, § 88, this Section has been renumbered.*]

§ 97. Double voting.

A person who votes more than once in an election or referendum shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both. [*P.L. 1980-20, § 89, this Section has been renumbered.*]

§ 98. Personation.

A person who, for the purposes of voting in an election or referendum, personates another person shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both. [*P.L. 1980-20, § 90, this Section has been renumbered.*]

CHAPTER 1. ELECTIONS AND REFERENDA

§ 99. Voting while not entitled.

(1) Subject to Subsection (2) of this Section, a person who votes in an election or referendum in which he is not entitled to vote shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both.

(2) It is a defense to a charge of an offense under Subsection (1) of this Section if the accused person proves that he did not know, and could not by the exercise of reasonable diligence have known, that he was not entitled to vote in the election or referendum. [*P.L. 1980-20, § 91, this Section has been renumbered.*]

§ 100. Candidates at polling places.

(1) Subject to Subsection (2) of this Section, if a candidate for election to an elective office is present, without reasonable excuse (the burden of proof of which is on him), during the hours of polling in the election for the office, within 100 feet of a polling place being used in the election, he shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$300 or to a term of imprisonment not exceeding seven (7) days, or both.

(2) Subsection (1) of this Section does not apply if a candidate's presence at or near the polling place was:

(a) for the purpose of voting; or

(b) for the purpose of which, or on an occasion on which, his presence was specifically authorized by or under this Act. [*P.L. 1980-20, § 92, this Section has been renumbered.*]

§ 101. Campaigning on polling day.

A person who, on the day of an election or referendum, campaigns within one hundred (100) feet of a polling place shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both. [*P.L. 1980-20, § 93, this Section has been renumbered.*]

§ 102. Radio campaigning on polling day.

Radio or television campaigning on the day of an election or referendum is prohibited. [*P.L. 1980-20, § 94, this Section has been renumbered.*]

§ 103. Intimidating or bribing voters.

A person who, directly or indirectly:

(a) intimidates or threatens a voter in order to induce or compel him:

(i) to vote or refrain from voting in an election or referendum;

(ii) to vote or refrain from voting for any particular person in an election; or

(iii) to vote or refrain from voting in a particular way in a referendum; or

(b) bribes a voter in giving his vote, or to deter him from giving it,

shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both. [*P.L. 1980-20, § 95, this Section has been renumbered.*]

TITLE 2. ELECTIONS

§ 104. Intimidating candidates.

A person who, directly or indirectly, physically threatens or intimidates a candidate in an election so as to cause or attempt to cause him to withdraw from the election shall be guilty of a felony and shall upon conviction be liable to a fine not exceeding \$2,000 or to a term of imprisonment not exceeding five (5) years, or both. [*P.L. 1980-20, § 96, this Section has been renumbered.*]

§ 105. False ballot papers.

A person who, without the authorization of the Chief Electoral Officer, willfully and unlawfully prints, copies, imitates or distributes, or causes to be printed, copied, imitated or distributed, any official ballot paper, or any document that is so substantially similar in style or content to an official ballot paper as to cause likelihood of confusion with an official ballot paper, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both. [*P.L. 1980-20, § 97, this Section has been renumbered.*]

§ 106. Interference with election or referendum.

A person who interferes with the orderly process of an election or referendum shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both. [*P.L. 1980-20, § 98, this Section has been renumbered.*]

§ 107. False and misleading information.

A person who, for any purpose or alleged purpose of this Act, supplies to any person any information that is false or misleading in a material particular, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both. [*P.L. 1980-20, § 99, this Section has been renumbered.*]

§ 108. Gambling on polling day.

(1) A person who gambles, during the hours of polling in an election or referendum, and in an electorate in which the election or referendum is being conducted, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding seven (7) days, or both.

(2) For the purposes of this Section, "gamble" means, subject to Subsection (4) of this Section, to engage in an activity in which a person stakes or risks something of value:

- (a) on the outcome of a contest of chance or skill; or
- (b) on a future contingent event not under his control or influence, under an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome.

The term "gamble" as used herein also includes such things as bingo and a lottery.

(3) As used in Subsection (2) of this Section, "something of value" means:

- (a) any money, property or service;
- (b) any token, object or article exchangeable for any money, property or service; or

CHAPTER 1. ELECTIONS AND REFERENDA

- (c) any form of credit or promise directly or indirectly contemplating the transfer of any money, property or service or of any interest in any money, property or service.
- (4) For the purposes of this Section, bona fide business transactions that are valid under the law of contracts, do not constitute "gambling" as defined in this Section. Bona fide business transactions include:
 - (a) contracts for the purchase or sale of securities or commodities for a predetermined price at a future date; and
 - (b) agreements to compensate for loss caused by the happening of an event (such as contracts of insurance).
- (5) This Section does not apply in relation to an electorate in which voting is going on only at special polling places opened in accordance with Section 56(1) of this Act. [*P.L. 1980-20, § 100; amended by P.L. 1983-25, § 7. Subsection (2) of original § 100 was divided into Subsections (2) and (3); original Subsection (3) was renumbered (4); Subsection (4) introduced by P.L. 1983-25, § 7, was renumbered Subsection (5), this Section has been renumbered.*]

§ 109. Alcoholic beverages on polling day.

(1) A person who, during the hours of polling in an election or referendum and in an electorate in which the election or referendum is being conducted, sells or otherwise provides to another person any alcoholic beverage shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both.

(2) This Section does not apply in relation to an electorate in which voting is going on only at special polling places opened in accordance with Section 56(1) of this Act. [*P.L. 1980-20, § 101; amended by P.L. 1983-25, § 8, introducing Subsection (2). This Section has been renumbered.*]

§ 110. General penalty.

A person who commits an offense against any provision of this Act or of the regulations made pursuant to Section 116 of this Act for which no other penalty is prescribed, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both. [*P.L. 1980-20, § 102, this Section has been renumbered.*]

§ 111. Attempts.

A person who attempts to commit an offense in violation of this Act or the regulations made pursuant to Section 116 of this Act shall be guilty of a misdemeanor and shall upon conviction be liable to the same penalty as he would have been liable to if he had actually committed the offense. [*P.L. 1980-20, § 103, this Section has been renumbered.*]

PART XI - MISCELLANEOUS

§ 112. Electoral instructions.

(1) The Chief Electoral Officer may issue instructions made pursuant to Section 116 of this Act, not inconsistent with this Act or the regulations, relating to electoral procedures and to matters of the administration of this Act generally.

TITLE 2. ELECTIONS

(2) It is the duty of election officials and other persons involved in the administration and conduct of elections and referenda, and of this Act generally, to be conversant with any instructions issued under Subsection (1) of this Section that relate to their respective functions.

(3) Where any instructions issued under Subsection (1) of this Section relate to voting procedures, any vote cast in contravention of them may be rejected. [*P.L. 1980-20, § 104; this Section has been renumbered.*]

§ 113. Use of public facilities.

If public or governmental facilities in an electorate are made available to any candidate or to the supporters of either side in a referendum, equal opportunity shall be given to all candidates in the electorate, or to the supporters of the other side in the referendum as the case may be. [*P.L. 1980-20, § 105; this Section has been renumbered.*]

§ 114. Expenses of elections and referenda.

(1) The expenses for the registration of voters and for the conduct of elections and referenda (other than referenda referred to in Section 91(c) or (d) of this Act) shall be borne by the Government of the Marshall Islands.

(2) The expenses for conducting a referendum referred to in Section 91(c) or (d) of this Act shall, unless an agreement between the Minister responsible for local government matters and the local government provides otherwise, be borne by the local government. [*P.L. 1980-20, § 106, this Section has been renumbered.*]

§ 115. Reports by Chief Electoral Officer.

(1) The Chief Electoral Officer shall, at least once in every period of twelve (12) months, furnish to the Speaker, for presentation to the Nitijela, a report on the operation of this Act and of the electoral system.

(2) The Chief Electoral Officer shall, after each general election to the Nitijela or to a local government and after each referendum; and may, after any special election, furnish to the Speaker, for presentation to the Nitijela, a report on the election or referendum. [*P.L. 1980-20, § 107, this Section has been renumbered.*]

§ 116. Regulations.

The Cabinet may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed by regulations, or that are necessary or convenient to be so prescribed for carrying out or giving effect to this Act. [*P.L. 1980-20, § 108, this Section has been renumbered.*]

Note: Sections 60-67 above were formerly Sections 59A-59H and Sections 68-116 above were formerly Sections 60-108 of this Act respectively.

CHAPTER 1. ELECTIONS AND REFERENDA

SCHEDULES

SCHEDULE 1

Reference Sections:
32, 35 and 73(2)(b).
Elections and Referenda Act 1980

Application for Entry in the Electoral Register

1. My full name is: _____
2. I was born at: _____ on _____, 19_____.
3. My age is: _____.
4. I reside at: _____.
5. My occupation is: _____.
6. I am a citizen of the Republic of the Marshall Islands.
7. I was registered/naturalized at _____
on _____, 19_____.
8. I have land rights on the following atolls or islands in the Republic:

9. My mother/father has land rights on the following atolls or islands in the Republic:

10. I am not currently under sentence, parole or probation for a felony.
11. I am not currently certified to be insane.
12. I hereby apply to be entered in the Electoral Register with respect to
_____ electoral district,
_____ local government area and
_____ ward.
13. I solemnly swear that the above statements are true, so help me God.

TITLE 2. ELECTIONS

I solemnly promise and declare that the above statements are true.

Signature of applicant

Subscribed and sworn to/affirmed before me this _____ day of _____, 19 _____.

(Signature of member of Board of
Elections or authorized person)

NOTE: Strike out any matter that is inapplicable.

CHAPTER 1. ELECTIONS AND REFERENDA

SCHEDULE 2

Adaptation of Part VIII to Referenda

Reference Sections:
44 and 93, Elections and Referenda Act 1980

Provision	Modifications, etc.
Division 2	Does not apply.
Section 51(2)(b)(iii)	Substitute: "(iii)the question for decision; and".
Section 53(1)	Delete "and one copy to each of the candidates listed on the ballot paper."
Section 61(2)(a)	The first date referred to is the date on which the holding of the referendum was announced under Section 42.
Section 71	Does not apply.
Section 72(a)	Does not apply, and instead a member of the Board of Elections shall allow not more than four members of the public to be present.
Section 73(4)	For the reference to each candidate or a poll watcher substitute a reference to any member of the public present.
Section 78	Delete the reference to each candidate or his authorized representative.
Section 80	Any eligible voter may petition for a re-count in the electorate in which he is entitled to vote.
Section 83	Does not apply.
Section 84	Does not apply. On a tied result (whether on the original count or on a re-count) there shall automatically be a total re-count, and if on the re-count a result is a tie the question shall be deemed to have been decided in the negative.