

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

37TH CONSTITUTIONAL REGULAR SESSION, 2016

BILL NO.: 01

A
BILL
FOR AN ACT

to amend Title 2, Chapter 1 of the MIRC, the Election Act of 1980, in order to clarify sections relating to closing dates of nomination of candidates; to determine the dates for leave of absence of employees of Public Service who intended to run for election, and other related matters therein.

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

Section 1. Short title.

This Act may be cited as the Elections and Referenda (Amendment) Act, 2016.

Section 2. Amendment.

(1) Section 108(2) of the Principal Act is hereby amended as follows:

“§108.Nitijela elections.

(2) In accordance with Article IV Section 5 of the Constitution of the Marshall Islands, every Public Service employee who becomes a candidate for election as a member of Nitijela shall be granted leave of absence. That leave of absence shall commence on the closing date of nomination ~~that the candidate certifies to the Chief Electoral Officer in the certificate prescribed by pursuant to Section 1465(1) of this Act. that he is willing and qualified to stand for election.~~ If any Public Service employee is declared elected as a member of Nitijela, he or she shall be deemed to have resigned from his employment in the Public Service.”

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2 (2) Section 136(2)(c) of the Principal Act is hereby amended as follows:

3 **“§136. Closure of the Registration of voters.**

4 (1) ~~Notwithstanding the provisions of Section 137,~~ a A qualified voter may register or
5 change registration during the first three years before the fourth calendar year before the
6 general election of the Nitijela of which the voters registration shall close.

7 (2) The Chief Electoral Officer shall give notice of the closing date for the registration of
8 voters pursuant to subsection (1) of this Section.”

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10 (3) Section 145 of the Principal Act is hereby amended as follows:

11 **“§145. Nomination of candidates**

12 (1) Any person who is qualified to be a candidate for election as a member to the Nitijela,
13 must with the consent of that person, be nominated by not less than 25 voters from
14 that district, as the case may, by a nomination paper.

15 (2) The Nnomination papers shall be filed with the Chief Electoral Officer or a person
16 appointed by him for the purpose.

17 ~~(5) In addition to the other requirements of this Section, , any person who is qualified~~
18 ~~wishing to stand for election to the Nitijela must, whether born within the Republic, possess~~
19 ~~traditional land rights and have either a mother or a father of Marshallese descent with customary~~
20 ~~jowi.~~

21 ~~(6) In addition to the other requirements of this Section, any person wishing to stand for~~
22 ~~election to the Nitijela must, whether born within the Republic or outside of the Republic,~~

1 possess traditional land rights and have either a mother or a father of Marshallese descent
 2 with customary²²

3

4 (5) Section 146 of the Principal Act is hereby amended as follows:

5 **“§146. Time of and closure of Nomination.**

6 (1) ~~The N~~omination papers with respect to an election shall be filed with the Chief
 7 Electoral Officer or the person appointed, under pursuant to Section 145(2) of this
 8 Chapter on or before ~~or by August 31 of the election year,~~ the closing date of nomination
 9 determined by the Chief Electoral Officer for the purposes of the election, not later than
 10 three (3) months prior to the date of election. ~~The Chief Electoral Officer shall set this~~
 11 ~~date so that all eligible voters will have an opportunity to exercise their choice of electoral~~
 12 ~~district prior to the closure of the register pursuant to Section 136.~~

13 (2) It is a sufficient compliance with ~~of~~ this Section if the nomination paper is mailed
 14 with a post-marked date, before the date ~~determined under that~~ stated in Subsection (1)
 15 and ~~a telegram~~ a copy of the same electronically transmitted is dispatched to the
 16 Chief Electoral Officer or the person appointed under Section 145(5) of this Chapter so
 17 as to reach him on or before that date, stating that the nomination paper has been so
 18 mailed.

19 (3) Notice of the date ~~determined~~ stated under Subsection (1) of this Section shall be
 20 given ~~at the same time and~~ in the same manner as that on or in which notice of the
 21 holding of the election is given under Section 142 of this Chapter.

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23 **Section 3. Effective Date.**

1 This Act shall take effect on the date of certification in accordance with the relevant
2 provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedure
3 of the Nitijela.

4 Date: March 3, 2016

Introduce by:

6 Bruce Bilimon
7 PRINT NAME

Signature

10 Caster Nemra
11 PRINT NAME

Signature

14 Daisy Alik-Momotaro
15 PRINT NAME

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18 Matthan Zachras
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22 JACK ADING
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25 KESSAI H. UATE
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Signature

BILL SUMMARY

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The Bill proposes to amend the Election Act of 1980, in order to clarify sections relating to closure of dates relating to nomination of candidates, to determine the dates for leave of absence of employees of Public Service who intend to run for election and to clarify other related matters.

Section 108(2) requires that every Public Service employee who becomes a candidate for election as a member of Nitijela shall be granted leave of absence. The Bill proposes the leave of absence to commence on the closing date of nomination which is 3 months prior to the election.

Section 136 proposes to clarify closure of the Registration of voters. The Bill proposes that the close of registration of voters one year prior to the date of general election of the Nitijela – that is the closing date of registration of voters.

Section 145 clarifies the language on the nomination of candidates. Any person who is qualified to be a candidate for election as a member to the Nitijela must with his or her consent, be nominated by not less than 25 voters from that district who he or wishes to represent. The nomination papers to be filed with the Chief Electoral Officer. Section 145 is also amending subsection (4) and (5) by deletion to comply with the Courts decision declaring subsection as null and void in particular a candidate must hold land rights in order to run for election.

Section 146, clarifies the closing dates for the nomination of candidates (determine by the Chief Electoral Officer). According the current language of the law – the Chief Electoral Officer has set the closing date the same as the date of registration of voters. This has particularly affecting the employees of the Public Service who are intending to for Nitijela – in that, the public servants have to take leave of absence more than it is practically required to run for office.

1 This proposed language will be consistent with the language of the Constitution which requires a
2 public servant must take a leave of absence. It will also flow with the language of Section 51 of
3 the Public Service Commission Regulation.

4

5 The propose language under Section 146 now specify the closing nomination date – in that, even
6 when public servant is nominated, 3 months prior to the election he or she must take leave of
7 absence. The language is further elaborated that the Chief Electoral Officer declares the closing
8 of nomination, three months prior to the election, and that employees of the Public Service who
9 becomes candidates for election to take leave of absence for the purpose of their candidature on
10 the same date of closure of nomination.

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