

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
40TH CONSTITUTION REGULAR SESSION, 2019



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

ELECTIONS AND REFERENDA (AMENDMENT) ACT, 2019

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Republic of the Marshall Islands
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ELECTIONS AND REFERENDA (AMENDMENT) ACT, 2019

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A BILL FOR AN ACT to amend the Elections and Referenda Act of 1980 for the purpose of enhancing safeguards which assure counting fairness by asserting measures to ensure the counting of ballot papers are respectively conducted fairly and that no person shall remain in or around the premises at the completion of the count unless justified with legitimate reason to do so.

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

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§101. Short title.

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This Act may be cited as the Elections and Referenda (Amendment) Act, 2019.

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§102. Amendment.

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

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- (1) Subject to Section 179 of this Chapter, the Counting and Tabulation Committee shall: (a) open the ballot boxes, container and envelopes transmitted to it under Section 177 of this Chapter; (b) determine whether any challenged ballot papers and the ballot papers contained in any envelopes transmitted to it under Section 177 of this Chapter 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 and that all ballot boxes must secured every time counting stops.

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- 2 (3) Each candidate or his authorized representative is entitled to be
- 3 present during the count, as well as such members of the public as
- 4 can conveniently be allowed to be present in the premises in which
- 5 the count takes place provided that:
- 6 (a) On the completion of the each counting, the premises in which
- 7 the counting takes place shall be secured and that no official
- 8 nor any candidate or his or her representative or anyone
- 9 entitled to be present during the count should remain in or
- 10 around the premises unless approved by the Chief Electoral
- 11 Officer or his or her authorized representative ~~provided with~~
- 12 ~~good reason;~~
- 13 (i) for the purposes of this section, "election officials" is
- 14 defined under Section 102(1)(d) and Section 120
- 15 respectively as ~~"tabulation committee and their staff,~~
- 16 ~~any candidate or his or her representative or anyone~~
- 17 ~~entitled to be present during the counting;~~ and
- 18 (ii) "non-officials" means any candidate or his or her
- 19 representative or anyone else entitled to present during
- 20 counting.
- 21 (4) On the completion of the count, the Counting and Tabulation
- 22 Committee shall:
- 23 (a) certify the result of the count to the Chief Electoral Officer; and
- 24 (b) publicly announce the unofficial result of the election.
- 25 (5) Regulations may be made addressing any aspect of the counting and
- 26 tabulation procedures. Effort should be made to increase the overall
- 27 efficiency of the procedures while retaining and enhancing
- 28 safeguards which assure fairness.

29 **§103. Effective date.**

30 This Act shall take effect on the date of certification in accordance with the

31 Constitution and the Rules of Procedures of the Nitijela.

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
40TH CONSTITUTION REGULAR SESSION, 2019**

ELECTIONS AND REFERENDA (AMENDMENT) ACT, 2019

BILL SUMMARY

This Bill proposes to amend the Elections and Referenda Act of 1980 for the purpose to enhancing safeguards which assure counting fairness by asserting measures to ensure the counting of ballot papers are respectively conducted fairly and that no person shall remain in or around the premises at the completion of the count justified with reason to do so unless authorized by the Chief Electoral Officer or his or her authorized representative. Furthermore, for the purpose of counting, all boxes must remain secured every time counting stops.

The bill also makes distinctions between "election official" and "non-official"

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ELECTIONS AND REFERENDA (AMENDMENT) ACT, 2019

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SIGNATURES

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DATE: _____ INTRODUCED BY //S/ VICE SPEAKER JEJWARICK ANTON
Signature