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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
41<sup>ST</sup> CONSTITUTION REGULAR SESSION, 2020**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

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**ELECTIONS AND REFERENDA (AMENDMENT) ACT, 2020**

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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
41<sup>ST</sup> CONSTITUTION REGULAR SESSION, 2020



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**ELECTIONS AND REFERENDA (AMENDMENT) ACT, 2020**

**A BILL FOR AN ACT** to repeal and restore the postal voting system for persons residing outside of the Republic, and for other related matters.

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

**§101. Short title.**

This Act may be cited as the Elections and Referenda (Amendment) Act, 2020 .

**§102. Amendment.**

(1) Section 154 shall be amended as follows:

**§154. Interpretation of Division 4**

In this Division:

~~(e) "Confined voters "means a person who, pursuant to section 161 may be vote before the day of the election due to prevention by illness or physical disability from attending a polling place in order to vote in an election.~~

~~(c)(d)~~ "Postal ballot paper" means an official ballot paper which, under subdivision C, may be used pursuant to section 161 outside polling places or before the day of an election for the purpose of voting.

~~(d)(e)~~ "postal voter" means a person who ~~are eligible~~ under subdivision C of this Division ~~to use postal voting system~~ may vote outside polling places or before the day of an election;

~~(e)~~(f) "special ballot container" means a ballot container provided accordance with section 154(4)(a)(iii) of this Chapter;

~~(f)~~(g) "special polling places" means a polling place opened under Section 156(1) of this Chapter for voting by absentee voters, or declared open for that purpose under Section 156(2) of this Chapter.

(2) Section 156(1) of the Election and Referenda Act is hereby amended to read as follows:

**§156. Special polling places.**

(1) In the case of a special election to the Nitijela, or of an election under the *Local Government Act, 1980*, the Chief Electoral Officer may order that such polling places as he thinks necessary be opened, outside the electorate or electorates concerned ~~provided, it is at a location within the Republic,~~ on the day of the election.

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

**§161. Application of ~~for~~ postal ballot papers by ~~confined~~ voter.**

(1) A registered voter who:

(a) is ~~prevented by~~ ~~confined~~ ~~due to~~ illness or physical disability from attending a polling in order to vote in an election; or

(b) ~~resides outside of the Republic or will be outside of the Republic on the day of the election, will be outside of the Republic temporarily on the day of the election,~~ may be apply for a postal ballot paper.

(2) An application for a postal ballot paper ~~under Subsection (1)~~ shall be postmarked or made to reach the Chief Electoral Officer:

(a) after the day on which the list of candidates is published under Section 148 of this Chapter, or after the twenty-first (21) day before the day of the election, whichever is the earlier: and

(b) not later than:

(i) five (5) days before the election, if the applicant will be outside of the Republic on the day of the election or applicant is prevented by illness or ~~confined~~ due to physical disability from attending a polling place in

order to vote in an election, and will be within the Republic on the day of the election; or

(ii) fourteen (14) days before the election if the applicant resides outside of the Republic; provided, however, that in no event will an application for a postal ballot paper received through the mail be accepted on or after a date three days prior to the date 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.

(4) Regulations may be made on any matter relating to the subject of postal voters ~~by confined voters~~, including, but not limited to the proof that may be required to show that a person will be outside of the Republic ~~temporarily~~ on the day of the election.

(4) Section 162 is hereby amended as follows:

**§162. Provision and use of Postal ballot papers.**

(1) If the Chief Electoral Officer is satisfied that prima-facie an applicant for a postal ballot paper is entitled to receive on, 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. Has right to vote in the election; and
  - ii. Has 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:

- 1 a. Mark the ballot paper in the usual way, and so that no person  
2 can see or know how it is marked) except as allowed in Section  
3 174 of this Chapter);
- 4 b. Deposit a ballot paper in the ballot envelope and securely seal  
5 it;
- 6 c. Complete the affidavit, and swear it before a person  
7 authorized to administer oaths in the place where the  
8 applicant is, and
- 9 d. Enclose the ballot envelope and the affidavit in the covering  
10 reply envelope.
- 11 (3) The covering reply envelope must be placed in the mail and be  
12 postmarked on or before the date of the election; provide, however,  
13 that in no event will a covering reply envelope that is received  
14 through the mail be accepted on or after fourteen ~~seven~~ (14 ~~7~~) days  
15 after the date of the election.

16 **§103. Effective date.**

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

1                   **NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**  
2                   **41<sup>ST</sup> CONSTITUTION REGULAR SESSION, 2020**

**ELECTIONS AND REFERENDA (AMENDMENT) ACT, 2020**

3                   **BILL SUMMARY**

4                   This Bill proposes to amend the Elections and Referenda Act of 1980, by repealing  
5                   Nitijela Public Law 2016-28 for the purpose to restore the postal voting system for all  
6                   qualified Marshallese voters residing outside of the Republic. The ultimate objective  
7                   is to allow all qualified Marshallese voters residing outside of the Republic to  
8                   participate in the national election.

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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
41<sup>ST</sup> CONSTITUTION REGULAR SESSION, 2020

ELECTIONS AND REFERENDA (AMENDMENT) ACT, 2020

SIGNATURES

DATE: 2/5/20 INTRODUCED BY Michael Kabua [Signature]  
Print Name Signature

DATE: 2-05-20 INTRODUCED BY David Kabua [Signature]  
Print Name Signature

DATE: \_\_\_\_\_ INTRODUCED BY KESSALH. NATE [Signature]  
Print Name Signature

DATE: 2/5/20 INTRODUCED BY Casten Nemva Carty [Signature]  
Print Name Signature


DATE: 2-5-20 INTRODUCED BY Alfred Alfred, Jr. [Signature]  
Print Name Signature

DATE: 2/5/20 INTRODUCED BY DONALD F. CAPELLE [Signature]  
Print Name Signature

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DATE: 2/5/2020 INTRODUCED BY: KiHang Kabua   
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DATE: 2/5/20 INTRODUCED BY: Bruu Bilina   
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DATE: 2/5/20 INTRODUCED BY: SANDY Alfred   
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DATE: 2/9/20 INTRODUCED BY: J.B. Kabua   
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DATE: 02/05/20 INTRODUCED BY: STEPHEN W. PHILIP   
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DATE: 2/5/20 INTRODUCED BY: Joe Bejang   
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DATE: 2/5/20 INTRODUCED BY: HERASHI YAMAMURA   
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DATE: 05 FEB 20 INTRODUCED BY: MIKE HALFERTY   
Print Name Signature

DATE: 2/6/20 INTRODUCED BY: Jemi Nasthu   
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DATE: 2/6/20 INTRODUCED BY: Aibi Ration  
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DATE: 2/6/20 INTRODUCED BY: Peterken Jike [Signature]  
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DATE: 2/6/2020 INTRODUCED BY: KENNETH A. KERR [Signature]  
*Print Name* *Signature*  
2/7/2020 Tom Aisoa [Signature]