



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

# **ELECTION AND REFERENDA (AMENDMENT) ACT, 2023**

**Introduced by:**

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**MINISTER KITLANG KABUA**

**Approved:**

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**SPEAKER KENNETH A. KEDI**

**SIGNATURE**



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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
44TH CONSTITUTION REGULAR SESSION, 2023**



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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
44TH CONSTITUTION REGULAR SESSION, 2023**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**ELECTION AND REFERENDA (AMENDMENT) ACT, 2023**

**A BILL FOR AN ACT** to amend Title 2. Chapter 1, in order to provide a special procedure for confine voters

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

**§101. Short title.**

This Act may be cited as the Election and Referenda (Amendment) Act, 2023.

**§102. Amendment.**

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

(c) “confined voter” means a person who, pursuant to section 161A may vote before the day of election due to prevention by illness or physical disability from attending a polling place in order to vote in an election;

(ii) Division C, Section 161 is amended to provide special procedures for confined voters as follows:

**SUBDIVISION C - POSTAL AND CONFINED VOTERS**

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

- (1) A registered voter who:
  - (a) resides outside of the Republic or will be outside of the Republic on the day of the election, may apply for a postal ballot paper.
- (2) An application for a postal ballot paper shall be postmarked or made to reach the Chief Electoral:
  - (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:
      - (1) if the applicant, who is usually resident of the Republic but will be outside of the Republic on the day of the election; or
      - ~~(2) if the applicant is prevented by illness or 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.~~
    - (ii) postmarked 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 received through the mail be accepted on or after the date three days prior to the date of the election.
  - (3) The application shall include:

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- (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, including, but not limited to the proof that may be required to show that a person will be outside of the Republic on the day of the election.

(iii) Section 161 is amended to provide special procedures for confined voters by inserting a new Section 161A as follows:

**§161A. Application for ballot papers by confined voters.**

- (1) A registered voter who is prevented by illness or 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, may apply for mobile voting procedure.
- (2) An application for a mobile ballot paper shall be postmarked or made to reach the Chief Electoral not later than ten (10) days before 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/she wishes the mobile election officers to reach; and
- (c) the grounds of the application on physical disability.

- (4) Upon the receipt of the application for a mobile ballot paper within ten (10) days and upon the satisfaction of the Chief Electoral Officer, the Chief Electoral Officer shall send mobile electoral officers to conduct the election at the confined voters place of abode at least a day before the day of election.
- (5) Regulations may be made on any matter relating to the subject of confined voters, including, but not limited to the proof that may be required to show that a person physical disability from attending a polling place in order to vote in an election on the day of the election.

**§103. Effective Date.**

This Chapter shall take effect on the date of its certification in accordance with the Constitution and the Rules of Procedures for the Nitijela.

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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
44TH CONSTITUTION REGULAR SESSION, 2023**

**ELECTION AND REFERENDA (AMENDMENT) ACT, 2023**

**BILL SUMMARY**

This Bill proposes to amend Title 2, Chapter 1, the Election and Referenda Act in order to provide a special provision for confined voters. "Confined Voters" is defined as voter is unable may vote on the day of election due to prevention by illness or physical disability from attending a polling place in order to vote in an election.

The current language of the law requires confined voters to apply for postal ballots which make it difficult for confined voters who are physically disable to access the post office or submitted their ballots.

The amendment proposes to provide to confined voters mobile election officers who conducts the election at the confined voters place of abode at least a day before the day of election

The confined voters are required to apply for confined ballots not more than 10 days before the day of election.

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
44TH CONSTITUTION REGULAR SESSION, 2023

ELECTION AND REFERENDA (AMENDMENT) ACT, 2023

SIGNATURES

DATE: \_\_\_\_\_ INTRODUCED BY Wilbur Heine [Signature] (Ac)  
*Print Name* *Signature*

DATE: \_\_\_\_\_ INTRODUCED BY \_\_\_\_\_  
*Print Name* *Signature*

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