

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTIONAL REGULAR SESSION, 2016**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**ELECTIONS AND REFERENDA (AMENDMENT) ACT 2016.**

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**ELECTIONS AND REFERENDA (AMENDMENT) ACT 2016.**

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**

**§101. Short title.**

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

**§102. 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 employee of the Public Service, including the State-Owned Enterprises, the Public School System and the Justice 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 by pursuant to Section 146(1) of this Act. 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.”

- (2) Subsection (4) of Section 132 of the Elections and Referenda Act is amended as follows:

**§132. Application for registration.**

- (4) Where an application for registration in an electoral district is based:
- (a) on land rights, an applicant is required to provide a notarized affidavit from the Iroij, Irojiedrik where applicable, Alap, or Senior Dri Jerbal, as the case may be; or
  - (b) on residence, an applicant is required to provide a certification of the term of residence in the Marshall Islands.
- (5) Regulation shall be made prescribing the types of documents or evidence required pursuant to paragraphs (a) and (b).

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

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

- (1) A qualified voter may register or change registration during the first three years before the fourth calendar year before the general election of the Nitijela of which the voters registration shall close.
- (2) The Chief Electoral Officer shall give notice of the closing date for the registration of voters pursuant to subsection (1) of this Section.”

- (4) Section 145 of the Principal Act is hereby amended as follows:

**“§145. Nomination of candidates**

- (1) Any person who is qualified to be a candidate for election as a member to the Nitijela, must with the consent of that person, be nominated by not less than 25 voters from that district, as the case may, by a nomination paper.
- (2) The nomination papers shall be filed with the Chief Electoral Officer or a person appointed by him for the purpose.

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

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

- (1) The nomination papers with respect to an election shall be filed with the Chief Electoral Officer or the person appointed, pursuant to Section 145(2) of this Chapter on or before the closing date of nomination determined by the Chief Electoral Officer for the purposes of the election, not later than three (3) months prior to the date of election.
- (2) It is a sufficient compliance with this Section if the nomination paper is mailed with a post-marked date, before the date stated in Subsection (1) and a copy of the same electronically transmitted to the Chief Electoral Officer or the person appointed so as to reach him on or before that date, stating that the nomination paper has been so mailed.
- (3) Notice of the date stated under Subsection (1) of this Section shall be given in the same manner as that on or in which notice of the holding of the election is given under Section 142 of this Chapter.

**§103. Effective Date.**

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

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**CERTIFICATE**

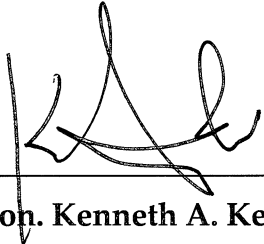
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**I hereby certify:**

1. That Nitijela Bill No: 09ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 9<sup>th</sup> day of August 2016; and

2. That I am satisfied that Nitijela Bill No: 09ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 8<sup>th</sup> day of September 2016.

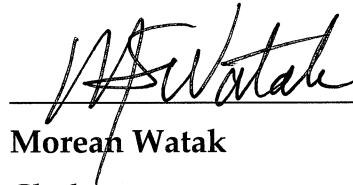


**Hon. Kenneth A. Kedi**

Speaker

Nitijela of the Marshall Islands

**Attest:**



**Morean Watak**

Clerk

Nitijela of the Marshall Islands