REPUBLIC OF PALAU

DIVISION 1
RIGHT TO VOTE

Chapter 1
Voting Rights Act

§ 101. Short title.
§ 102. Legislative findings and purposes.
§ 103. Definitions.
§ 104. Applicability of the chapter.
§ 105. Voting rights.
§ 106. Courts; proceedings for preventative relief.
§ 107. Qualified voters; residency requirements.
§ 108. Retroactivity; balloting procedures.
§ 109. Duties of the President.
§ 110. Prohibitions, penalties.
§ 111. Conflict of laws.

§ 101. Short title.

This chapter may be cited as the "Voting Rights Act of 1981."

Source
RPPL 1-22 § 1(a), modified

§ 102. Legislative findings and purposes.

The Olbiil Era Kelulau hereby finds and declares the public policy of the nation to be, as follows:

(a) The right of suffrage is a fundamental right in a free and democratic society, particularly since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic fundamental and political rights.

(b) Any unjustified discrimination in determining who may participate in political affairs or in the selection of public officials undermines the legitimacy of representative government.

(c) Under the Constitution of the Republic it is within the power of the national government to prescribe and define elector qualifications for the participation of citizens in all elections,

provided that states may establish minimum periods of residency for state elections.

(d) The purpose of this chapter is to prevent any activity by the national, state or other political subdivision or government from denying or acting in such a way as to have the effect of denying any qualified citizen, on account of race, creed, clan, color, status, financial circumstance, political affiliation or sex from exercising the right to vote.

(e) It is in the national interest that uniform standards be established for the exercise of the right to vote.

Source
RPPL 1-22 § 1(b), modified.

§ 103. Definitions.

In this chapter:

(a) "Color of law" means the appearance or semblance, without substance, of legal right, clothed with authority of state.

(b) "Election Commission" means the Election Commission established pursuant to 23 PNC § 1201.

(c) "Knowingly" means that a person acts knowingly when, if the element of an offense involves the nature of his conduct, he is aware that his conduct is of that nature; if the element involves a result of his conduct, he is aware that it is practically certain that his conduct will cause such a result; if the element involves an attendant circumstance, he is aware of the existence of such circumstance.

(d) "Person" means any natural individual, clan, association, group, corporation, the national government, all states and political subdivisions thereof, and all entities legally cognizable.

(e) "Political jurisdiction" means the Republic of Palau, a state, senatorial district, or combination thereof, or a foreign jurisdiction as the context requires.

(f) "Reasonably continuous basis" means at least twenty-five (25) days out of a period of thirty (30) consecutive days with an interruption of no more than forty-eight (48) consecutive hours within the thirty (30) day period, or as provided by the Election Commission.

(g) "Resident" means an individual who has established residency.

(h) "Residence" means a political jurisdiction in which an individual has been physically present on a reasonably continuous basis within a thirty (30) day period with the intent to establish his permanent home therein.

(i) "Residency" means a period of time prescribed by law for which residence shall be established.

Source

RPPL 1-22 § 2, as amended by RPPL 1-67 § 2(a), terms put into alphabetical order and section modified. Subsections (b) and (f) amended by RPPL 6-50 § 2.

§ 104. Applicability of the chapter.

(a) This chapter in its entirety shall apply without exception, to all persons and political subdivisions of and to the national government.

(b) The national government, all state governments, and any political subdivisions of the national or state governments which establish any form of voter qualifications shall conform in all respects to provisions of this chapter.

Source

RPPL 1-22 § 3, § 3(c) omitted as unnecessary and section modified.

§ 105. Voting rights.

(a) All citizens of the Republic who are otherwise qualified by law to vote at national elections shall be entitled and allowed to vote at all state, municipal or other political or territorial subdivision elections without distinction of race, sex, color, financial circumstance, clan, custom, literacy, residency except as otherwise provided by this chapter, religion, or previous condition of servitude within the state, municipality or other political or territorial subdivision in which they reside; any constitution, charter, ordinance, law, custom, usage or regulation of any state or other political subdivision to the contrary notwithstanding.

(b) No person acting under color of law shall:

(1) in determining whether any individual is qualified under state or municipal law or laws to vote in any election, apply any standard, qualification, practice, regulation, or

procedure different from the standards, or procedures applied under such law or laws within the same state or municipality or political subdivision to those who have been found by state or municipal officials to be qualified to vote;

(2) deny the right of any person to vote in any election because of error or omission on any record or paper relating to any application, registration, or any act requisite to voting, if such error is not material in determining whether such individual is qualified; or

(3) require any payment or literacy test as a qualification for voting.

(c) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such person to vote or to vote as he may choose, or of causing such other person to vote for or not to vote for any candidate for office.

(d) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under this title or is otherwise qualified to vote, or knowingly fail or refuse to tabulate, count, and report such person's vote.

Source
RPPL 1-22 § 4, modified.

§ 106. Courts; proceedings for preventative relief.

(a) The Supreme Court of the Republic shall have jurisdiction over all proceedings instituted pursuant to this chapter and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

(b) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or privilege secured by this chapter, the Attorney General shall, without delay, institute for the Republic or in the name of the Republic, a civil action or other proper proceeding for preventive relief, including but not limited to, an application for a permanent or temporary injunction, restraining order, or other order. Nothing in this chapter shall affect the right of any private person, except corporations, to bring his own cause of action pursuant to this chapter. The Attorney General shall have an affirmative duty to act in all cases brought to his attention regarding any violations or possible violations of this chapter.

(c) The Supreme Court may issue any order, suspend any election, void any election, reorganize any procedures for elections or take any actions excluding reapportionment as may be necessary

to insure conformity with the requirements of this chapter.

Source
RPPL 1-22 § 5, modified.

§ 107. Qualified voters; residency requirements.

(a) A citizen of the Republic eighteen (18) years of age or older may register and vote in any national, state, municipal or other election or referendum provided he has satisfied the minimum periods of residency established by law and is not in jail serving a sentence for a felony or mentally incompetent as determined by a court.

(b) States may establish minimum periods of residency for state elections and referenda provided such residency requirements are not in excess of fifty (50) days.

[This subsection ruled unconstitutional by the Supreme Court, see Commission Comments below.]

(c) Residence and residency shall be determined for the purpose of national elections according to the following guidelines:

(1) Once residence is established it is maintained unless the individual is physically present in another political jurisdiction on a reasonably continuous basis within a minimum thirty (30) day period with the intent to establish his permanent home therein.

(2) The most recent entry of an individual's name and residence in the General Register is presumptive evidence of an individual's residence. This presumption may be rebutted by evidence demonstrating that the entry made by the Election Commission was not in conformity with the most recent application and/or affidavit filed for registration or re-registration.

(3) An individual may establish residence in only one state and senatorial district at any point in time.

(4) When an individual no longer maintains physical presence on a reasonably continuous basis in a political jurisdiction, whether that individual continues to have the intent to establish his permanent home within that political jurisdiction will be determined by an examination of the connection of that individual to the political jurisdiction. Factors to be considered include:

(A) the amount of time the individual is physically present within the political jurisdiction;

(B) whether the individual maintains a home within the political jurisdiction;

(C) the existence, and maintenance, of close ties with family, relatives, and friends who are physically present on a reasonably continuous basis within the political jurisdiction;

(D) the conduct of business in, and the maintenance of business contacts with persons who are physically present on a reasonably continuous basis within the political jurisdiction;

(E) the degree of personal involvement in the social, political, cultural, governmental, traditional, and religious affairs of, and organizations and institutions operating within, the political jurisdiction;

(F) the ownership of property within the political jurisdiction;

(G) other indicia of the connection of an individual with a political jurisdiction;

(H) the foregoing factors as applied to establish the connection of an individual with another political jurisdiction;

(I) the attempt to register to vote in, or file nomination papers as a candidate for office in or from, another political jurisdiction; and

(J) whether another political jurisdiction could be established as a residence.

(5) While in office, the residence of any individual elected to national office is irrebuttably presumed to be the political jurisdiction constituting his or her residence immediately preceding his or her election to such office.

(6) For the purposes of registration, once residence is established, the period of residence is computed by including the day on which an individual's physical presence coupled with requisite intent commenced and by excluding the day of registration.

(7) For the purposes of placing a candidate's name on the ballot, once residence is established, the period of residence is computed by including the day on which the individual's physical presence coupled with requisite intent commenced and by excluding

the day of the election.

Source
RPPL 1-22 § 6, as amended by RPPL 1-67 § 2(b), modified. Subsection 107(c)(2) amended by RPPL 6-50 § 3.

§ 108. Retroactivity; balloting procedures.

(a) This chapter shall be applicable upon appeal to those trial court decisions made final prior to the effective date of its enactment.

(b) All votes cast in all elections shall be by secret ballot.

Source
RPPL 1-22 § 7.

§ 109. Duties of the Election Commission; certification of election procedures and voter qualifications.

(a) The Election Commission shall certify that election procedures established by regulation are followed and the enforcement of voter qualifications occurs in compliance with national and state law.

(b) The Election Commission shall assist the states in establishing lawful election procedures and requirements.

(c) The Election Commission shall send observers to all elections within the Republic.

Source
RPPL 1-22 § 8, modified. Section 109 amended completely by RPPL 6-50 § 4.

§ 110. Prohibitions, penalties.

(a) Whoever knowingly gives false information as to his name, address or period of residence in the voting state for the purpose of establishing his eligibility to register to vote, or conspires with another person for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting in any election or referendum shall upon conviction thereof, be fined not less than two thousand dollars ($2,000) nor more than ten thousand dollars ($10,000) or shall be imprisoned not more than five (5) years, or both.

(b) Whoever votes more than once in an election or referendum shall upon conviction thereof be fined not more than ten thousand dollars ($10,000) or imprisoned not more than five (5) years, or both.

(c) As used in this subsection, the term "votes more than once" does not include the casting of an additional ballot if all prior ballots of the voter were invalidated.

(d) Whoever, whether under color of law or otherwise, shall coerce, intimidate, or threaten, or attempt to coerce, intimidate, or threaten any person for voting or attempting to vote, or coerce, intimidate, or threaten any person for urging or aiding any persons to vote or attempt to vote, or coerce, intimidate, or threaten any person for exercising any lawful right, power or duty pursuant to this chapter shall upon conviction thereof, be fined not less than five thousand dollars ($5,000) nor more than twenty thousand dollars ($20,000) or imprisoned not more than ten (10) years, or both.

(e) Whoever, whether under color of law or otherwise, knowingly shall fail or refuse to permit any person to vote who is entitled to vote under this chapter or is otherwise qualified to vote, or knowingly fails or refuses to tabulate, count and report such person's vote shall upon conviction thereof, be fined not more than ten thousand dollars ($10,000) or imprisoned not more than one (1) year, or both.

Source
RPPL 1-22 § 9.

§ 111. Conflict of laws.

Any other provisions of law which conflict with this chapter shall be deemed superseded and void to the extent of the conflict.

Source
RPPL 1-22 § 10, § 10(a) severability clause omitted as unnecessary and section modified.

Chapter 2
Reapportionment

§ 201. Definitions.
§ 202. Reapportionment Commission; established.
§ 203. Same; membership.
§ 204. Same; chairman; quorum; expiration.

§ 205. Same; compensation of members.
§ 206. Same; powers and duties.
§ 207. Publication and notice of plan.
§ 208. Criteria for reapportionment and redistricting; exemption from Administrative Procedure Act.
§ 209. Voter's rights.
§ 210. Commission failure to promulgate and publish plan; Supreme Court promulgation and publication.
§ 211. Authorization and appropriation. [Repealed]

§ 201. Definitions.

In this chapter:

(a) "Commission" means the Congressional Reapportionment Commission established by this chapter.

(b) "Plan" means a reapportionment or redistricting proposal published by the Commission.

Source
RPPL 3-45 § 1, modified.

§ 202. Reapportionment Commission; established.

There is established a Congressional Reapportionment Commission, which shall be an autonomous, independent agency of the national government composed of seven members.

Source
RPPL 3-45 § 2, modified.

§ 203. Same; membership.

The President shall appoint the members of the Commission with the advice and consent of the Senate. In making the appointments, the President shall assure broad representation of the citizenry. The President may only remove a member for gross misconduct or dereliction of duty. No later than May 1, 1999, and no later than May 1 every 8 years thereafter, the President shall appoint the members of the Commission.

Source

RPPL 3-45 § 3, modified. Amended by RPPL 5-23 § 1.

§ 204. Same; chairman; quorum; expiration.

The Commission shall elect a chairman from among its members. A majority vote of the entire Commission shall control and five members shall constitute a quorum. No member of the Commission may be eligible to become a candidate for election to the Senate in the next regular general election under a plan prepared by a Commission on which he or she served. No member of the Olbiil Era Kelulau may be a member of the Commission. On October 1, 1999, and every 8 years thereafter, the terms of the Commission members shall expire.

Source

RPPL 3-45 § 4, modified. Amended by RPPL 5-23 § 1.

§ 205. Same; compensation of members.

Compensation for members of the Commission shall be $35 per meeting day up to a maximum of $500 per member per year. Any member of the Commission who is employed by the national or a state government, or any branch thereof, shall receive administrative leave in lieu of compensation.

Source

RPPL 3-45 § 5, modified. Amended by RPPL 5-23 § 1.

§ 206. Same; power and duties.

The Commission shall reapportion and redistrict, as appropriate, the Senate electoral districts and establish the number of Senate seats based on the criteria set forth in the Constitution and this chapter. The Commission shall exercise its best efforts to promulgate and publish its plan no later than July 1, 1999, and no later than July 1 every eight (8) years thereafter. The plan shall have, upon publication pursuant to this chapter, the full force and effect of law. The Commission shall have the following additional powers:

(a) To hire, retain and dismiss personnel, consultants and advisors as it may deem necessary;

(b) To contract in its own name;

(c) To sue and be sued; and

(d) To own, lease or otherwise use any real or personal property as may be necessary to exercise its powers and fulfill its duties.

Source

RPPL 3-45 § 6, modified. Amended by RPPL 5-23 § 1.

§ 207. Publication and notice of plan.

The Commission shall publish the plan and use its best efforts to notify the public about the plan. The Commission shall broadcast a general description of the plan on local radio, conspicuously post the plan in both Palauan and English in major national government buildings, and submit the plan to the President, the Olbiil Era Kelulau, and the chief executives and legislatures of the several states.

Source

RPPL 3-45 § 7, modified. Amended by RPPL 5-23 § 1.

§ 208. Criteria for reapportionment and redistricting; exemption from Administrative Procedure Act.

(a) In developing a plan based on population, the Commission shall give due consideration to the following criteria:

(1) the most recent census data available to the Commission;

(2) the principle that no citizen may be denied equal protection of the law;

(3) the expense of operating the Senate of the Olbiil Era Kelulau; and

(4) the principle that no purposeful advantage may be given to senatorial incumbents.

(b) The Commission may consider the following additional criteria:

(1) the propriety of single member districts; and

(2) patterns of voter registration.

(c) Promulgation and publishing of the plan shall be exempt from 6 PNC Chapter 1, the Administrative Procedure Act.

Source
RPPL 3-45 § 8, modified. Amended by RPPL 5-23 § 1.

§ 209. Voters' rights.

Any registered voter may petition, within sixty (60) days after promulgation of the plan, the Trial Division of the Supreme Court to review the plan and to amend it as may be necessary to comply with the requirements of the Constitution and this chapter. A Trial Court decision on the plan shall be reviewable by the Appellate Division.

Source
RPPL 3-45 § 9, modified. Amended by RPPL 5-23 § 1, modified.

§ 210. Commission failure to promulgate and publish plan; Supreme Court promulgation and publication.

If the Commission fails to publish a plan within the time specified in section 206 of this chapter, the Trial Division of the Supreme Court shall promulgate and publish a reapportionment and redistricting plan no later than thirty (30) days after the date the Commission was required to publish its plan using the criteria set forth in the Constitution and this chapter.

Source
RPPL 3-45 § 10, modified. Amended by RPPL 5-23 § 1, modified.

§ 211. Authorization and appropriation. [Repealed]

Source
RPPL 3-45 § 11, modified. Repealed by RPPL 5-23 § 2.

DIVISION 2
THE FRANCHISE

Chapter 10
General Provisions

§ 1001. When general elections held.
§ 1002. Elections to be by secret ballot.
§ 1003. Affidavits to be sworn.
§ 1004. Expenses.
§ 1005. Conduct and supervision of state elections.

§ 1006. Intimidating or bribing voter.
§ 1007. Prohibited acts.

§ 1001. When general elections held.

General elections for the President and Vice President of the Republic of Palau and the members of the Olbiil Era Kelulau shall be held quadrennially in every other even-numbered year on the first Tuesday in November in Palau and on the Saturday prior to the first Tuesday in November for all polling places outside Palau; provided, that if a natural disaster or other Act of God precludes holding the election on either of the foregoing dates, the President may proclaim a later election date.

Source

RPPL 1-67 § 1, last clause omitted as unnecessary and section modified. Amended by RPPL 4-55 § 35. Amended by RPPL 5-46 § 4(b).

§ 1002. Elections to be by secret ballot.

All elections and voting for members of the Olbiil Era Kelulau and other public officials and all other elections held in accordance with the provisions of this title shall be by secret ballot.

Source

(PL 7-3-22 § 4.) 43 TTC § 2, combined and modified.

§ 1003. Affidavits to be sworn.

The affidavits required pursuant to this title shall be sworn to before any officer or person authorized by law to administer oaths.

Source

(Code 1966, § 83.) 43 TTC § 8.

§ 1004. Expenses.

All expenses, including expenses attributable to registration of voters pursuant to section 1403 of this title, for elections conducted in accordance with the provisions of this title in the Republic shall be borne by the national government.

Source

(Code 1966, § 89.) 43 TTC § 6, modified.

§ 1005. Conduct and supervision of state elections.

Any provision of any state law to the contrary notwithstanding, the Election Commission shall have overall authority and responsibility for the conduct of all elections, the registration of all voters, the tabulation of all votes, and the announcement of the official results of all state elections in accordance with all provisions of the applicable state law governing the election which are not inconsistent with the provisions of this section; provided, that if there is no applicable state law governing any state election or to the extent that such law does not fully provide for the conduct of such election, the registration of voters, the tabulation of votes, or the announcement of official results, the Election Commission shall formulate regulations to govern such election which shall be substantially similar to the provisions of this title with due recognition of local conditions. Such regulations shall have the force and effect of law.

Source

43 TTC § 5, modified. "Election Commissioner" amended to read "Election Commission" by RPPL 6-50 § 5.

§ 1006. Intimidating or bribing voter.

Every person who shall, directly or indirectly, in any manner:

(a) intimidate or threaten a voter in order to induce or compel him to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person at any election; or

(b) bribe or attempt to bribe any voter in giving his vote, or to deter him from giving it, shall be fined not more than one thousand dollars ($1,000), or imprisoned for not more than one (1) year, or both. Each intimidation, threat or bribe shall constitute a separate offense.

Source

(P.L. No. 4C-26, § 1.) 43 TTC § 10, modified.

§ 1007. Prohibited acts.

Any person who violates any of the provisions of this title or any rules or regulations promulgated pursuant thereto, for which a penalty is not otherwise provided, who votes or attempts to vote more than one time or interferes with the orderly process of the election, shall be punished by a fine not to exceed five hundred dollars ($500), or imprisonment for not more than

one (1) year, or both.

Source
(Code 1966, § 90; P.L. No. 4C-26, § 3.) 43 TTC § 9.

Chapter 11
Candidates

§ 1101. Qualifications and term of office for President and Vice President.
§ 1102. Qualifications for membership in the Olbiil Era Kelulau.
§ 1103. Candidates for the Olbiil Era Kelulau; additional requirement.
§ 1104. Restriction on public employees; resignation required after becoming a candidate.
§ 1105. Nominating petitions.
§ 1106. Nomination by political parties.
§ 1107. Placing candidate's name on ballot.

§ 1101. Qualifications and term of office for President and Vice President.

A President and Vice President shall be elected in a Republic-wide election for a term of four (4) years. To be eligible to hold the office of President or Vice President a person shall be:

(a) a citizen of the Republic;

(b) not less than thirty five (35) years of age; and

(c) a resident of the Republic for the five years immediately preceding the election.

Source
PL 7-3-22 § 6, modified.

§ 1102. Qualifications for membership in the Olbiil Era Kelulau.

To be eligible for election to the House of Delegates or Senate, a person shall be:

(a) a citizen of the Republic;

(b) not less than twenty-five (25) years of age;

(c) a resident of the Republic for not less than five years immediately preceding the election;

(d) a resident of the state or senatorial district in which he is seeking office for not less than one year immediately preceding the election.

Source
PL 7-3-22 § 8, modified.

§ 1103. Candidates for the Olbiil Era Kelulau; additional requirement.

A candidate for the Olbiil Era Kelulau must be a registered voter of the state or senatorial district which he or she seeks to represent.

Source
RPPL 1-67 § 10.

§ 1104. Restriction on public employees; resignation required after becoming a candidate.

An employee of the national government covered under the National Public Service System Act, or of the state governments, or their agencies, shall not:

(a) use his official authority or influence for the purpose of interfering with or affecting the result of any national election; or

(b) accept the nomination and become a candidate for any elective office in the national government without resigning from his job within fourteen (14) days of the filing of nomination papers making him an official candidate for any elective office in the national government.

Source
RPPL 1-67 § 5, modified.

§ 1105. Nominating petitions.

(a) Nomination of all candidates may be made by petition initiated by a candidate or by any five qualified registered voters and authorized by such candidates to so initiate a petition; provided that said nominating petition shall specify the public office being sought and no other petition has been filed by or for such candidate. The name of a candidate for election shall be printed on an official ballot only if not less than ninety (90) days prior to the election, a nominating petition has been filed in the office of the Election Commission and signed by:

(1) Not less than five hundred (500) qualified voters of the Republic if the offices of the President or Vice President is being sought;

(2) Not less than twenty five (25) qualified voters of the state if membership in the House of Delegates is being sought; or

(3) Not less than fifty (50) qualified voters of the senatorial district if membership in the Senate is being sought.

(b) A nonrefundable filing fee shall be paid at the same time as the nomination petition is filed with the Election Commissioner. The filing fee for the offices of President or Vice President shall be one hundred dollars ($100). The filing fee for membership in the Senate shall be fifty dollars ($50). The filing fee for membership in the House of Delegates shall be fifty dollars ($50). All filing fees shall be paid over to the National Treasury and shall be available for appropriation. The Election Commissioner shall upon receipt of a nominating petition endorse thereon the day, hour, and minute that such nominating petition was received. Any candidate may withdraw his name from the official ballot by giving notice in writing to the Election Commissioner no later than twenty five (25) days before the election.

(c) Nothing contained in this section shall prohibit a person from seeking office as a write-in candidate except a name written upon a ballot in a runoff election shall not be counted as a vote.

(d) Nominating petitions for the offices of President and Vice President may only be filed in order to place the name of a candidate on the ballot for the primary election.

Source

PL 7-3-22 § 9, as amended by RPPL 2-38 § 1(2), modified. Amended by RPPL 3-44 § 4(1), modified. Subsection (a) amended by RPPL 3-65 § 5, modified. Subsection (a) amended by RPPL 6-50 § 6 with the following provision "(b). The foregoing amendment to 23 PNC 1105 shall become effective November 3, 2004."

§ 1106. Nomination by political parties.

(a) Political parties having at least fifty (50) members who are registered to vote under the provisions of this title in the administrative district in which the political party is seeking registration and which are registered as such with the Election Commission at least seven days before the termination date set for filing nomination, may nominate candidates for office; provided, however, that no political party shall nominate more than one candidate for any one political office.

(b) Political parties may withdraw the names of their nominees in the same manner that a candidate may withdraw his name under section 1504 of this title.

(c) Nominations of political parties shall be submitted to the Election Commission in writing and attested by at least two officers of the party.

Source
(Code 1966, § 70.) 43 TTC § 104, as amended by RPPL 2-38 § 1(3).

§ 1107. Placing candidate's name on ballot.

The Election Commission shall examine the nomination papers of all candidates and political parties and investigate all candidates to ensure that all the qualifications of the office have been met. The Election Commission shall, the day after the filing of the nomination papers, provide a fifteen (15) day "challenging" period during which any person or group may submit a petition, supported by at least five (5) affidavits of persons registered in that candidate's voting district, to request further investigation and verification of a candidate's residency or citizenship qualifications. At such time, the Election Commission shall request the challenged candidate to provide a written consent to the release of documents and information. The Election Commission shall further investigate the candidate's qualifications and publish its written findings within fifteen (15) days after receiving the petitioner's request for further investigation and verification. If a prospective candidate has not met the qualifications of office or fails to cooperate in the Election Commission's investigation then the name of the candidate shall not be placed on the ballot. All signatures shall be verified. All nomination papers shall be reviewed by the Election Commission and if not in order, the nomination papers shall be rejected. A finding by the Election Commission that a candidate's qualifications are in order shall constitute prima facie evidence that the candidate meets the qualifications for office, and the finding may be rebutted only by presentation of clear and convincing evidence to the contrary before the Supreme Court, Trial Division, within ten (10) days after publication of the Election Commission's finding.

Source
43 TTC § 105, as amended by PL 7-5-7 § 1 and by RPPL 2-38 § 1(4), modified. Amended in its entirety by RPPL 6-50 § 7.

Chapter 12
Election Commission

§ 1201. Election Commission established.
§ 1202. Powers and duties.
§ 1203. Official register to be kept by Election Commission.

§ 1204. Same; striking names of disqualified voters.
§ 1205. Rules and regulations exempt.

§ 1201. Election Commission established.

(a) The Election Commission shall possess such powers and duties relating to the registration of voters and the conduct of elections as prescribed in this title.

(b) The Commission shall consist of five members to be appointed by the President of the Republic within fifteen (15) days of the effective date of this section with the advice and consent of the Senate. Members of the Commission may only be removed from office for cause, except that any member of the Commission who becomes a candidate for any elective office must immediately resign. The term of office of each member shall be four years. Vacancies shall be filled in the same manner as the original appointments and for the remainder of the term of the vacant office.

(c) Each member shall be compensated at the rate of $35.00, except for the chairman who shall be compensated at the rate of $45.00, for each meeting of the Commission he attends, provided however, that no Commission member shall receive more than $500.00 for each calendar year for services rendered as a member of the Commission.

(d) The members of the Commission shall select, by majority vote, a chairman, who shall preside at all meetings he attends. Meetings shall be called by the chairman or at the request of at least two members of the Commission. Three members shall constitute a quorum, and all decisions shall be made by majority vote.

Source

43 TTC § 151, as amended by RPPL 2-38 § 1(1), modified.

§ 1202. Powers and duties.

Without additional compensation, the Election Commission shall have the overall supervision and administration of the election and shall perform such duties as are prescribed by law, which shall include, but not be limited to the following:

(a) to appoint all members of the several boards of election as provided for in this title;

(b) to prescribe and promulgate rules, regulations, and instructions, including rules, regulations and instructions for absentee ballots, for the conduct of the election;

(c) to determine, and prescribe forms of ballots and the forms of all blanks, cards of instructions, pollbooks, tally sheets, and all forms and blanks required by the provisions of this title for use by candidates, boards, committees, and voters and supply the same to boards of election;

(d) to require such reports from the several boards as may be required by law or regulation or as he may deem necessary;

(e) to review and examine voting irregularities or violation of any election laws in accordance with the provisions of division 2 of this title;

(f) to establish voting precincts within each election district and designate appropriate polling places within each voting precinct, upon recommendations of the members of the board of election of the particular election district;

(g) to receive nomination petitions and list of all candidates for election in an order to be determined by lot on the ballots for each election district;

(h) to register or cause to be registered all the voters in the Republic and to maintain the general district register as provided in this title; and

(i) to prepare from the general district register a registered voter's list for each voting precinct prior to any election.

Source

(Code 1966, § 52.) 43 TTC § 152, as amended by RPPL 1-67 § 6 and RPPL 2-38 § 1(2), modified.

§ 1203. Official register to be kept by Election Commission.

The Election Commission shall register or cause to be registered all voters in the general district register. The register shall consist of one or more volumes for each election district with a general alphabetical index of the voters. The general district register shall be divided into as many parts as there are election precincts in the election districts and shall have an index of precincts. The general district register shall be maintained by the Election Commission and shall, at all times during business hours, be open to public inspection, and shall be a public record. The register shall be ruled and printed in such forms as the Election Commission may direct. The complete general district register shall be published and made available for public inspection at least 15 days prior to any election.

Source
43 TTC § 153, as amended by PL 7-5-7 § 1 and RPPL 2-38 § 1(3), modified.

§ 1204. Same; striking names of disqualified voters.

(a) The Election Commission shall ascertain, not less than six months before each election, from the Division of Public Health, or any informing division, information of the death, adjudication of insanity or feeblemindedness, loss of citizenship, or any other disqualification to vote, of any person registered to vote in his district or who he has reason to believe may be registered to vote therein. It shall thereupon make such investigation as he may deem necessary to prove or disprove such information, giving the person concerned, if available, notice and an opportunity to be heard. If after such investigation it finds that such person is dead, incompetent, has lost his citizenship, or is disqualified for any reason to vote, he shall strike or direct that the name of such person be stricken from the official registry.

(b) The Election Commission shall make and keep an index of all information furnished to it under any requirements of law concerning any of the matters mentioned in this section and shall provide any person authorized to receive affidavits on application for registration with any information the latter may need to ascertain whether or not any applicant is in any manner disqualified to vote.

(c) Any person whose name is stricken from the register of voters under this title may appeal in the manner provided by subchapter IV, chapter 15 of this title.

Source
43 TTC § 154, as amended by RPPL 2-38 § 1(4), modified.

§ 1205. Rules and regulations exempt.

The rules and regulations promulgated by the Election Commission shall be exempt from the provisions of the Administrative Procedures Act of Chapter 1 of Title 6 of this Code.

Source
RPPL 1-69 § 5, as amended by RPPL 2-38 § 1(5), modified.

Chapter 13
Boards

§ 1301. Boards of election; created; appointment, terms and qualifications of members.
§ 1302. Same; powers and duties.

§ 1301. Boards of election; created; appointment, terms and qualifications of members.

The Election Commission shall appoint a board of election for each election district on or before November 1 of each election year whose members shall serve until resignation or until their successors are appointed. The members shall be citizens of the Republic registered to vote under the provisions of this title and be of such numbers as are necessary to have at least one board member present at each polling place. No board member shall participate in an election campaign during his appointment.

Source
(Code 1966, § 53.) 43 TTC § 201, as amended by RPPL 2-38 § 1(6), modified.

§ 1302. Same; powers and duties.

Each board of election member shall have the powers and duties as follows:

(a) to perform all duties prescribed by laws;

(b) to supervise and manage each polling place;

(c) to receive, preserve and maintain ballot boxes, locks, maps, cards of instructions and other supplies and equipment necessary to conduct the election;

(d) to give such instruction deemed necessary for the orderly conduct of the election;

(e) to provide for the issuance of all notices and publications concerning the election;

(f) to review and examine the sufficiency and validity of nominating petitions and other documents where the Election Commission designates the board to act in his stead;

(g) to receive and transmit all ballot boxes, locked, and sealed, to the Election Commission;

(h) to receive, investigate and decide complaints concerning election irregularities and determine the residence qualifications of voters, subject to review according to section 1548 of this title;

(i) to recommend to the Election Commission designation of appropriate polling places within each voting precinct or election district as may be deemed suitable and convenient to the public;

(j) to perform such other duties as are prescribed by law or rules issued by the Election Commission; and

(k) to register electors.

Source
(Code 1966, § 54.) 43 TTC § 202, as amended by RPPL 2-38 § 1(7), modified.

Chapter 14
Voter Registration

§ 1401. Place of registering and voting.
§ 1402. Required in order to vote.
§ 1403. Application for registration; affidavit.
§ 1404. Entry of a voter's name in the general district register; filing of affidavits.
§ 1405. Re-registration.
§ 1406. Voters deemed registered.
§ 1407. Exception to requirement.
§ 1408. Registration and re-registration; requirements; deadlines.

§ 1401. Place of registering and voting.

(a) Every person who has reached the age of 18 years, or who will have reached the age of 18 years on or before the date of the next election, and who has resided in the Republic for nine months and in the representative district of registration three months preceding the date of registration and who, except for the requirement of registration, is otherwise entitled to vote may register to vote in the administrative district in which he resides.

(b) The Election Commission shall designate such place or places within each election district wherein registration of voters may be made.

(c) No person shall register to vote or vote as an elector of any other precinct than that in which he resides; provided, that where there is a mistake in placing the name of the voters on the list of voters of a precinct in which he does not actually reside, such voter shall nevertheless be allowed to vote therein, if otherwise qualified; and the member of the board of election of the particular election district and precinct where such voter has voted shall notify the Election Commission of the error in order that the name of such voter may be placed on the next succeeding list of voters of the precinct where he actually resides.

(d) If any person resides in more than one precinct, he may choose which precinct as an elector of which he will register, but he shall register as an elector of one precinct only.

(e) Notwithstanding the provisions of subsection (a) through (d) of this section, in any referendum or election which concerns solely matters of district wide concern, and not the election of public officials from particular precincts, any person may register and vote in any precinct within the district, in accordance with applicable regulations promulgated by the Election Commission.

Source
43 TTC § 251, as amended by PL 7-3-6 § 1 and RPPL 2-38 § 1(8), modified.

§ 1402. Required in order to vote.

No person shall be entitled to vote in any election for members of the Olbiil Era Kelulau, or to be listed upon any general district register, or upon any precinct list, who fails to register with the formalities and subject to the restrictions and qualifications required by this title.

Source
(Code 1966, § 57.) 43 TTC § 252, modified.

§ 1403. Application for registration; affidavit.

Any person qualified to and desiring to register as a voter in any election district, may present himself at any time during business hours to any of the members of the election board (herein empowered and authorized to administer oaths and take acknowledgments) or persons authorized by law to administer oaths, then and there to be examined under oath as to his qualification as an elector. Each applicant shall make and subscribe to an application in substantially the following form:

AFFIDAVIT ON APPLICATION
FOR REGISTRATION

Republic
. . . . . District /ss/

1. My full name is . . . . . .
2. I was born at . . . . . on the . . . . . day of . . . .., in the year . . . . . .

. . . . . 3. My age is. . . . . .
4. I live at . . . . . .
5. My occupation is . . . . . .
6. I am a citizen and resident of the Republic.
7. I was naturalized as a citizen of the Republic at . . . . . .
. . . . . District on the . . . . . day of . . . . . ., 19 . . . . .
8. I have resided in the Republic not less than nine months, and in Representative District No. . .
. . . . . not less than three months, immediately preceding this date on which I now offer to register, to wit, the . . . . . date of . . . . . ., 19 . . . . . .
9. I am not currently under parole, probation, or sentence for any felony for which I have been convicted by any court of the Republic or any court within the jurisdiction of the United States.
10. I am not currently under a judgment of mental incompetency or insanity.
11. I solemnly swear that the foregoing statements are true, so help me God.
. . . . . Subscribed to and sworn to before me this . . . . . .
day of . . . . . ., 19 . . . . . .

The applicant shall strike out allegations that are inapplicable, and shall swear to the truth of the allegations in his application. In any case where the person who administers the oath shall so desire or believe the same to be expedient, he may demand that the applicant produce a witness or witnesses to further substantiate the allegations of his application.

Source
(Code 1966, § 58.) 43 TTC § 253, modified.

§ 1404. Entry of a voter's name in the general district register; filing of affidavits.

(a) If the person authorized to receive an affidavit of application for registration is satisfied that the applicant is entitled to be registered as a voter, he shall number the affidavit consecutively as approved by him, and shall transmit the affidavit to the Election Commission. The Election Commission shall thereupon enter or cause to be entered in the general district register the following facts:

(1) number of affidavit;

(2) date of registration;

(3) name of applicant in full;

(4) occupation of applicant;

(5) age of applicant;

(6) if naturalized, the date of such naturalization;

(7) residence of applicant; and,

(8) any other information which the Election Commission may deem necessary.

(b) The Election Commission shall also forthwith enter or cause to be entered the name so registered in its proper place in the general alphabetical index, together with a reference to the page on which the registration appears. A voter having once been registered shall not be required to register again for any succeeding election, except in case of change of name or residence as specified in section 1405 of this chapter or intervening disqualification as specified in section 1204 of this title; provided, that in the event the voting records are destroyed or lost, the Election Commission may require the re-registration of voters.

(c) The Election Commission shall file the accepted affidavits in consecutive numbers, and keep the same in some convenient place so as to be open to public inspection and examination.

Source
(Code 1966, § 60.) 43 TTC § 255, as amended by RPPL 2-38 § 1(9), modified.

§ 1405. Re-registration.

Any voter who changes his or her residence from one voting precinct to another, or who changes his name, after registration in any general district register, may register again in such general district register under the proper voting precinct or the proper name and the Election Commission or its authorized representative shall cancel the former registration by drawing one or more lines through the name of such voter as previously registered and enter or cause to be entered his own signature and the date of cancellation with ink on the same line; provided, that no such registration shall be allowed on account of any change of residence or name made within sixty (60) days before an election.

Any voter who has had his or her registration canceled pursuant to 23 PNC § 1405(b) for failure to vote in the November 2004 quadrennial general election is hereby automatically reinstated, and the Election Commission or its authorized representative shall enter or cause to be entered

the reinstated registration onto the rolls.

Source
43 TTC § 256, as amended by PL 7-5-7 § 1, RPPL 1-67 § 7, and RPPL 2-38 § 1(9), modified. Amended in its entirety by RPPL 6-50 § 8. Amended by RPPL 7-50 § 1 which included the repeal of a former subsection (b), modified.

§ 1406. Voters deemed registered.

Notwithstanding any requirements of registration for national elections, all voters who are listed in the General Registry are deemed registered and shall not be required to register again except where re-registration has become necessary because of change of name or residence or where disqualifications enumerated by section 1204 of this title have intervened; provided, that if voting records have been destroyed or lost, the Election Commission may require re-registration of voters; provided further, that if the Election Commission determines that the definitions and guidelines for residence and residency provided herein calls into question the validity of registration for a substantial segment of the electorate, he may require the re-registration of all voters.

Source
RPPL 1-67 § 3, as amended by RPPL 2-38 § 1(10), modified.

§ 1407. Exception to requirement.

No registration in person shall be required of a full time student at any institution of learning, but such person shall make and subscribe to an affidavit substantially similar to the form set forth in section 1403 of this chapter and as the Election Commission may prescribe, to establish fully such person's right to vote. Any duly qualified elector may challenge the acceptance of the voted ballot at the time of casting of the ballot under the provisions provided by law.
Source
(Code 1966, § 82.) 43 TTC § 258, as amended by RPPL 2-38 § 1(11), modified.

§ 1408. Registration and re-registration; requirements; deadlines.

In any national election, an individual may register or re-register to vote in the political jurisdiction in which he has been a resident for at least thirty (30) days preceding the date of registration or re-registration. The last day for registration or re-registration shall be not later than 4:30 p.m. on the sixtieth day before the election. The Election Commission is specifically authorized to provide for the registration and re-registration of qualified voters outside the territorial jurisdiction of the Republic.

Source
RPPL 1-67 § 4, as amended by RPPL 2-38 § 1(12), modified.

Chapter 15
Procedure

Subchapter I
Ballots

§ 1501. Official ballots required; specimen ballots; imitating.
§ 1502. Contents.
§ 1503. Printing and distributing.
§ 1504. Withdrawal of candidates.
§ 1505. Substitute candidates.
§ 1506. Packaging; sealing; record of distribution.

§ 1501. Official ballots required; specimen ballots; imitating.

(a) All elections held in accordance with the provisions of this title shall be held by official ballot only. An official ballot is a written or printed, or partly written and partly printed paper, designated as an official ballot and containing the names of persons to be voted for and the office to be filled, and issued by the Election Commission. The Election Commission shall have printed two exact copies of each official ballot which is to be used in the general election, for each voting place, such copies to have printed thereon, in large bold letters, and with ink of a color plainly contrasting to the color of the paper used, the word "Specimen." Two copies of each such specimen ballots shall be forwarded to the members of the board of election at the same time with the official ballots and the member or members of the election board shall post one of each such specimen ballots on either side of the entrance of the voting place or other places plainly in sight for the general public.

(b) Any person who knowingly, wilfully, and unlawfully prints, copies, imitates, or distributes, or causes to be printed, copied, imitated, or distributed any official ballot [or] document that is so substantially similar in style or content to the official ballot as to cause the likelihood of confusion with the official ballot without the authorization of the Election Commission shall be guilty of a misdemeanor.

Source
(Code 1966, § 64.) 43 TTC § 301, as amended by RPPL 2-38 § 1(13), modified.

§ 1502. Contents.

A ballot shall contain the names of the persons and the offices to be voted for, the administrative district, the election district in which the election is being held, and the term or terms of the respective offices being voted for. The Election Commission shall append to the name of any candidate nominated by a political party the name of that political party on the printed ballots.

Source
(Code 1966, § 65.) 43 TTC § 302, as amended by RPPL 2-38 § 1(14), modified.

§ 1503. Printing and distributing.

(a) The ballots shall be printed by order of the Election Commission at government expense. The Election Commission shall deliver an adequate amount of ballots to each election precinct.

(b) At least 10 days before the election the Election Commission shall print a specimen ballot and shall forthwith submit copies of the same to the members of the several boards of election and to the several candidates at their addresses as given on their nomination papers, and the members of the boards shall post a copy of the same in a conspicuous place in their office or a public place.

Source
(Code 1966, § 68; P.L. No. 6-104, § 8. 43 TTC § 303, as amended by RPPL 2-38 § 1(15), modified.

§ 1504. Withdrawal of candidates.

(a) Any candidate may withdraw before an election by giving notice in writing to the member or members of the board of election or to the Election Commission, whichever is more practical, in the election district or administrative district in which such candidate was seeking nomination or election. If a candidate withdraws or dies after the printing of the ballots, the Election Commission shall cause the name of the candidate so withdrawing or the name of any candidate who may have died to be stricken from the ballots and, in that regard, may require the services of the election board of the district or precinct in which any person was a candidate and shall notify in writing such election board of the withdrawal or death, whereupon notice thereof shall, before the opening of the polls on election day, be posted at the polling place.

(b) If a candidate withdraws his name later than 12 days before an election and the ballots are in the process of or have been printed and it becomes necessary in the opinion of the Election Commission or the election board for a reprinting of the ballots or a striking out of a candidate's name by a reprint block-out, all expenses thereof, except in case of a withdrawal necessitated for medical cause and so certified by a physician, shall be a charge against the withdrawing candidate and shall be paid by him within 60 days after such withdrawal to the Election Commission. Moneys so received shall be deposited into the National Treasury, as a local revenue general realization, available for appropriation by the Olbiil Era Kelulau.

(c) Any person who shall, directly or indirectly, physically threaten or intimidate any candidate so as to cause or attempt to cause the candidate to withdraw from an election shall upon conviction be fined not more than $2,000.00, or imprisoned for not more than five years, or both.

Source
(Code 1966, § 66; P.L. No. 4C-26, § 2.) 43 TTC § 304, as amended by RPPL 2-38 § 1(16), modified.

§ 1505. Substitute candidates.

In the case of the death, withdrawal or disqualification of candidates after the deadline for filing nominations, substitute candidates may be nominated prior to 10 days before the date of an election. A person nominated as a substitute for a candidate nominated by petition must be nominated by petition in the same manner as the candidate who has died, withdrawn, or been disqualified. A substitute candidate nominated by a political party must be nominated by the same political party which nominated the candidate for whom he is a substitute. The Election Commission in the case of any substitute candidate filling a vacancy caused by death, withdrawal, or disqualification of a candidate shall cause the name of any substitute candidate to be placed upon the proper ballots by reprinting, overprinting or through the use of stamps or such other means as the Election Commission may deem satisfactory for the purpose and may require

the services of members of the election board who may be in the election district or precinct in which such a person is a candidate. The election board shall post a notice at the polling place of the name and office sought by any such substitute candidate.

Source
(Code 1966, § 67.) 43 TTC § 305, as amended by RPPL 2-38 § 1(17), modified.

§ 1506. Packaging; sealing; record of distribution.

When printed, the ballots shall be fastened together in blocks of 100 each, in such manner that each ballot may be detached and removed separately. They shall be forwarded by the Election Commission to the member or members of the election board in sealed packages, which shall not be opened until the opening of the polls. A record of the number of ballots sent to each election board member shall be kept by the Election Commission.

Source
(Code 1966, § 69.) 43 TTC § 306, as amended by RPPL 2-38 § 1(18), modified.

Subchapter II
Absentee Voters

§ 1521. "Voter" and "ballot" defined.
§ 1522. Confined persons.
§ 1523. Request for ballot.
§ 1524. Marking and return of ballot; voting at polls.
§ 1525. Disposition of ballots.
§ 1526. Voting at another polling place within the Republic; polling places outside the Republic.

§ 1521. "Voter" and "ballot" defined.

(a) Any registered voter qualified to vote at any election shall be entitled and enabled to vote by absentee ballot if:

(1) he is confined to his home or hospital by reason of such illness or physical disability as will prevent him from attending the polls; or

(2) he is prevented from voting by reason of being at sea or absent from the administrative district in which he is registered; or

(3) he is physically present in the states of Sonsorol or Tobi 20 days before, or on the day of, the

election.

(b) An absentee ballot is an official ballot which is authorized by this title to be voted outside of any designated polling place or prior to the date of the election.

Source

(Code 1966, § 79; P.L. No. 6-104, § 9.) 43 TTC § 351, as amended by RPPL 1-67 § 8 and RPPL 3-44 § 4(2), modified.

§ 1522. Confined persons.

Any registered voter qualified to vote at any election who is confined to his home or hospital by reason of such illness or physical disability as will prevent him from attending the polls, shall be entitled to vote in such manner as may be prescribed by rules and regulations which shall be promulgated by the Election Commission. Such rules and regulations shall provide for voting by such persons in such manner as to insure secrecy of ballot and to preclude tampering with the ballots of such voters and other election frauds; provided, that any voter who by reason of physical disability is unable to mark his ballots shall be authorized to receive assistance in the marking thereof. Such rules and regulations may require affidavits, certificates, and other written statements under oath.

Source

(Code 1966, § 80.) 43 TTC § 352, as amended by RPPL 2-38 § 1(19) and RPPL 3-44 § 4(3), modified.

§ 1523. Request for ballot.

(a) Any registered voter qualified to vote in any election may request and cast an absentee ballot with the Election Commission; provided, that he meets the requirements as set forth in section 1521.

(b) Any registered voter qualified to vote by absentee ballot, may not more than ninety (90) days nor less than seven (7) days before the election, request the Election Commission in writing for an absentee ballot to be voted at the election. The request shall include information stating the voter's voting precinct, election district, reasons for being absent, address to which he wishes his ballot forwarded and the establishment of his right to a ballot.

Source

(Code 1966, § 81; P.L. No. 6-104, § 10.) 43 TTC § 353, as amended by RPPL 1-69 § 1 and RPPL 2-38 § 1(20), modified.

§ 1524. Marking and return of ballot; voting at polls.

(a) The Election Commission shall, prior to an election, provide to any person who may be entitled to vote by absentee ballot, and who requests the same, an official ballot, a ballot envelope, an affidavit, and a covering reply envelope. The absentee voter shall mark the ballot in the usual manner provided by law and in such manner that no person can see or know how the ballot is marked except as provided in section 1522 of this chapter. The absentee voter shall then deposit the ballot in the ballot envelope and securely seal the same. The absentee voter shall then complete and execute the affidavit. The ballot envelope and the affidavit shall then be enclosed and sealed in the covering reply envelope and in order to be valid must be postmarked no later than the day of the election and reach the Election Commission not later than the established closing hour of business on the seventh day after the election, except as provided in section 1522 of this chapter.

(b) It shall be unlawful for any person having voted an absentee ballot to cast a ballot at the polls on election day.

Source

(Code 1966, § 84; P.L. No. 6-104, § 11.) 43 TTC § 354, as amended by PL 7-5-7 § 1, RPPL 1-69 § 2, and RPPL 2-38 § 1(21), modified.

§ 1525. Disposition of ballots.

(a) Upon the receipt of the envelope marked "Absentee Ballot Enclosed" within the period prescribed in section 1524 of this chapter from any person voting under the provisions of this chapter, the Election Commission, or its appointee, shall open it, remove the ballot envelope, and examine the statement as to its proper execution, the person's qualification to register as an elector, and to vote. If the Election Commission determines that the person is qualified to vote by absentee ballot, the ballot envelope shall be deposited unopened in a container retained for the purpose. The container shall be securely sealed except for an opening sufficient to permit deposit of ballot envelopes and shall be marked with the name and official title of the Election Commission, or its appointee, and the words "This container holds absentee ballots and must be opened only pursuant to law." The Election Commission or its appointees shall safely keep each container in his office until the close of the period prescribed in section 1524 of this chapter for the return of absentee ballots and at such time he shall publicly open the container, extract and segregate the ballot envelopes and deliver such envelopes to the counting and tabulation committee.

(b) In case the statement is found to be insufficient or in case the signatures do not correspond, or

in case the voter has not complied with the requirements of section 1524 of this chapter, or is not a duly qualified elector or the ballot envelope is open or has been opened and resealed, the ballot envelope shall not be opened and the Election Commission or its appointees shall mark across its face "Rejected," giving the reason therefor, and shall preserve the same in the manner provided by law.

(c) If the ballot is received after the time fixed in section 1524 of this chapter, the ballot envelope shall be endorsed by the Election Commission or its appointees with the day and hour of receipt and it shall be safely kept unopened by the Election Commission or its appointees for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in accordance with applicable law.

(d) If upon receiving the ballot envelope from the Election Commission or its appointees it is found that the voter has already voted, the election inspectors shall immediately cancel the ballot envelope and write "Rejected" across its face, giving the reason therefor and shall preserve the same in the manner provided by law.

Source
(Code 1966, § 85.) 43 TTC § 355, as amended by RPPL 1-69 § 3 and RPPL 2-38 § 1(22), modified.

§ 1526. Voting at another polling place within the Republic; polling places outside the Republic.

In accordance with the rules and regulations promulgated by the Election Commission, a voter shall have the right to vote on election day at a polling place other than the polling place in the political jurisdiction of which he is a resident; provided, that the rules and regulations shall require no more than three calendar days' notice immediately preceding the day of the election. The Election Commission shall specifically provide for voting at polling places elsewhere in the Republic. The Election Commission may not establish polling places outside of the Republic except in Guam, Saipan, and Honolulu on the date of the general election pursuant to 23 PNC § 1001 for the general election to be held on the first Tuesday in November.

Source
RPPL 1-69 § 4, as amended by RPPL 2-38 § 1(23), modified. Amended by RPPL 4-55 § 35 and RPPL 5-5 § 1. Amended by RPPL 5-46 § 4(a).

Subchapter III

Conduct of Elections

§ 1541. Supervision of polling places.
§ 1542. Equipping and supplying polling places.
§ 1543. Opening and closing of polls.
§ 1544. Checking of register.
§ 1545. Campaigning and alcoholic beverages at polling places.
§ 1546. Use of government broadcast facilities by candidates.
§ 1547. Poll watchers.
§ 1548. Election irregularities.
§ 1549. Disposition of ballot boxes after completion of voting.
§ 1550. Counting of ballots.
§ 1551. Election results.
§ 1552. Local counting and tabulating committees.
§ 1553. Rejected ballots.
§ 1554. Imperfectly marked ballots void.
§ 1555. Spoiled ballot.
§ 1556. Rejection of ballot for technical error.
§ 1557. Rejection of invalid portions.

§ 1541. Supervision of polling places.

The Election Commission shall ensure that polling places are supervised by the election board and such other officials as the Election Commission shall deem necessary, who must be present at the designated polling places during the election. Public schools and other public places shall be utilized insofar as practicable as polling places. Rent shall not be charged or paid for the use thereof.

Source
(Code 1966, § 72(a).) 43 TTC § 401, as amended by RPPL 2-38 § 1(24), modified. "Election Commissioner" amended to read AElection Commission" by RPPL 6-50 § 9.

§ 1542. Equipping and supplying polling places.

Each polling place shall be provided with necessary ballot boxes, locks, official ballots, cards of instructions, pencils, registered voters lists, papers, and all other necessary supplies.

Source

(Code 1966, § 72(b).) 43 TTC § 402.

§ 1543. Opening and closing of polls.

At exactly seven (7:00) a.m. of the day of the election, a member of the election board shall proclaim aloud at each place of election that the polls are open, and shall be kept open until seven (7:00) p.m., of the same day, after which time the polls shall be closed; however, all off-island polling places to remain open until nine (9:00) p.m. of the same day; provided, that if at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote; provided further, that if all registered voters appearing on a registered voter's list for any polling place have voted, that polling place may close irrespective of the time of the day.

Source

(Code 1966, § 72(c).) 43 TTC § 403, as amended by RPPL 3-79 § 5, modified.

§ 1544. Checking of register.

Any person appearing in the polling place shall report his name, in full and his address to the election officials. An election official shall clearly and audibly announce them. Another election official shall then check the register of voters as to whether or not the person appearing is a registered voter, and if so, shall announce the name and address appearing in the register. At this point a challenge may be interposed on the grounds that the ballot is subject to challenge under law or rules or regulations issued by the Election Commission. Voting shall then proceed in accordance with procedures prescribed by the Election Commission; however, all voting shall be by secret ballot.

Source

(Code 1966, § 72(d).) 43 TTC § 404, as amended by RPPL 2-38 § 1(25), modified. "Election Commissioner" amended to read "Election Commission" by RPPL 6-50 § 10.

§ 1545. Campaigning and alcoholic beverages at polling places.

No campaigning shall be conducted within five hundred (500) feet of a ballot box on election day. No alcoholic beverages shall be sold or otherwise provided to any person in the Republic during election day while the polls are open. No candidate shall be allowed within five hundred

(500) feet of any ballot box except for the purpose of casting his or her ballot. There shall be no campaigning over any Republic broadcast radio or television station or over any cable television service in the Republic on election day. Every person who violates any provision of this section shall be guilty of a misdemeanor and shall be subject to a maximum prison term of one (1) year and a maximum fine of five thousand dollars ($5,000); every person convicted of a second or subsequent violation shall be guilty of a felony and shall be subject to a maximum prison term of five (5) years and a maximum fine of twenty-five thousand dollars ($25,000). In addition to the foregoing penalties, every candidate who violates any provision of this section shall be disqualified from holding the office to which he or she sought to be elected if it appears by clear and convincing evidence that the conduct constituting the violation resulted in the candidate's winning the election.

Source

(Code 1966, § 72(e).) 43 TTC § 405, modified. Amended in its entirety by RPPL 6-50 § 11, modified.

§ 1546. Use of government broadcast facilities by candidates.

(a) Government broadcast facilities may be made available to candidates within the Republic, except on the day of election, pursuant to the discretion of the Election Commission. The Election Commission shall afford each candidate equal opportunity in the use of government broadcast facilities. If the Election Commission cannot provide equal opportunities to the candidates in the use of government broadcast facilities, then no candidate shall be allowed their use whatsoever. Each candidate shall advise the Election Commission not later than twenty-four (24) hours prior to his intended use of government broadcast facilities. Failure to notify the Election Commission of the proposed use of the above described facilities within the prescribed time limit may disqualify the candidate from the use of these government facilities.

(b) No government facilities other than broadcast facilities may be made available to candidates.

Source

(Code 1966, § 75; P.L. No. 6-104, § 1.) 43 TTC § 7, as amended by RPPL 2-38 § 1(26), modified.

§ 1547. Poll watchers.

Each candidate shall be entitled to have not more than two poll watchers at each polling place.

Source
(Code 1966, § 72(f).) 43 TTC § 406.

§ 1548. Election irregularities.

Any person may file an oral or written complaint of any election irregularity with a member of the election board present at the polling place. The board member shall give an individual against whom the complaint is made time to present witnesses and explanation, if any, but in no event shall such time be granted so as to prevent the election board from making a decision prior to the time for the closing of the polls. The complainant or the individual against whom the complaint is made may appeal the decision to the Election Commission or its designated representative. The Election Commission, or its said representative shall, as soon as possible, examine the finding of the election board and may hear witnesses, if it deems necessary. The Election Commission or its said representative shall make its decision prior to the time of the closing of the polls, and the aggrieved party may appeal the decision in accordance with section 1573, subchapter IV of this chapter. In the event the decision of the Election Commission or its designated representative cannot be obtained as heretofore provided, the aggrieved party may appeal the decision of the election board in accordance with section 1573, subchapter IV of this chapter.

Source
(Code 1966 § 72(g).) 43 TTC § 407, as amended by RPPL 2-38 § 1(27), modified.

§ 1549. Disposition of ballot boxes after completion of voting.

After all voting is completed, all ballot boxes shall be secured and locked. The locked boxes and all other supplies provided to the polling places by the Election Commission shall be collected by election officials and delivered to the Election Commission or his duly authorized representative by the safest and most expeditious means available and be certified to the Election Commission that the ballots so delivered were cast in accordance with the provisions of this title.

Source
(Code 1966, § 72(h).) 43 TTC § 408, as amended by RPPL 2-38 § 1(28), modified.

§ 1550. Counting of ballots.

The Election Commission shall establish one or more counting and tabulating committees. Each

committee shall include not less than five (5) members. Each committee shall publicly count, tally, and determine the acceptability of all votes cast. Counting and tabulating of ballots shall begin after all the polls are closed and shall continue until all the votes cast shall have been counted. Each candidate or his or her authorized representative shall be entitled to be present at the tabulation of the votes. Upon completion of counting and tabulation of all votes cast, public announcement of the unofficial results shall be made.

Source
RPPL 1-69 § 6, as amended by RPPL 2-38 § 1(29), modified.

§ 1551. Election results.

The Election Commission shall certify the results of each election and declare the winning candidates for President, Vice President, the Senate, and the House of Delegates within fifteen (15) days from the date of the election. A candidate shall receive a plurality of the votes cast in the general election to be elected President or Vice President or to the Senate or the House of Delegates. A candidate shall receive a plurality of the votes cast in an election district to be elected to the Senate or the House of Delegates. In case of a tie vote in the general election for the President, Vice President, Senator or Delegate, the winner shall be determined in a runoff election, proclaimed by the Election Commission, between the candidates so tied. A runoff election shall occur no later than twenty (20) days after the results of the general election have been certified. The Election Commission shall certify the results of a runoff election within fifteen (15) days of the date of the runoff election. The results of the general election or runoff election shall be transmitted to the Olbiil Era Kelulau, and each house shall be the sole judge of the election and qualifications of its members.
Source
PL 7-3-22 § 10, as amended by PL 7-5-8 § 1, PL 7-7-1 § 1, RPPL 2-38 § 1(30) and RPPL 3-44 § 4(4), modified.

§ 1552. Local counting and tabulating committees.

In precincts or other areas where the Election Commission deems it impracticable that ballot boxes be delivered to a central place for counting and tabulating, the Election Commission shall appoint a local committee to count, tabulate, certify and report votes in such manner and according to such rules and regulations as the Election Commission shall establish.

Source
(Code 1966, § 78.) 43 TTC § 412, as amended by RPPL 2-38 § 1(31), modified.

§ 1553. Rejected ballots.

All ballots which have been declared invalid due to defacement or other irregularity shall be sorted and a notation placed upon them indicating that they are rejected ballots. Upon completion of the counting of the ballots, the rejected ballots shall be placed in the ballot box and returned by the counting and tabulating committee to the Election Commission with the validly cast ballots.

Source
(P.L. No. 6-104, § 13.) 43 TTC § 413, as amended by RPPL 2-38 § 1(32), modified.

§ 1554. Imperfectly marked ballots void.

Two or more markings in one voting square or a mark made partly within and partly without a voting square or space does not make a ballot void.

Source
(P.L. No. 6-104, § 13.) 43 TTC § 414.

§ 1555. Spoiled ballot.

Any voter who spoils a ballot may return it to a member of the election board and receive another in its place. He shall be given one ballot at a time; provided that, the number of ballots given him is not to exceed three (3) in all.

Source
(P.L. No. 6-104, § 13.) 43 TTC § 415.

§ 1556. Rejection of ballot for technical error.

At any election a ballot shall not be rejected for any technical error which does not render it impossible to determine the voter's choice, even though the ballot is soiled or partially defaced.

Source
(P.L. No. 6-104, § 13.) 43 TTC § 416.

§ 1557. Rejection of invalid portions.

If for any reason a ballot is imperfectly marked or if it is impossible to determine the voter's choice for any office, his ballot shall not be counted for that office, but the rest of his ballot, if properly marked, shall be counted.

Source
(P.L. No. 6-104, § 13.) 43 TTC § 417.

Subchapter IV
Recounts and Appeals

§ 1571. Petition for recount.
§ 1572. Recommendation by board of election.
§ 1573. Denial of petition; appeal of denial to Trial Division.
§ 1574. Approval of petition; notice of recount.
§ 1575. Recount by counting and tabulating committee.

§ 1571. Petition for recount.

A petition for recount may be filed by any candidate in an election who believes that there was fraud or error committed in the casting, canvassing or return of the votes cast at said election. The petition shall be filed with the Election Commission or the board of election of the election district in which the recount is requested. Such petition shall contain a statement sworn to before a notary public or other person authorized to administer oaths that the petitioner has reason to believe and does believe that the records or copies of records made by the board of election of such district are erroneous, specifying wherein he deems such records or copies thereof to be in error, or that votes were cast by persons not entitled to vote therein, and that he believes that a recount of the ballots cast in the district will affect the election of one or more candidates voted for at such election. The petition may not be filed later than two (2) weeks after the election at which the votes were cast unless such filing is prevented by circumstances beyond the control of the petitioner.

Source
(Code 1966, § 76(a).) 43 TTC § 451, as amended by RPPL 2-38 § 1(33), modified.

§ 1572. Recommendation by board of election.

If a petition for recount is filed with a board of election, that board shall recommend to the Election Commission within three days from the receipt of the petition whether the recount shall take place.

Source
(Code 1966, § 76(b).) 43 TTC § 452, as amended by RPPL 2-38 § 1(34), modified.

§ 1573. Denial of petition; appeal of denial to Trial Division.

(a) If the Election Commission decides not to approve the petition and grant the recount, it shall record the reasons for such decision. The aggrieved candidate may, within five (5) days after receipt of the decision of the Election Commission, appeal his case to the Trial Division of the Supreme Court. The Trial Division shall review the appeal promptly and render a decision. If the decision is in favor of recount, the Election Commission shall be so notified and shall proceed as provided in sections 1574 and 1575 of this chapter.

(b) Appeals may be had in the manner prescribed in subsection (a) of this section from any decision of the Election Commission concerning a ruling of an election board with respect to a challenge affecting the acceptability of a vote or votes. A petition hereunder for appeal shall contain the information specified in section 1571 of this chapter for a petition for a recount. A decision of the Trial Division in favor of the petitioner may have the effect of disallowing the challenged votes but shall not halt or delay balloting or counting and tabulating.

Source
(Code 1966, § 76(c) and (d).) 43 TTC § 453, as amended by RPPL 2-38 § 1(34), modified.

§ 1574. Approval of petition; notice of recount.

Regardless of whether a petition for recount is first filed with a board of election or with the Election Commission, if the Election Commission determines that there is a substantial question of fraud or error and that there is a substantial possibility that the outcome of the election would be affected by a recount, he shall cause notice of the recount to be given in a manner decided by him.

Source
(Code 1966, § 76(b).) 43 TTC § 454, as amended by RPPL 2-38 § 1(35), modified.

§ 1575. Recount by counting and tabulating committee.

The recount shall be held by the counting and tabulating committee within ten (10) days after the decision of the Election Commission and shall be public. The counting and tabulating committee shall make certificates of such determination under oath showing the result of the election and what persons were declared elected to fill office, one of which shall be filed with the President, one with the Election Commission, one with each board of election concerned, and one with the person filing the petition for recount. The person receiving the greatest number of votes shall be deemed to have been elected, but if two or more candidates shall receive an equal number of votes for the office, the tie vote shall be resolved in accordance with section 1551, subchapter III of this chapter.

Source
(Code 1966, § 76(b).) 43 TTC § 455, as amended by RPPL 2-38 § 1(36), modified.

Chapter 16
Special Elections

§ 1601. Short title.
§ 1602. Declaration of vacancies and special elections.
§ 1603. Nominating petitions.
§ 1604. Registration and eligibility of voters in special elections.
§ 1605. Requesting, marking, and return of absentee ballots.
§ 1606. Election results.
§ 1607. Code provisions applicable.

§ 1601. Short title.

This chapter may be cited as the "Olbiil Era Kelulau Special Elections Act".

Source
PL 7-8-6 § 1, modified.

§ 1602. Declaration of vacancies and special elections.

If a vacancy in the Olbiil Era Kelulau occurs and one hundred eighty (180) days or more remain in the unexpired term on the day the seat becomes vacant, the house of the Olbiil Era Kelulau in which the seat is vacant shall by a resolution declare such vacancy and set a date on which a

special election shall be held; provided, however that the date for such special election shall neither be later than sixty (60) days nor earlier than thirty (30) days from the date such resolution is passed.

Source
PL 7-8-6 § 2.

§ 1603. Nominating petitions.

Nomination of candidates for the special election may be made by petition initiated by a candidate or by any five (5) qualified voters registered in the election district where a vacancy declared pursuant to section 1602 of this chapter occurs and authorized by such candidate to so initiate a petition; provided, however, that said nominating petition shall specify the public office being sought. The name of a candidate for the special election shall be printed on the ballot only if not less than fifteen (15) days prior to the special election, a nominating petition has been filed in the Office of the Election Commission and signed by:

(a) Not less than fifty (50) qualified voters of the Senatorial District if a vacancy in the Senate is being filled; or not less than twenty five (25) qualified voters of the state if a vacancy in the House of Delegates is being filled.

(b) A nonrefundable filing fee of fifty dollars ($50) shall be paid at the same time as the nominating petition for the Senate is filed and a nonrefundable filing fee of twenty five dollars ($25) shall be paid at same time a nominating petition for the House of Delegates is filed with the Election Commission. All filing fees shall be paid over to the National Treasury and shall be available for appropriation.

(c) The Election Commission shall, upon receipt of a nominating petition, endorse thereon the day, hour, and minute that such nominating petition was received. Any candidate may withdraw his name from the official ballot by giving notice in writing to the Election Commission no later than ten (10) days before the special election.

(d) Nothing in this section shall prohibit a person from seeking office as a write-in candidate; provided, however, that a name written upon a ballot in a runoff election shall not be counted as a vote.

Source
PL 7-8-6 § 3, as amended by RPPL 2-38 § 1(37), modified. Subsection (b) amended by RPPL

6-50 § 12.

§ 1604. Registration and eligibility of voters in special elections.

(a) Any person who is registered and qualified to vote in the preceding general election or is registered and qualified to vote thereafter shall be entitled and qualified to vote in any special election held hereafter for members of the Olbiil Era Kelulau; provided, however, that no person who is in prison serving a sentence for a felony, nor any person who is under a court judgment of mental incompetency, shall be eligible to vote in such special election.

(b) Any person qualified and desiring to vote in a special election, but who is not registered, or who changes his residence from one voting precinct to another, or who changes his name, after registration in the general district register, may submit his application for registration or re-registration to vote in accordance with applicable law, rules, and regulations not later than fifteen (15) days before such special election.

Source
PL 7-8-6 § 4, modified.

§ 1605. Requesting, marking, and return of absentee ballots.

(a) Any registered voter qualified to vote by absentee ballot may, not more than thirty (30) days, nor less than fifteen (15) days before any special election declared pursuant to section 1602 of this chapter, request the Election Commission in writing for an absentee ballot to be voted at such special election. The request shall include information stating the voter's voting precinct, election district, reasons for being absent, address to which he wishes his ballot forwarded, and the establishment of his right to a ballot.

(b) The Election Commission or the board of election, as the case may be, shall, at least ten (10) days prior to any special election declared pursuant to section 1602 of this chapter, provide to any person who may be entitled to vote by absentee ballot, and who requests the same, an official ballot, a ballot envelope, an affidavit prescribed by the Election Commission, and a covering reply envelope. The absentee voter shall mark the ballot in the usual manner provided by law and in such manner that no person can see or know how the ballot is marked except as provided in section 1522 of this title. The absentee voter shall then deposit the ballot in the ballot envelope and securely seal the same. The absentee voter shall then complete and execute the affidavit. The ballot envelope and affidavit shall then be enclosed and sealed in the covering reply envelope and shall be mailed or delivered to reach the Election Commission not later than

the established closing hour of business on the day before the election, except as provided in section 1522 of this title.

Source
PL 7-8-6 § 5, as amended by RPPL 2-38 § 1(38), modified.

§ 1606. Election results.

The Election Commission shall certify the results of any special election and declare the winning candidate for the Senate or the House of Delegates within five days from the date of the special election. A candidate shall receive a plurality of the votes cast to be elected to the Senate or the House of Delegates. In case of a tie vote in the special election for Senator or Delegate, the winner shall be determined in a runoff election, proclaimed by the Election Commission, between the candidates so tied. A runoff election shall occur no later than ten (10) days after the results of the special election have been certified. The Election Commission shall certify the results of a runoff election within five (5) days of the date of the runoff election. The results of the election or runoff election shall be transmitted to the Olbiil Era Kelulau, and each house shall be the sole judge of the election and qualifications of its members.

Source
PL 7-8-6 § 6, as amended by RPPL 2-38 § 1(39), modified.

§ 1607. Code provisions applicable.

Except as otherwise provided by this chapter, any special election declared pursuant to section 1602 of this chapter shall be conducted, the returns made, the results ascertained, and certificates of persons elected issued in the same manner as is prescribed by Title 23 of this Code, as amended.

Source
PL 7-8-6 § 7, modified.

Chapter 17
Primary Elections

§ 1701. Primary election.
§ 1702. Certification of results.

§ 1703. Withdrawal of candidates.
§ 1704. Code provisions applicable.
§ 1705. Rules and regulations.
§ 1706. Actions for determination of constitutional questions.
§ 1707. Absentee ballots.

§ 1701. Primary election.

A primary election for the offices of President and Vice President of the Republic shall be held on the fourth Tuesday of September prior to the general election in every year in which a general election is to be held. The two candidates for each office receiving the largest share of votes in the primary election shall be placed upon the ballot for the general election. All registered voters of Palau who meet all other voting requirements shall be eligible to vote in the primary election. Nominations for the offices of President and Vice President pursuant to 23 PNC 1105 and 1106 may be made only for the primary election.

Source
RPPL 3-44 § 1, as amended by RPPL 3-65 § 2, modified.

§ 1702. Certification of results.

Notwithstanding any other provision of law, the Election Commission shall certify the result of the primary election and declare the winning candidates to be placed on the general election ballot for the offices of President and Vice President of the Republic of Palau not later than thirty (30) days before the general election except as follows:

(a) In the case where a valid nominating petition has been filed for two or fewer candidates for one office, then the Election Commission shall place the names of such candidates on the general election ballot without a Primary Election.

(b) In the case of two or more candidates receiving the same number of votes as second-place finishers for either the office of President or Vice President, the names of both candidates shall be placed on the ballot for a Primary "Run-Off" election not less than twenty five (25) days before the General Election and the winner's name shall be placed on the ballot in the next General Election.

Source
RPPL 3-44 § 2, as amended by RPPL 3-65 § 3, modified.

§ 1703. Withdrawal of candidates.

Notwithstanding any other provision of law, if a candidate who has qualified through the primary election to be placed on the general election ballot for the offices of President and Vice President of the Republic withdraws, dies or is declared incompetent by judicial decree before the time of the general election, the primary election candidate for such office who received third largest share of votes shall be placed upon the ballot in a manner deemed satisfactory for that purpose by the Election Commission. A like procedure shall be followed in the event that any further resignations or deaths of general election candidates for these offices occur. 23 PNC 1505 shall not apply to the general election run-off for the offices of President and Vice President of the Republic.

Source
RPPL 3-44 § 3, modified.

§ 1704. Code provisions applicable.

Except as otherwise provided by this chapter, the primary elections and all related matters shall be conducted in accordance with the provisions of Title 23 of the Palau National Code Annotated.

Source
RPPL 3-44 § 5, modified.

§ 1705. Rules and regulations.

The Election Commission shall promulgate such rules and regulations as are necessary to effectuate the purposes of this chapter.

Source
RPPL 3-44 § 6.

§ 1706. Actions for determination of constitutional questions.

An action challenging the constitutionality of sections 1701, 1702, or 1703 of this chapter or sections 1105, 1521, 1522, or 1551 of this title brought on or before March 1, 1992 by the Election Commission, a political party registered pursuant to 23 PNC 1106, or any citizen of

Palau shall be an actual controversy within the jurisdiction of the Supreme Court pursuant to 14 PNC 1001 and Rule 57 of the Rules of Civil Procedure. The preceding provision of this section shall in no way limit the rights of any person or entity to bring an appropriate legal action concerning this chapter at any time.

Source
RPPL 3-44 § 7, modified.

§ 1707. Absentee ballots.

Any registered voter who requests an absentee ballot for the primary election shall automatically be sent an absentee ballot for the next General Election by the Election Commission.

Source
RPPL 3-65 § 4, modified.

Chapter 20
Petition to Amend Constitution

§ 2001. The format of the petition to place a proposed constitutional amendment on the ballot.
§ 2002. Signatories to petition.
§ 2003. Circulator's affidavit.
§ 2004. Petition proposing an amendment to the Constitution.
§ 2005. Invalidation of signatures.
§ 2006. Political education as to effect of proposed amendments.
§ 2007. Misdemeanor penalties for misconduct.
§ 2008. Regulations.

§ 2001. The format of the petition to place a proposed constitutional amendment on the ballot.

(a) Each petition proposing a constitutional amendment shall include, in English and Palauan languages:

(1) the text of the proposed amendment, in accordance with section 2004(a); and

(2) an explanation, in plain terms, of the intent and effect of the proposed amendment, in accordance with section 2004(b).

(b) Petition sections must be printed in uniform size with uniform spacing.

(c) All print on the petition must be in a font of no less than 12-point size.

(d) The petition must be designed so that each signer can personally affix his or her printed name; signature; residence address (including hamlet or city, and state, or an explanation of how to locate place of residence); telephone number; and the date he or she signed the petition.

(e) Signature spaces must be consecutively numbered, commencing with the number one (1).

(f) If a circulator is circulating more than one petition, each of which proposes a separate constitutional amendment, each petition must be printed on paper differing in color from that of every other petition so that the petitions are distinguishable from one another. For the purposes of this chapter, a "circulator" is any person who presents a petition to a voter for the purpose of procuring the voter's signature.

(g) A true copy of each petition proposing a constitutional amendment shall be maintained by the Palau Election Commission and shall be available at all times during business hours for public inspection; every such petition filed with the Palau Election Commission is public record.

Source
RPPL 7-22 § 2, modified.

§ 2002. Signatories to petition.

Each signatory must personally sign or affix his or her mark to the petition. For each signatory there must also appear, printed in the English alphabet, the signatory's name, residence address (including hamlet or city, and state, or an explanation of how to locate place of residence), telephone number, and other information that would assist in locating him or her, if necessary, to verify the signature. A signatory may request another person to print the signatory's name, residence address (including hamlet or city, and state, or an explanation of how to locate place of residence), and telephone number on the petition. If a signatory affixes his or her mark to the petition in lieu of making a signature, two persons other than the circulator shall bear witness to the mark by signing their names next to the mark. If an individual, due to a disability, is unable to sign the petition, the individual may authorize another person to sign for him or her; and the authorized person must sign the petition while in the individual's presence, and in the presence of the circulator.

Source
RPPL 7-22 § 3, modified.

§ 2003. Circulator's affidavit.

(a) An affidavit of each circulator, made under penalty of perjury and subscribed and sworn before a notary public, must be attached to each petition when filed with the Palau Election Commission. The absence of a circulator's affidavit will invalidate the entire petition. The circulator's affidavit must be affixed to the last page of the petition, but need not be affixed to each signature page.

(b) Each circulator of a petition must comply with the requirements of this section, and the affidavit must clearly identify which signatures were obtained by each circulator of the petition.

(c) The affidavit must attest that:

(1) the circulator personally witnessed the affixing of every signature or mark; and

(2) according to the best information and belief of the circulator, each signature collected is the genuine signature of the person whose name it purports to be; and

(3) duplicate signatures were not collected; and

(4) the circulator did not obtain signatures by any false or misleading statement, threat, or the offer of any valuable consideration; and

(5) the circulator made no alteration to the signature, name, or any other information written by the signatory or person assisting a signatory; and

(6) each person whose signature appears on the petition was permitted to read the petition or, at their request, had the petition read to them; and

(7) the signature sheets were attached at all times during circulation to a complete and accurate copy of the petition.

(d) The circulator must personally affix in his or her own handwriting, his or her printed name, residence address (or an explanation of how to locate place of residence), telephone number, and the date or dates on which the petition was circulated.

(e) The circulator must be a registered voter and a Palauan citizen.

Source
RPPL 7-22 § 4.

§ 2004. Petition proposing an amendment to the Constitution.

(a) To propose an amendment to the Constitution, a registered voter of the Republic of Palau shall deliver to the Palau Election Commission a petition stating the proposed amendment in English or Palauan language, or both. If a petition is submitted in one language or the other, but not both, the Bureau of Domestic Affairs shall cause to be prepared an official translation into the other language and shall submit a copy of the translation to the person or persons proposing the amendment for his, her, or their approval.

(b) For each proposed amendment, the petitioner or petitioners shall submit to the Palau Election Commission an explanation in plain terms in English or Palauan language, or both, of the intent and effect of the proposed amendment. If the explanation is submitted in one language or the other, but not both, the Bureau of Domestic Affairs shall cause to be prepared an official translation into the other language and shall submit a copy of the translation to the person or persons proposing the amendment for his, her, or their approval.

(c) Upon agreement of the petitioner or petitioners that both English and Palauan versions accurately reflect the language and intent of the proposed amendment, the Palau Election Commission shall authorize the petition for circulation.

(d) The proponents of a petition shall have one year from the date of authorization to file the required number of signatures of registered voters with the Palau Election Commission. The number of signatures required to place a proposed constitutional amendment on the ballot is a number not less than twenty-five percent (25%) of the number of registered voters.

(e) The signed petition must be filed by hand-delivery to the Palau Election Commission during regular office hours. A signed petition must be filed not less than 180 days before the date of the next quadrennial general election in order to be included on the ballot. A signed petition filed less than 180 days before the date of a quadrennial general election shall be placed in the ballot in the next following quadrennial general election, if the petition meets all other requirements of this chapter.

(f) After the filing of the petition, no additional signatures may be filed or accepted. The Palau Election Commission shall, as soon as practicable but no event later than ninety (90) days after a petition is filed, count the names on the petition, verify the authenticity of signatures of

registered voters, and declare the petition to be sufficient or insufficient to warrant placing the proposed constitutional amendment on the ballot in the next quadrennial general election. A signatory may withdraw his or her name from the petition at any time before the Palau Election Commission has declared the petition to be sufficient or insufficient.

Source
RPPL 7-22 § 5, modified.

§ 2005. Invalidation of signatures.

A signature or group of signatures on a petition shall be invalidated by the Palau Election Commission, and the corresponding name or names not counted toward the total number required for placing the proposed constitutional amendment on the ballot, if:

(a) the signature appears more than once (in which event only the first signature encountered during verification will count); or

(b) the signature does not match the voter's signature in the general district register maintained by the Palau Election Commission or the signature appearing on the voter's most recent affidavit filed for the purpose of absentee voting; or

(c) the signer fails to indicate the date he or she signed the petition; or

(d) there are material defects in the affidavit of the circulator, including without limitation the failure of the circulator to complete the required affidavit, omission of one or more of the attestations required under section 4(c), defective notarization, and the like; or

(e) the Palau Election Commission determines that the signature is not genuine, or the manner in which the signature was obtained did not comply with the law or applicable regulations.

Source
RPPL 7-22 § 6.

§ 2006. Political education as to effect of proposed amendments.

Not less than fifteen (15) days or more than sixty (60) days after the Palau Election Commission declares a petition proposing a constitutional amendment to be sufficient for inclusion on the ballot in the next quadrennial general election, the Attorney General shall prepare an explanation

in plain terms of the effect and operation of the proposed amendment, if adopted. The Attorney General shall state when the proposed amendment is to become effective, if adopted. The explanation shall not exceed five hundred (500) words in length. An official Palauan language translation of the explanation shall be prepared. Copies of both the English and Palauan language versions of the Attorney General's explanation shall be available to any person upon request at the office of the Palau Election Commission. Copies of the English and Palauan language versions of the explanation shall be published as a public service, for free, by the newspaper(s), or, if necessary, at the expense of the Palau Election Commission at least once a week in a newspaper of general circulation in the Republic of Palau for each of the four weeks immediately preceding the quadrennial general election in which adoption of the proposed amendment is to be decided.

Source
RPPL 7-22 § 7,modified.

§ 2007. Misdemeanor penalties for misconduct.

In addition to any other offenses or penalties provided by law, every person who commits any of the following acts in this section will be guilty of a misdemeanor punishable by a fine of up to five thousand dollars ($5,000) or up to six (6) months in jail, or both.

(a) an intentional misrepresentation or intentional false statement by the circulator of a petition concerning the content or effect of any proposed constitutional amendment, if such misrepresentation or false statement is made to any person who signs, desires to sign, or is requested to sign the petition, or to whom the petition is presented for signature;

(b) the intentional circulation, publication, or exhibition of any false statement or misrepresentation concerning the purpose or effect of any proposed constitutional amendment for the purpose of obtaining any signature;

(c) refusal by a circulator of a petition to allow a prospective signatory to read the petition;

(d) an offer or gift of money or other valuable consideration by any person to another in exchange for his or her signature on a petition;

(e) the solicitation or making of any false or forged signature to the petition;

(f) circulating, causing to be circulated, or filing a petition by any person who knows it to contain false or fictitious names;

(g) signing a petition in fictitious name or in the name of another;

(h) knowingly signing the same petition more than once; or

(i) threatening to commit an assault or battery on a person circulating a petition or on a relative of such a person or to inflict damage on the property of the circulator or relative with the intent to dissuade the circulator from circulating the petition or in retribution for the circulation. The penalties provided in this section are in addition to penalties, criminal or civil, provided by other law.

Source
RPPL 7-22 § 8, modified.

§ 2008. Regulations.

The Palau Election Commission is authorized to promulgate regulations pursuant to the Administrative Procedure Act, 6 PNC Chapter 1, in accordance with the purpose of this chapter. Regulations may provide instructions to proponents regarding the registration of a petition proposing a constitutional amendment, instructions to circulators, a recommended form of a petition and signature pages, a recommended form of circulator's affidavit, and any other form or information that may facilitate the processing of a petition proposing a constitutional amendment. This chapter shall become effective notwithstanding the absence of regulations and notwithstanding any subsequent repeal, rescission, or amendment of regulations.

Source
RPPL 7-22 § 9, modified.