

NITIJELA OF THE MARSHALL ISLANDS

24th CONSTITUTIONAL REGULAR SESSION, 2003

BILL NO: 157 ND1
P.L. NO. 2003-80

AN ACT

1 to amend the Elections Offenses Act, by inserting additional provisions to clarify certain offenses
2 and to prohibit certain acts on polling day.
3

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

5 **Section 1. Short Title**

6 This Act may be cited as the Election Offenses (Amendment) Act, 2003.

7 **Section 2 Amendments**

8 The Elections Offenses Act is hereby amended in the following manner;

9 (1) By amending section 211 to read as follows;

10 **§211. Bribery**

11
12 (1) For the purpose of the Elections and Referenda Act, 1980, a person or
13 candidate who, directly or indirectly;

14 (a) gives, lends or agrees to give, lend or offer any money or promise to
15 procure any money or other valuable consideration to or for the purposes of
16 influencing a voter to vote for, or to refrain from voting for, a certain candidate; or

17 (b). accepts or takes any money, offered or promised, in order to
18 influence the outcome of an election;

19 shall be guilty of the offense of "bribery" and upon conviction, shall be liable as follows;
20

1 (i) in the case of a person who has been elected to
2 office, such person shall be disqualified from holding office
3 immediately and his or her election to that office shall be vacated
4 as of the date conviction, if no appeal against the conviction has
5 been filed. If an appeal has been filed, the election shall be vacated
6 on the date the appeal is denied.

7 (ii) in the case of any other person, such persons shall
8 liable to a fine of not more than five hundred dollars (\$500) or a
9 term of imprisonment not exceeding one (1) year or both.

10
11 (2) By amending section 212 to read in the following manner;

12 **§212. Intimidating candidates and Voters**

13 (1) A person who, directly or indirectly, physically threatens or
14 intimidates a candidate in an election so as to cause or attempt to cause him to
15 withdraw from the election shall be guilty of a felony and shall upon conviction be
16 liable to a fine not exceeding \$2,000 or to a term of imprisonment not exceeding
17 five (5) years, or both.

18 (2) A person who, directly or indirectly, physically threatens or
19 intimidates a voter in order to induce or compel such voter:

20 (i) to vote for or to refrain from voting for a particular
21 candidate in an election; or

(ii). to refrain from voting in the elections or referendum; or

(iii) to vote or refrain from voting in a particular way in a

referendum;

shall be guilty of the offense of "Intimidating Candidates and Voters" and upon

conviction, shall be liable to a fine not exceeding one thousand dollars (\$1,000) or to a

term of imprisonment not exceeding five (5) years or both.

Section 3. Effective Date

This Acts shall take effect upon certification in accordance with Article IV Section 21 of the Constitution and the Rules of Procedures of the Nitijela.

CERTIFICATE

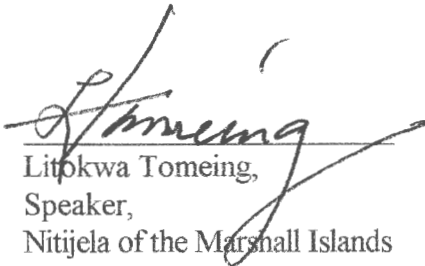
I hereby certify:

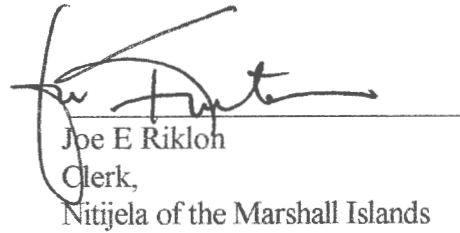
(1) that Nitijela Bill No. 157ND1 was passed by the Nitijela of the Marshall Islands on the 30th day of Sept., 2003; and

(e) that I am satisfied that Nitijela Bill No. 157ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela .

I hereby place my signature before the Clerk of the Nitijela this 4th day of Nov,
2003.

Attest:


Litokwa Tomeing,
Speaker,
Nitijela of the Marshall Islands


Joe E Rikloh
Clerk,
Nitijela of the Marshall Islands