

A BILL FOR AN ACT

To enact amendments to Koror State Public Law K3-51-92 to accord with the Court's order issued September 1, 1995 in Ngoriakl et al v. Election Commission Board et al (C/A No. 311-95) requiring certain changes in the date of the General Election for the fifth Koror State Legislature and other matters set forth below.

THE PEOPLE OF KOROR REPRESENTED IN THIS LEGISLATURE OF THE STATE OF KOROR DO ENACT AS FOLLOWS:

SECTION 1. FINDINGS.

A. Koror State Legislature K3-51-92 became law on August 29, 1992. Section 4 of that law establishes a general election for the Koror State Legislature every three years on the first Tuesday of September, which falls on September 5, 1995.

B. On September 1, 1995 at about 4:30 p.m. plaintiffs in Ngoriakl et al vs. Election Commission Board et al (C/A No. 311-95) and their counsel appeared before the Chief Justice seeking to enjoin the election thus set for September 5, 1995. Plaintiffs and their counsel came before the Court at the last hour on the last working day seeking to stop the election.

C. The Court immediately held a hearing in the presence and with the participation of all parties and their counsel. Although the court found that there was no reason for the plaintiffs to run to the court on the last day before the election to seek to enjoin the election; it also found that due to no fault of anyone, the Election Commission had given only 2 or 3 days for candidates to file their petitions to run for the Koror State Legislature in the September 5, 1995, general election.

D. Section 9(B)(3) of K3-51-92 states that all petitions for a general election must be presented, verified and received by Koror State Registrar 30 days before the election.

E. The Court found that confusion had arisen from a Trial Division decision in a case challenging the Koror State Constitution and government, a decision stayed pending appeal; Confusion whether the September 5, 1995 election was to be a Con Con election or for the fifth Koror State Legislature under the current state constitution and government structure. The Court found that this confusion resulted in too short a time allowed for candidates to file their petitions, and that no harm would ensue if the election were to be enjoined; the Court then granted the plaintiffs' petition for a restraining order.

F. On September 1, 1995, the Court ordered the following:

1. The general election of September 5, 1995 is continued to September 26, 1995.
2. A 7 day period for candidates to file their petition to run is ordered with notice to be given on September 2, 1995. September 8, 1995 at 4:30 p.m. is the closing date for petitions to be received.
3. The National Election Commission shall conduct the September 26, 1995 election for the Koror State Legislature pursuant to its established rules and regulations and relevant Koror State Law.

SECTION 2.

A. Contrary provisions of Koror State Public Law No. K3-51-92 notwithstanding, the General Election for the Fifth Koror State Legislature shall be held on September 26, 1995.

B. Contrary provisions of Koror State Public Law No. K3-51-92 notwithstanding, the nominating petitions of persons seeking to be candidates for the Fifth Koror State Legislature shall be accepted by the Election Commission Board up to September 8, 1995 at 4:30 p.m.

SECTION 3. NATIONAL ELECTION LAWS.

Nothing in this Act shall be construed to conflict with the law set forth in Title 23 of the Palau National Code.

SECTION 4. EFFECTIVE DATE.

After this Act is approved by the House of Traditional Leaders, or upon its becoming law pursuant to the Koror State Constitution, a certified copy of this Act shall immediately be transmitted to the authorized representative of the National Election Commissioner. This amendment to KPL No. K3-51-92, enacted to comply with the order of the Supreme Court,

shall become effective upon certification by the Election Commissioner or his duly authorized representative pursuant to 23 PNC 109.

PASSED: SEPTEMBER 8, 1995

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
Salvador Tellames, Speaker

/s/ _____
Lydia W. Ngirmeriil, Clerk

APPROVED ON THIS 12th DAY OF September 1995.

/s/
Ibedul Yutaka M. Gibbons, High Chief