

FIFTH KOROR STATE LEGISLATURE

Fifth Regular Session, July - September, 1997

KSPL NO. K5-82-97
(Intro. as Bill No. 5-36, LD1)

AN ACT

To set the date for the Koror State general election of 1997; to provide for a run-off election in the event that a candidate for Governor does not receive a simple majority of the votes cast in the general election; to provide for voter registration and nomination of candidates for the general election; and for related purposes.

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

Section 1. Findings. The Fifth Koror Legislature hereby finds that Koror State Constitution Article 12, section 3, as amended and adopted on July 15, 1997 in a statewide Referendum, provides for a general election held Tuesday, November 11, 1997, for the governor. The Legislature further finds that the election for Governor shall take place during the general election of 1997, and that it is in the best interests of the people of Koror to have a candidate elected by a majority of votes cast in the election, and that numerous candidates running for the position of Governor may prevent the people from making a meaningful choice for the position by spreading the number of votes cast over a large number of candidates.

Section 2. General Election date; Voting by secret ballot; Applicability of Koror State Election laws.

A. The statewide general election of 1997 for Koror State Government ("the general election") shall be held on November 11, 1997. The polls shall be open from 7:00 a.m. until 7:00 p.m., and any qualified voter may vote at such polling places as are established by the National Election Commission. Any person waiting in line to vote at 7 00 p m shall be allowed to cast a vote in the general election.

B. Voting in the general election shall be by secret ballot.

FIFTH KOROR STATE LEGISLATURE

Fifth Regular Session, July - September, 1997

KSPL NO. K5-82-97
(Intro. as Bill No. 5-36, LD1)

C. All provisions of Title 7 of the Koror State Code shall apply to all aspects of the conduct of the general election to the extent that they do not conflict with the provisions of this Act.

Section 3. Registration of voters and requirements.

A. No person may vote in the general election unless such person is lawfully registered to vote as a voter of the State of Koror by 4:30 p.m. on Friday, October 10, 1997. Any person who will be eighteen (18) years of age on or before November 11, 1997, and who is otherwise eligible to vote, may vote in the general election if registered by October 10, 1997.

B. Any person who is lawfully registered to vote as a voter of Koror State on the effective date of this Act shall not be required to re-register to vote in the general election, provided that such person has not voted in any other state's election on or after November 11, 1996, and provided further, that such person has not resided in any other State of the Republic of Palau with the intent to make that State his or her permanent home. No person may register to vote in the general election if they have voted in the election of any other state on or after November 11, 1996.

C. In addition to meeting the requirements of Articles III and V of the Constitution of the State of Koror and Title 7, Section 102 of the Koror State Code, a person must be a resident of the State of Koror for at least one hundred and eighty (180) days before registering to vote with the National Election Commissioner. For the purposes of this Act, the terms "resident", "residence", and "residency" shall have the definitions appearing in 23 PNCA 103(g), (h), and (i), with the exception that

FIFTH KOROR STATE LEGISLATURE

Fifth Regular Session, July - September, 1997

KSPL NO. K5-82-97
(Intro. as Bill No. 5-36, LD1)

references to "30 day" residency requirements shall be read as requiring residence for 180 days as described herein above.

Section 4. Candidates for office and nominating petitions.

A. All candidates for elective office shall meet the eligibility requirements as set forth in the Koror State Constitution for the particular elective office. In addition, candidates for the Legislature shall meet the qualifications set forth in Article VIII, section 4 of the Koror State Constitution, and 7 KSC 305. The candidate for the office of Governor shall meet the eligibility requirements set forth in Article VII, Section 2 of the amendments to the Constitution as approved in the referendum. A candidate for a "hamlet" seat in the Legislature must be a registered voter in the particular hamlet for which he or she is a candidate.

B. Nomination of candidates for the general election shall be made by petition signed by the candidate and the requisite number of persons lawfully registered to vote in the general election as follows:

(1) petitions for candidates for the office of Governor, shall contain the printed name and signature of at least thirty-five (35) registered voters;

(2) petitions for "at large" candidates for the Legislature shall contain the printed name and signature of at least twenty-five (25) registered voters; candidates for particular hamlet seats shall contain the printed name and signature of at least ten (10) registered voters of that particular hamlet;

(3) all signatures must show the date that the person executed his or her signature on the petition, or else such signature is invalid;

FIFTH KOROR STATE LEGISLATURE

Fifth Regular Session, July - September, 1997

KSPL NO. K5-82-97
(Intro. as Bill No. 5-36, LD1)

(4) any person who signs a candidate's petition must be a lawfully registered voter of the State of Koror on the date that such person signs any petition for candidacy, or else such signature is invalid;

(5) the signature of the candidate on his or her petition shall constitute a certification by such candidate that he or she meets the qualifications for the particular office as set forth in the Koror State Constitution and as set forth in this Act and any other applicable law, rule, or regulation.

C. Candidates for the office of Governor shall pay a non-refundable filing fee in the amount of \$100.00, at large candidates for the Legislature shall pay a non-refundable filing fee of \$25.00, and candidates for a hamlet seat shall pay a non-refundable filing fee in the amount of \$25.00. All candidate filing fees shall be deposited into the Koror State Treasury, and a receipt shall be issued by Koror State Government. No person may be placed or remain on the ballot unless the appropriate filing fee has actually been paid to the Koror State Treasury.

D. Candidates shall submit their signed petitions, and the receipt showing payment of the filing fee, by no later than 4:30 p.m. on Friday, October 10, 1997. All petitions for candidacy and receipts for filing fees shall be submitted to the Office of the National Election Commissioner. Any candidate who desires to voluntarily withdraw from any election governed by this Act shall submit a notice of withdrawal to the National Election Commissioner at least fifteen (15) days in advance of such election.

E. Nothing in this section shall prohibit a person from seeking office as a "write-in" candidate in the general election, but no "write-in" votes shall be allowed or accepted in any run-off election.

Section 5. Votes rewired for election Run-off Election for Governor.

A. The candidates running for an "at large" seat who receive the five highest totals of votes cast in the general election for the Legislature shall be elected as "at large" members of the Legislature and the candidates running for a hamlet seat who receive the highest number of votes cast for the particular hamlet seat shall be elected to that hamlet seat. In the event that any candidate is elected and is thereafter disabled, disqualified, withdraws, or is otherwise unable to serve as a member of the Legislature, before the Legislature's swearing in ceremony, then the person who received the next highest number of votes for the seat shall be deemed elected to the position. In the event of any tie vote for a legislature seat, a run-off election shall be conducted for that seat on December 16, 1997.

B. A candidate for Governor, shall be elected if such candidate receives a majority of the votes cast in the election. In the event that no candidate for Governor receives a majority of the votes cast in the general election, then a run-off election shall be conducted as follows:

(1) the two candidates who received the highest vote totals in the general election shall be voted upon in a "run-off" election to be held on December 16, 1997, voting in the run-off election shall be by secret ballot;

(2) in the event that a candidate for Governor is eligible for the run-off election, but is disqualified, disabled, withdraws, or is otherwise unable to run for office, then the person who received the next highest vote total in the general election shall be placed on the ballot in the run-off election;

(3) no person may vote in the run-off election unless such person was registered to vote in the general election;

FIFTH KOROR STATE LEGISLATURE

Fifth Regular Session, July - September, 1997

KSPL NO. K5-82-97
(Intro. as Bill No. 5-36, LD1)

(4) the polls shall be open from 7:00 a.m. until 7:00 p.m., and any qualified voter may vote at such polling places as are established by the National Election Commission. Any person waiting in line to vote at 7:00 P.m. shall be allowed to cast a vote in the run-off election;

(5) all provisions of Title 7 of the Koror State Code shall apply to all aspects of the conduct of the run-off election to the extent that they do not conflict with the provisions of this Act;

(6) rules and regulations promulgated by the National Election Commissioner, and applicable national law, shall govern any procedure or other matter that is not contained in or expressly provided for by this section.

Section 6. Prior inconsistent law; Applicability of national law and regulations.

A. Any election law or other applicable law of the State of Koror which is inconsistent with the provisions of this Act shall be inapplicable to the general election to the extent of such inconsistency.

B. Rules and regulations promulgated by the National Election Commissioner, and applicable national law, shall govern any procedure or other matter that is not contained in or expressly provided for by this Act.

Section 7. Severability. In the event that a court of competent jurisdiction determines that any part or portion of this law is invalid, then the offending portion or portions may be stricken, and the remaining portions shall continue in full force and effect.

FIFTH KOROR STATE LEGISLATURE

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Section 8. Effective date. This Act shall become effective upon its approval by the House of Traditional Leaders of the State of Koror, or upon its becoming law by operation of the Koror State Constitution.

PASSED: September 8, 1997

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
Salvador Tellames, Speaker
5th Koror State Legislature

/s/ _____
Charlyne Uong, Clerk
5th Koror State Legislature

APPROVED ON THIS 26th DAY OF September, 1997.

/s/
Ibedul Y. M. Gibbons
House of Traditional Leaders