

AN ACT

To provide for general elections; repeal and amend certain sections of Title 43 of the Trust Territory Code; repeal certain sections of RPPL No. 1-22 and Palau Public Law No. 7-3-22; and for related purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS FOLLOWS:

1           Section 1.       When general election held. General  
2 elections for the President and Vice President of the Republic  
3 of Palau and the members of the Olbiil Era Kelulau shall be  
4 held quadrennially in every other even numbered year on the  
5 first Wednesday in November; provided, that if a natural  
6 disaster or other Act of God precludes holding the election on  
7 the foregoing date, the President, may proclaim a later  
8 election date, PROVIDED FURTHER, that the 1984 general election  
9 shall be held on Friday, November 30, 1984.

10           Section 2.       Residence and residency; defined; guide-  
11 lines. The following definitions and guidelines apply to all  
12 national elections:

13           (a) Unless. the context requires otherwise:

14               (1) "Residency" means a period of time  
15 prescribed by law for which residence shall be  
16 established."

17               (2) "Residence" means a political  
18 jurisdiction in which an individual has been  
19 physically present on a reasonably continuous  
20 basis within a minimum thirty day period with  
21 the intent to establish his permanent home therein.

22               (3) "Resident" means an individual who has  
23 established residency.  
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1           (4) "Political jurisdiction" means the  
2           Republic of Palau, a state, senatorial district,  
3           or combination thereof, or a foreign jurisdiction  
4           as the context requires.

5           (5) "Election Commissioner" means the  
6           President of the Republic of Palau.

7           (6) "Reasonably continuous basis" means at  
8           least twenty-five days out of a period of thirty  
9           consecutive days with an interruption of no more  
10          than forty-eight consecutive hours within the  
11          thirty day period, or as provided by the Election  
12          Commissioner.

13          (b) Residence and residency shall be determined for the  
14          purpose of national elections according to the following guide-  
15          lines:

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

22               (2) The most recent entry of an individual's  
23               name and residence in the General Register is  
24               presumptive evidence of an individual's residence.  
25               This presumption may be rebutted by evidence  
26               demonstrating that the entry made by the Election  
27               Commissioner was not in conformity with the most  
28               recent application and/or affidavit filed for  
29               registration or reregistration.

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

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

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

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

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

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

28                   (E) the degree of personal involve-  
29 ment in the social, political, cultural,  
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1 governmental, traditional, and religious  
2 affairs of, and organizations and  
3 institutions operating within, the  
4 political jurisdiction;

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

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

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

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

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

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

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

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

9 Section 3. Voters deemed registered. Notwithstanding  
10 any requirements of registration for national elections, all  
11 voters who were registered to vote in the November, 1980  
12 general election are deemed registered and shall not be  
13 required to register again except where re-registration has  
14 become necessary because of change of name or residence or  
15 where disqualifications enumerated by 43 TTC §154 have  
16 intervened; PROVIDED, that if voting records have been destroyed  
17 or lost, the Election Commissioner may require re-registration  
18 of voters; PROVIDED FURTHER, that if the Election Commissioner  
19 determines that the definitions and guidelines for residence  
20 and residency provided herein calls into question the validity  
21 of registration for a substantial segment of the electorate,  
22 he may require the re-registration of all voters.

23 Section 4. Registration and re-registration; require-  
24 ments; deadlines. In any national election, an individual may  
25 register or reregister to vote in the political jurisdiction  
26 in which he has been a resident for at least thirty days  
27 preceding the date of registration or re-registration. The  
28 last day for registration or re-registration shall be not later  
29 than 4:30 P.M. on the sixtieth day before the election. The  
30 Election Commissioner is specifically authorized to provide for  
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1 the registration and re-registration of qualified voters out-  
2 side the territorial jurisdiction of the Republic.

3 Section 5. Restriction on public employees; resignation  
4 required after becoming a candidate. An employee of the  
5 national government covered under the National Public Service  
6 System Act, or of the state governments, or their agencies,  
7 shall not:

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

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

16 Section 6. Amendment. 43 TTC §152(7) is amended to  
17 read as follows:

18 "(7) To receive nomination petitions and  
19 list of all candidates for election in an order to  
20 be determined by lot on the ballots for each  
21 election districts."

22 Section 7. Amendment. 43 TTC §256 is amended to read  
23 as follows:

24 "§256. Reregistration. Any voter who changes  
25 his residence from one voting precinct to another,  
26 or who changes his name, after registration in any  
27 general district register, may register again in  
28 such general district register under the proper  
29 voting precinct or the proper name and the election  
30 commissioner or his authorized representative shall  
31 cancel the former registration by drawing one or  
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1 more lines through the name of such voter as  
2 previously registered and enter or cause to  
3 be entered his own signature and the date of  
4 cancellation with ink on the same line;  
5 provided, that no such registration shall be  
6 allowed on account of any change of residence  
7 or name made within sixty days before an  
8 election."

9 Section 8. Amendment. 43 TTC §351(1) is amended by  
10 adding paragraph (c) to read as follows:

11 "(c) He is physically present in the  
12 states of Sonsorol or Tobi twenty days before,  
13 or on the day of, the election."

14 Section 9. Repealer. The following provisions are  
15 hereby repealed:

16 (a) Sections 2(a)(3), 6(c), and 6(d) of RPPL No. 1-22;

17 (b) Sections 2, 3, 5, and 13 of Falau Public Law No.  
18 7-3-22; and

19 (c) 43 TTC § 257.

20 Section 10. Candidates for the Olbiil Era Kelulau;  
21 additional requirement. A candidate for the Olbiil Era Kelulau  
22 must be a registered voter of the state or senatorial district  
23 which he or she seeks to represent.  
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1           Section 11.   Effective Date.   This Act shall take  
2           effect upon its approval by the President of the Republic of  
3           Palau, or upon its becoming law without such approval, except  
4           as otherwise provided by law.

PASSED:   September 10, 1984

/s/ \_\_\_\_\_  
for Carlos H. Salii, Speaker  
House of Delegates

/s/ \_\_\_\_\_  
for Kaleb Udui, President  
The Senate

Approved this 14 day of September, 1984.

/s/ \_\_\_\_\_  
Haruo I. Remeliik  
President  
Republic of Palau