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Elections Offenses Act [2 MIRC Ch 2]

2 MIRC Ch. 2

MARSHALL ISLANDS REVISED CODE 2004

TITLE 2 –ELECTIONS

CHAPTER 2

ELECTION OFFENSES

ARRANGEMENT OF SECTIONS

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[This chapter was originally codified as Part X of the Elections and Referenda Act, Title 2, Chapter 1. It was excerpted from that chapter and re-codified here for sake of clarity and ease of reference. Following the style of the MIRC, a short title was assigned.][**Section numbering modified to reflect new numbering format.**]

Commencement: December 31, 1980

Source: P.L. 1980-20

P.L. 1983-25

P.L. 1992-9

P.L. 2003-80

§201. Short title.

This Chapter may be cited as the [Elections Offenses Act](#).

§202. Breach of secrecy.

Any person who in any way violates the secrecy of the ballot shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year or both. [P.L. 1980-20, §86.]

§203. Reserved [repealed by P.L. 1992-9, §12.]**§204. Offenses by persons assisting voters.**

A person assisting, in accordance with 2 MIRC s174, another person to record his vote and who influences the voter in the recording of his vote, or who does not record the vote in the manner in which he is directed by the voter to do so, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both. [P.L. 1980-20, §88.]

§205. Double voting.

A person who votes more than once in an election or referendum shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both. [P.L. 1980-20, §89.]

§206. Personation.

A person who, for the purposes of voting in an election or referendum, personates another person shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both. [P.L. 1980-20, §90.]

§207. Voting while not entitled.

(1) Subject to Subsection (2) of this Section, a person who votes in an election or referendum in which he is not entitled to vote shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both.

(2) It is a defense to a charge of an offense under Subsection (1) of this Section if the accused person proves that he did not know, and could not by the exercise of reasonable diligence have known, that he was not entitled to vote in the election or referendum. [P.L. 1980-20, §91]

§208. Candidates at polling places.

(1) Subject to Subsection (2) of this Section, if a candidate for election to an elective office is present, without reasonable excuse (the burden of proof of which is on him), during the hours of polling in the election for the office, within 100 feet of a polling place being used in the election, he shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$300 or to a term of imprisonment not exceeding seven (7) days, or both.

(2) Subsection (1) of this Section does not apply if a candidate's presence at or near the polling place was:

(a) for the purpose of voting or

(b) for the purpose of which or on an occasion on which, his presence was specifically authorized by or under this Chapter. [P.L. 1980-20, §92.]

§209. Campaigning on polling day.

A person who, on the day of an election or referendum, campaigns within one hundred (100) feet of a polling place shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both. [P.L. 1980-20, §93.]

§210. Radio campaigning on polling.

Radio or television campaigning on the day of an election or referendum is prohibited. [P.L. 1980-20, §94.]

§211. Bribery.

(1) For the purpose of the [Elections and Referenda Act, 1980](#), a person or candidate who, directly or indirectly:

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

(b) accepts or takes any money, offered or promised, in order to influence the outcome of an election, shall be guilty of the offense of 'bribery' and upon conviction, shall be liable as follows;

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

(ii) in the case of any other person, such persons shall be liable to a fine of not more than five hundred dollars (\$500) or a term of imprisonment not exceeding one (1) year or both. [P.L. 1980-20 §95.][P.L. 2003-80]

§212. Intimidating candidates and Voters.

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

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

(i) to vote for or to refrain from voting for a particular 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 an election or 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. [P.L. 1980-20, §96.][§§211 & 212 amended by P.L. 2003-80]

§213. False ballot papers.

A person who, without the authorization of the Chief Electoral Officer, willfully and unlawfully prints, copies, imitates or distributes, or causes to be printed, copied, imitated or distributed, any official ballot paper, or any document that is so substantially similar in style or content to an official ballot paper as to cause likelihood of confusion with an official ballot paper, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both. [P.L. 1980-20, §97]

§214. Interference with election or referendum.

A person who interferes with the orderly process of an election or referendum shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both. [P.L. 1980-20, §98.]

§215. False and misleading information.

A person who, for any purpose or alleged purpose of the [Elections and Referenda Act](#) or this Chapter, supplies to any person any information that is false or misleading in a material particular, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding one year, or both. [P.L. 1980-20, §99.]

§216. Gambling on polling day.

(1) A person who gambles, during the hours of polling in an election or referendum, and in an electorate in which the election or referendum is being conducted, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding seven (7) days, or both.

(2) For the purposes of this Section, 'gamble' means, subject to Subsection (4) of this Section, to engage in an activity in which a person stakes or risks something of value:

- (a) on the outcome of a contest of chance or skill; or
- (b) on a future contingent event not under his control or influence, under an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome.

The term 'gamble' as used herein also includes such things as bingo and a lottery.

(3) As used in Subsection (2) of this Section, 'something of value' means:

- (a) any money, property or service;
- (b) any token, object or article exchangeable for any money, property or service; or
- (c) any form of credit or promise directly or indirectly contemplating the transfer of any money, property or service or of any interest in any money, property or service.

(4) For the purposes of this Section, bona fide business transactions that are valid under the law of contracts, do not constitute 'gambling' as defined in this Section. Bona fide business transactions include:

- (a) contracts for the purchase or sale of securities or commodities for a predetermined price at a future date; and
- (b) agreements to compensate for loss caused by the happening of an event (such as contracts of insurance).

(5) This Section does not apply in relation to an electorate in which voting is going on only at special polling places opened in accordance with 2 MIRC §156(1). **[P.L. 1980-20, §100; amended by P.L. 1983-25, §7.]**

§217. Alcoholic beverages on polling day.

(1) A person who, during the hours of polling in an election or referendum and in an electorate in which the election or referendum is being conducted, sells or otherwise provides to another person any alcoholic beverage shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both.

(2) This Section does not apply in relation to an electorate in which voting is going on only at special polling places opened in accordance with 2 MIRC §156(1) **[P.L. 1980-20, §10][amended by P.L. 1983-25, §8, introducing Subsection (2).]**

§218. General penalty.

A person who commits an offense against any provision of this Chapter or of the regulations made pursuant to 2 MIRC Chapter 1, Section 198 for which no other penalty is prescribed, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year, or both. **[P.L. 1980-20, §102. this Section has been renumbered]**

§219. Attempts.

A person who attempts to commit an offense in violation of this Chapter or the regulations made pursuant to 2 MIRC Section 198 shall be guilty of a misdemeanor and shall upon conviction be liable to the same penalty as he would have been liable to if he had actually committed the offense. **[P.L. 1980-20, §103, this Section has been renumbered]**

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