



REPUBLIC OF PALAU
Office of the Election Commission
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RULES & REGULATIONS
GUBERNATORIAL RUN-OFF ELECTION
KOROR STATE

PURPOSE: Pursuant to Koror State Public Law No. K6-123-2001 and Title 23 PNC as amended, the Election Commission hereby adopts the following rules and regulations for the purpose of administering the Koror State Gubernatorial Run-Off Election to be held on **December 12, 2017.**

SECTION 1. DATE, PLACE AND TIME OF ELECTION.

The Gubernatorial Run-Off Election shall be held on **December 12, 2017** for Koror State. All polling places within the Republic shall be open from **7:00 a.m. to 7:00 p.m.** Representatives of the Election Commission shall travel among such polling places to supervise the voting in accordance with Title 23 and these rules and regulations.

SECTION 2. ELECTION BOARDS.

Appointed by and responsible to the Election Commission each Board of Election member shall have the powers and duties as follows:

- (a) To supervise and manage each polling place;
- (b) To receive, preserve and maintain ballot boxes, locks, and other supplies and equipment necessary for the orderly conduct of the election;
- (c) To give such instruction as deemed necessary for the orderly conduct of the election;
- (d) To require voters to provide pictured ID when voting.
- (e) To provide for the issuance of all notices and publications concerning the election;

- (f) To transmit all ballot boxes, locked and sealed, to the Election Commission;
- (g) To receive and investigate complaints and decide issues raised in said complaints, subject to appeal to the Election Commission; and
- (h) To perform other related duties as may be prescribed by the Election Commission.

Upon appointment to a Board, a Board member shall not participate in any campaign activities. The Election Boards shall cease to exist and each member's term shall expire upon certification of the election results.

SECTION 3. VOTER REGISTRATION.

Any person whose name appears on the most recent Koror State voter list maintained by the Election Commission need not register again except where re-registration has become necessary. Any citizen desiring and qualified to vote, but who is not registered, must do so at the Office of the Election Commission, or may request an **AFFIDAVIT OF APPLICATION TO VOTE** from the following address:

Palau Election Commission
P. O. Box 826
Koror, Republic of Palau 96940
Phone: (680)488-1554/4543
Fax: (680)488-3327
E-Mail: palauelect@palaunet.com

The deadline for registration is 4:30 p.m. on October 13, 2017.

- (a) Upon receipt of the Affidavit on Application to Vote, the applicant must fully complete and execute such application before a Notary Public or a person authorized by law to administer oaths. After completing the application, the applicant shall forward his/her application to the Office of the Election Commission. The Commission must receive the application no later than 4:30 p.m. on **October 13, 2017.**
- (b) Upon receipt of the application, the Election Commission shall examine the affidavit as to its proper execution and the applicant's qualifications to register as a voter. If the Election Commission determines that the applicant is eligible to vote, the applicant shall be registered immediately or at the next available opportunity that voters may register in the applicant's state of desired registration.

SECTION 4. ABSENTEE VOTERS.

- (a) A registered voter may be entitled to vote by absentee ballot if he or she meets any of the following requirements:
- (1) He/she is confined to home or hospital in the Republic because of illness or physical disability, and is prevented from attending the poll; or
 - (2) He/she is prevented from voting by reason of being at sea or absent from the administrative district in which he/she is registered, or
 - (3) He/she is leaving the Republic before the election.

SECTION 5. REQUEST FOR ABSENTEE BALLOT

- (a) A voter who meets any of the requirements of Section 4 (a) may cast his/her vote by absentee ballot. If a voter would like to vote by absentee ballot because he/she qualify under Section 4(a)(1)(2) above, the voter must make a request for an absentee ballot in writing, including the voter's name, voting precinct, election district, reason(s) for being absent, and address to which the ballot should be forwarded. **E-MAIL REQUEST WILL BE HONORED, PROVIDED THE REQUESTOR MUST CONTACT PALAU ELECTION COMMISSION FOR CONFIRMATION OF RECEIPT.**
- (b) Requests for absentee ballots for the Gubernatorial Run-Off election as provided in Section 4 (a) (2) must be received by the Election Commission no later than **5:00p.m. on the 15th day before the election (November 27, 2017).** The voter shall receive an official ballot, a ballot envelope, an affidavit and an outer envelope in which to return the materials to the Commission.
- (c) A request for absentee ballot by a confined person as provided in Section 4(a) (1) of these rules and regulations must submit a written request to a board member present at the voting precinct of the confined voter or at Election Commission Office at Meyuns **on the 7th day before the election day;** provided, however only confine request for voters present in **Koror** will be considered.

- (d) An absentee ballot is an official ballot that is completed outside of any polling place on or prior to the date of the election.

SECTION 6. DISPOSITION OF ABSENTEE BALLOTS.

- (a) Absentee ballots (other than those submitted by confined voters) must be transmitted to the Election Commission by means of a postal or courier service **not later than the established closing hour of business on the day before the election, December 11, 2017.** All absentee ballots shall be held, unopened, in a place to be designated by the Election Commission, after which time the absentee ballots shall be counted in the manner prescribed in subsection (b) of this Section.
- (b) The Election Commission shall direct for each absentee ballot received, that: the outer envelope for the absentee ballot be opened, the sealed ballot envelope be removed and the accompanying affidavit be examined. If the Election Commission is satisfied that the ballot has been properly cast, the sealed ballot envelope shall be deposited in a container. The Election Commission shall safely keep such container in a secure place until such time when the container is publicly opened and the ballot envelopes delivered to the Counting and Tabulation Committee.
- (c) If the affidavit is found to be insufficient, the signatures do not correspond, or the voter has not otherwise complied with the requirements for absentee voters, the ballot envelope shall not be opened and the Election Commission shall mark across its face "REJECTED", stating the reason for the rejection and shall preserve the same together with the affidavit, in the manner provided by the Election Commission.

SECTION 7. POLLING PLACES TO BE SUPERVISED.

Each polling place shall be supervised and managed by at least two Board members on election day. At least one Board member shall be present at all times while the poll is open.

SECTION 8. POLL WATCHERS.

Any citizen desiring to observe voting procedures within a polling place shall submit a written request to be a poll watcher to the Election Commission or to any member of the Board three (3) days prior to the opening of the polls for polling places located in the Republic, stating the requestor's name and the polling place(s) to be observed. Requests not received as specified above shall not be considered. The Election Commission shall divide the time of watching the polls equally among those granted poll watcher status. In the event that a poll watcher has identified himself or herself as being a supporter of a particular candidate or issue, the Election Commission shall divide the time so that poll watchers of a particular group are allowed to observe the voting procedures within a polling place for an amount of time equal to the time granted to poll watchers of all other groups. However, at no time shall more than two (2) poll watchers for each candidate be allowed within any one polling place at a time. Poll watchers shall not interfere with Board members who are supervising the election or with the orderly conduct of the election. If a Board member determines that a poll watcher is being disruptive, the poll watcher shall immediately be ejected from the polling place.

SECTION 9. OPENING AND CLOSING OF POLLS.

At 7:00 a.m. on the day of the election, a Board member shall state loudly that the polling place is open, and that it shall remain open until 7:00 p.m. provided, that if at the hour of closing there are other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the poll shall be kept open for a sufficient time to enable them to vote.

SECTION 10. CAMPAIGNING AT POLLING PLACES AND SALE OF ALCOHOLIC BEVERAGES.

The restrictions that apply are as follows:

- (a) No campaigning shall be conducted within five hundred (500) feet of a ballot box on the day of the election. This prohibition shall apply to posters, flyers, t-shirts, buttons or any other item or method used to promote a particular candidate or candidates.
- (b) There shall be no campaigning over any broadcast station or any cable television within the Republic on the day of the election.

- (c) No alcoholic beverages shall be sold in the State of Koror or otherwise provided to any person in Koror while the polls are open.
- (d) No candidate shall be allowed within five hundred (500) feet of any ballot box except for the purpose of casting his/her own ballot.

SECTION 11. DISPOSITION OF BALLOT BOXES.

After all voting have been completed, all ballot boxes shall be secured and locked. Such locks shall only be removed publicly at the officially designated counting and tabulation center. The locked boxes and all other supplies provided to the polling places by the Election Commission shall be delivered to the Commission by the safest and most expeditious means available.

SECTION 12. ELECTION IRREGULARITIES.

Any person may file an oral or written complaint of any election irregularities concerning the conduct of voting at a particular polling place with a member of the Election Board present at that polling place. The Board member shall give an individual against whom the complaint is made time to present witnesses and explanation, if any, but in no event shall such time be granted so as to prevent the Board member from making a decision prior to the time for the closing of the polls. The complainant or the individual against whom the complaint is made may appeal the decision to the Election Commission if the appeal is made before the closing of the polls. The Election Commission shall, as soon as possible examine the finding of the Board and may hear witnesses, if deemed necessary. The Election Commission shall render its decision before the closing of the polls. An aggrieved party may appeal the Commission's decision in accordance with 23 PNC Section 1573(b). In the event that a decision of the Election Commission cannot be obtained as heretofore provided, the aggrieved party may appeal the decision of the Board member also pursuant to Section 1573(b).

Facts known to a person or that in the exercise of diligence should have been known to a person on or before the day of the election, relating to the improper voter registration of another voter, or otherwise relating to an illegal or improper vote, MUST be brought to the attention of the Election Commission or an Election Board member through the procedures in this section. Persons with knowledge or election irregularities on or before the day of the election have a duty to bring grievances forward for pre-election adjudication. If such persons do not

make a complaint on or before the day of the election, they are deemed to have waived the challenge and are barred from later making a complaint. Prompt pre-election action is a prerequisite to post-election relief.

SECTION 13. COUNTING AND TABULATION COMMITTEE.

The Election Commission shall appoint a Counting and Tabulation Committee composed of not less than five (5) members. The Committee shall publicly open the ballot boxes; check the record of the used and unused or spoiled ballots; cross match the "signature list" with the precinct list; ascertain that all other materials are properly accounted for; and count, tally and determine the acceptability of all votes cast. Counting and tabulation of ballots shall begin after all the polls are closed and shall continue until all votes cast, including the absentee ballots, have been counted. Each candidate or his or her authorized representative shall be entitled to be present while the votes are being tabulated; provided, that such observers do not interfere in any way with the orderly tabulation of the votes. Upon completion of counting and tabulation of all votes cast, a public announcement of the unofficial results shall be made.

SECTION 14. IMPERFECTLY MARKED BALLOT.

If an oval on the ballot is only partly marked, it does not make a ballot invalid as long as the intent of the voter may reasonably be determined.

SECTION 15. SPOILED BALLOT.

Any voter who spoils a ballot may return it to a member of the Board and receive another in its place. He/she shall be given one ballot at a time; provided, that the number of ballots given him/her does not exceed three (3) in all.

SECTION 16. REJECTION OF BALLOT FOR TECHNICAL ERROR.

A ballot shall not be rejected for any technical error as long as the voter's choice may reasonably be determined.

SECTION 17. REJECTED BALLOTS.

All ballots that have been declared invalid by the Committee shall be segregated and have a notation placed upon them indicating that they are

“rejected ballots”. Upon completion of the counting of the ballots, the Committee shall return both the rejected ballots and validly cast ballots to the Election Commission.

SECTION 18. TRANSMITTAL AND CERTIFICATION OF ELECTION RESULTS.

After all of the ballots have been counted, the Counting and Tabulation Committee shall transmit the election results to the Election Commission. The Election Commission shall certify the results of the election within 5 days from the date of the election.

SECTION 19. PETITION FOR RECOUNT.

Petitions for recount shall comply with 23 PNC Section 1571.

SECTION 20. APPROVAL AND TIMING OF RECOUNT.

Regardless of whether a petition for recount is filed with the Election Commission, if the Commission determines that there is a substantial question of fraud or error and that there is a substantial possibility that the outcome of the election would be affected by a recount, the Commission may order such recount to be conducted. The recount shall be conducted by the Counting and Tabulation Committee as soon as practicable, but no later than 10 days after the decision of the Election Commission, and shall be public.

SECTION 21. APPLICABILITY OF OTHER ELECTION LAWS.

All other provisions of Title 23 of the Palau National Code that apply to elections generally shall apply to the Eight General Election, to the extent not specifically addressed herein.


SECTION 22. EFFECTIVE DATE.

These regulations shall become effective upon adoption by the Election Commission.

Promulgated and certified as lawful and valid on this 30th day of
NOVEMBER 2017.



Aldrin Tellei, Acting Chairman



Benjamin Yobech, Member



Elenita Bennie Brel, Member