

AN ACT

To prohibit election campaigning on the day of an election, to provide for penalties for violations of this Act, and for related purposes.

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

SECTION 1. FINDINGS. The Seventh Koror State Legislature hereby finds that on the day of any election held in the State of Koror, voters are exposed to a flood of campaign activities, including commercials on television and radio, signs, posters, handouts, leaflets, and other forms of campaign materials that the voters have been exposed to for weeks, if not months, before the day of the election. The Legislature is also aware of national law that prohibits campaigning within 100 feet of a ballot box, but this law does not affect campaign activities in any other areas, and that such law is not intended to promote the health, safety, and welfare of voters and non-voters in Koror beyond the 100 feet zone that surrounds a ballot box.

The Legislature further finds that by allowing such campaigning on the day of the election, people may be unduly influenced or pressured to vote in a particular manner, and other activities interfere with the normal flow of traffic on the streets, and may also interfere with school and employment activities. The Legislature has a legitimate concern for the health, welfare, and safety of the people of Koror that may be addressed by prohibiting campaign activities on the day of elections.

It is in the best interests of the people of Koror and of the Republic of Palau to require all campaigning to be complete as of midnight before the day of the scheduled election, and the prohibition of election campaign activities on the day of an election will allow voters to vote with a free conscience and without pressure. Since no candidate will be allowed to campaign after midnight before the day of an election, all candidates will be treated equally, and the adoption of this Act will provide notice to all candidates so that they will be able to plan one extra day of campaigning at an earlier time if they so desire.

SECTION 2. DEFINITIONS.

A. As used in this Act:

(1) "campaign" means advocating or supporting a vote for a particular candidate or candidates in an election, or advocating or supporting a vote in favor of or against a question presented to voters in any election, and includes suggesting or asking or requesting that people vote for a particular candidate or vote in a particular manner on a question presented to the voters in an election, and includes oral statements or assertions made for the purpose of drawing attention to a particular candidate or candidates, or the potential political office of such candidate or candidates, or for the purpose of suggesting a particular vote, all of which activities are conducted or exposed to the public. This definition also includes but is not limited to candidates or their supporters, or individuals, going door to door to meet people for the purpose of introducing the candidate or to otherwise supporting a candidate or candidates or to recommend a particular vote in any election, or to seek or request votes for a particular candidate or candidates to political office, or to seek votes in favor of or opposed to any question presented in any election. It shall also include all forms of advertising or notice in which the name, photo or drawing or likeness, political office, or ballot number of a candidate, or any words or symbols suggesting a vote in a particular manner on any question, are displayed for public viewing or for public attention.

(2) "election" means any election activity, and includes the official voting by any person for

any elected office in any "primary" election, voting in any "special " or "recall" election, voting in

any referendum, and voting in any general election.

(3) "person" means any individual, including any employee of the national government or any states government.

B. The plural form shall include the singular form of the word, and the singular form shall include the plural form.

SECTION 3. PROHIBITION AGAINST CAMPAIGNING ON ELECTION DAY.

A. It shall be unlawful for any person to campaign in public on the day of an election. This prohibition begins at midnight before the day of an election, and continues until all polls for the election are officially closed.

B. All campaign signs, posters, billboards, flyers, and any other campaign postings shall be

removed from public view by midnight before the day of an election. No campaign sign, poster, billboard, flyer, or any other campaign posting may remain in public view after midnight before the day of an election. All candidates and political groups or associations shall insure the removal of all campaign materials as required by this Act, and shall be responsible for complying with the provisions of this section.

C. It shall be unlawful for any person or group to provide money, food, drinks, materials or services including taking or transporting a voter to a voting booth or place for the purpose of influencing or swaying the voter to vote for or against a candidate or a question presented during an election or referendum in Koror State.

SECTION 4. PENALTIES.

A. Any person who violates any provision of this Act shall, upon conviction, be guilty of a misdemeanor, and shall pay a fine in the amount of \$50.00 and may be sentenced to jail for a period of up to three (3) days. In the event of subsequent or multiple offenses, the fine shall be \$100.00, and jail time imposed shall be not less than one (1) day, and not more than ninety (90) days in jail.

B. Upon conviction for any subsequent offenses, the jail time shall be increased over any previous jail sentence imposed, or if no jail time was imposed for the first offense, then a jail

sentence shall be imposed by the court on any subsequent offense.

SECTION 5. SEVERABILITY. In the event that a court of competent jurisdiction determines that any part or portion of any 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.

SECTION 6. EFFECTIVE DATE. This Act shall become effective upon its becoming law by operation of the Koror State Constitution.

PASSED: June 14, 2002

SEVENTH KOROR STATE LEGISLATURE
First Special Session, April-May, 2002

KSPL No. K7-131-2002
(Intro as Bill No. 7-11, LD1, HD1)

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____
Yositaka Adachi, Speaker
Seventh Koror State Legislature

/s/ _____
Charlyne Uong, Clerk
Seventh Koror State
Legislature

APPROVED ON THIS _____ DAY OF _____, 2002.

John C. Gibbons
Governor, Koror State

APPROVED ON THIS 1st DAY OF July, 2002.

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