

Marshall Islands National Election 2003 — Trends and Implications
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Abstract

The 2003 national election in the Marshall Islands, the sixth since constitutional government started in 1979, continued the trend of major re-registration of voters in advance of the election, as candidates organized the re-registration of voters from one voting district to another. The 2003 election demonstrated the most-ever impact of offshore voters living in the United States and elsewhere, with about 14 percent of the total vote from postal absentee voters. An interesting development of this offshore vote was that the government sent numerous election officials to Hawaii and the US mainland in advance of the election to provide ballots to registered voters to insure a high turnout of Marshall Islanders living outside of the Marshall Islands. Yet the offshore postal absentee vote generally favored the more conservative, traditional leader-supported opposition party candidates than it did the government party ones.

In a country that still maintains a strong customary system, the election returned the commoner-dominated government to power despite the strong opposition of tradition chiefs. This confirmed that the 1999 vote unseating a government led by a traditional chief was not an anomaly. The opposition Ailin Kein Ad (AKA) Party, led by prominent traditional chiefs, made the lack of traditional support for the governing United Democratic Party (UDP) an issue in the election campaign. But domestic voters were not swayed by this issue and indeed the outcome of the election may relate more to voters' perceptions of the personalities of the various candidates than to traditional support or lack thereof for the UDP. In fact, the voters way of striking a balance between the parties was demonstrated in a uniquely Marshallese manner by electing two key AKA-aligned paramount chiefs, but giving the parliamentary majority to the UDP.

The relative disorganization of the government's election office led to an unprecedented level of challenges of individual senate, mayor and council seats in the High Court in the weeks and months after the completion of the November 2003 vote. As of this writing (July 2004), several election appeals were pending in Marshall Islands courts. The court challenges also reflect the growing sophistication of candidates and voters who are demanding greater accountability and higher quality performance on the part of government agencies.

Background on the 2003 national election

Although the lead up to the November 17, 2003 national election in the Republic of the Marshall Islands was relatively tame and non-controversial (until the final 10 days of the campaign), the stakes were extremely high. The 1999 national election had stunned most political observers, as the UDP, headed by then incumbent Speaker Kessai Note, won a majority in the Nitijela (parliament), resulting in a commoner being elected to the lead the Marshall Islands for the first time in its short history of constitutional government. Paramount chiefs had led the previous governments, elected every four years since 1979. Amata Kabua was the nation's founding President and a paramount chief for Majuro Atoll, the capital of the Marshall Islands. He served in that capacity until his death in late 1996, less than a year into his fifth term. His cousin Imata Kabua, the paramount chief for Kwajalein Atoll and other islands in the Ralik Chain, succeeded him.

Although there have been opposition members of the Nitijela since inception, the opposition groups as well as the government party were not formally organized political parties. The Ainiken Ri-Majol (Voice of the Marshalls) lasted into the early 1990s, until key members jumped to President Amata Kabua's government party. A Ralik Ratak Democratic Party (RRDP) led an active campaign against Kabua's government in the lead up to the 1991 national election, but while becoming the first opposition group to raise issues and call for reforms in a consistent and organized fashion, the RRDP did not do well at the polls, with only two of its candidates elected. The RRDP faded from view soon after the election in 1991.

Key political developments in the late 1990s led to the formation of the UDP. The second year of President Imata Kabua's tenure, 1998, proved tumultuous and unprecedented in Marshall Islands politics. In the early part of the year, church organizations led a campaign to do away with legislation passed two years earlier that had legalized gambling, leading to the introduction and widespread use of gambling machines. The church-led lobbying effort resulted in a showdown vote that established Speaker Kessai Note as an opponent of President Kabua's party. He disqualified Kabua, Foreign Minister Phillip Muller and Senator Tony deBrum (who in 1991 was an opposition RRDP member, but who later in 1998 became President Kabua's Finance Minister) from voting on the measure to remove the gambling law because he said they had a conflict of interest because they owned gambling machines. The Nitijela vote on the amendment was successful, voiding the gambling act. This marked the first time in modern history that a church-led movement had affected a significant piece of legislation. Speaker Note's disqualification of the President and two MPs resulted in a court challenge. The courts ultimately sided with the Speaker, dealing another blow to the prestige of the President.

Later in 1998, the President Imata Kabua reorganized his Cabinet, dropping three holdover Cabinet ministers (from the previous government of President Amata Kabua) largely because they had broken ranks on the gambling legislation. This in turn spawned the first-ever vote of no confidence in the Nitijela led by the group of ousted ministers who joined with the opposition. The opposition out-manuevered the government party by calling for a vote by secret ballot (which they stood a greater chance of winning, given the general unwillingness of Marshall Islanders to overtly challenge the authority of a paramount chief), a move that the Speaker supported. This prompted the government party to walkout and boycott the session for several weeks, until the courts, again siding with the Speaker and the opposition, directed that the vote of no confidence could not be put off by a boycott. In the event, the vote lost by one vote: 17-16. Despite losing the vote, the opposition had increased its clout and presence with its actions and because the court sided with the opposition position.

The UDP formed in 1999 in preparation for the national election. It led an active grassroots campaign, promising voters that it would put an end to government corruption through major reforms. The campaign struck a chord with local voters, who gave the UDP a slim but clear majority. While President Imata Kabua was returned to office from his home atoll of Kwajalein (where he had served continuously since 1979), voters did not support a number of his key Cabinet ministers, including Foreign Minister Phillip Muller and Finance Minister Tony deBrum (both of whom were four-term incumbents) from Majuro Atoll, and Justice Minister Hemos Jack of Ailuk. When the Nitijela convened in January 2000, it elected Kessai Note President.

Mid-way through Note's four-year term, key traditional leaders and Nitijela Senators Chris Loeak and Jiba Kabua (son of first President Amata Kabua) broke from the UDP, largely over disputes with the Note government over the handling of negotiations with the United States for a new economic package in the Compact of Free Association, which was to expire in late 2003. The traditional leaders wanted a new agreement for Kwajalein Atoll, home of the sophisticated US Army-operated Ronald Reagan Test Site. They argued that the \$11.3 million in annual US rental payments did not provide adequate compensation to landowners, who live in slum like conditions on Ebeye Island, three miles from the missile range headquarters. Loeak became chairman of the Kwajalein Negotiation Commission, and Kwajalein became the base of the opposition.

The Note government signed off on a new Compact agreement with the US in mid-2003, and – despite strong opposition from Kwajalein leaders that the terms of the revised agreement for Kwajalein were unacceptable – it was implemented just before the November national election. During late 2003, what had been an unnamed and loosely organized opposition party headed by Imata Kabua, formed into the Aelon Kein Ad (AKA) Party. It campaigned strongly on an anti-Compact platform, promising that if elected, it would work to renegotiate the terms of the Compact with the US.

With the formation of the AKA, the 2003 election was the first in the country's history with two formally organized political parties campaigning. In many past elections, there have been no political parties, or at most one officially announced party.

The stakes of this election were high, though it lacked much of the drama that had highlighted the 1999 campaign. The UDP presented itself as the reform party that had demonstrated its ability to stabilize the government and to work with the US and other donor nations and agencies at the international level. The AKA, by contrast, presented itself as having the more experienced candidates who would never have agreed to what it described as the poor financial terms of the renegotiated Compact with the US. It also criticized the UDP for being anti-tradition and attempting to undermine traditional control.

Key races in the 2003 election

Five outer islands emerged as key election points in the UDP-AKA contest. These four were Namdrik and Ailinglaplap in the Ralik Chain, and Likiep, Mejit and Utrik in the Ratak. In general, the AKA dominated the Ralik Chain islands (including Kwajalein) and the UDP the Ratak Chain (including Majuro).

- Namdrik was particularly interesting as incumbent AKA Senator Jiba Kabua had switched to run from Majuro, so the contest was up for grabs. AKA strategist Tony deBrum, who until his 1999 defeat had been a four term incumbent from Majuro, attempted to make a comeback at Namdrik. He was challenged by UDP newcomer, Matlan Zackhras, son of incumbent UDP Senator Ruben Zackhras from Ailinglaplap and a long-time staff at the Marshall Islands Washington embassy. Despite heavy campaigning by the AKA on behalf of deBrum, Zackhras won the race easily, 266-178 (there were two other candidates who gained 65 additional votes), a 52 percent to 35 percent margin of victory.

- Ailinglaplap Senators Zackhras and Chris Loeak had run unopposed for the two seats for several elections. But in 2003, for the first time since the 1980s, there was a third UDP-aligned candidate, Katjung Katjang. Loeak is from one of the two most powerful chiefly families in the Ralik Chain (Kabua and Loeak), and is considered a paramount chief. Katjang had not run previously for Nitijela and was not considered a strong candidate, particularly as Ailinglaplap Atoll is the home of the chiefly Loeak family. For Marshall Islanders, the fact that Katjang defeated Loeak 518-510 on the strength of the domestic vote, and only finally lost by one vote to Loeak after the postal absentee ballots from the US were counted (550-549) was a Marshall Islands version of the Berlin Wall coming down.

- Likiep pitted charismatic AKA stalwart (and five term incumbent) Senator Tom Kijiner against newcomer UDP candidate Donald Capelle, a longtime and well-regarded permanent secretary in government. It was a classic AKA-UDP showdown, given that Kijiner had chaired the board of the Marshall Islands Social Security Administration during the 1990s when it was unauditably and mismanaged, and had been targeted in this election by the UDP. In 1999, two strong candidates ran against Kijiner. But Kijiner was reelected with just over 40 percent of the votes as the two other candidates split the majority. In 2003, Capelle was joined by John Bungitak, who had also run in 1999. Though Bungitak picked up nearly 23 percent of the vote, it was a battle between Kijiner and Capelle, who won by 18 votes, 323-305. Initially, an election appeal was filed by Kijiner but has not been pursued.

- At Mejit, UDP incumbent Helkena Anni faced a strong challenge by successful local businessman Dennis Momotaro, who though running as an independent was viewed as an AKA candidate. Anni managed to hold on for a 12-vote win over Momotaro, 384-372, in a race that was complicated by a total of six candidates running for the one seat. Momotaro also filed an election complaint, which was dismissed by the High Court and upheld by the Supreme Court.

- Utrik AKA incumbent Senator Hiroshi Yamamura, who in 1999 had run unopposed, faced a strong challenge from longtime clerk to cabinet Amentha Matthew, one of only four women running for Nitijela nationwide. Yamamura won 272-268.

UDP ultimately won three of these five key outer island seats. But the near upset of Senator Chris Loeak (and his loss based on the domestic vote) at Ailinglaplap confirmed the trend that candidates are no longer assured victory by virtue of their customary chiefly rank. Similarly, the unseating of Kijiner by Capelle and the inability of deBrum to regain election to the Nitijela confirmed the UDP bent of the electorate.

A total of 20 UDP-aligned senators were elected to Nitijela, giving them a solid majority in the 33-seat chamber.

Voter registration, re-registration and turnout for 2003

Continuing the trend from 1999 and earlier elections, there was significant reregistration prior to the election. Because of problems that reregistration had caused when it was allowed to occur up to the day of the election in 1999, the law was amended to require that anyone currently registered voters wanting to reregister to a different island for a national election, or an unregistered citizen wanting to register for the first time (including those turning 18 before the election) must do so no later than December 31 the year before the national election. Thus, all new and reregistration was completed by December 31, 2002.

Strategic reregistration has been a part of Marshall Islands elections since the first one in 1979. Registration is according to either residence or land holdings, and since most Marshall Islanders can legitimately claim to be from five or more atolls, it allows voters a good deal of flexibility in their choice of island for registration among the 24 election districts. Candidates use reregistration to bring voters with them if they move to a new election district to seek office, or simply to improve their chances of winning. In a paper on the 1999 election, University of the South Pacific researcher Jon Fraenkel wrote: "When candidates opt to relocate from one constituency to another, they regularly shift with them large numbers of voters, usually comprising kith and kin. Supporters of candidates with slim chances of victory are frequently encouraged to reregister to constituencies where favored candidates or factions have greater chances of success, realignments that plausibly intensify Marshallese regional chasms. Most importantly, accumulation of electoral registrations in the run up to the polls facilitates power balance shifts obtained by urban electorate swamping outer island constituencies."

In 2003, reregistered voters accounted for 20.2 percent of all voters. When incumbents see a major challenge looming, or in a race that appears to be of major importance, reregistration can be significant. Before the 2003 election, for example, the number of voters registered for tiny Jabot Island (home to a resident population of about 100, and President Note's election district) more than doubled to 278. This was reported to be largely in response to indications that for the first time in several elections President Note would not be running unopposed. In the event, however, the President did run unopposed. Bikini/Kili, where a major showdown loomed on the local level between incumbent Mayor Eldon Note and challenger Johnny Johnson, saw a 58.1 percent increase in voters, while Mejit, with a hotly contested Nitijela race involving six candidates, saw a nearly 100 percent jump in voters. (See Table 1 for a comparison of registered voters from the 1999 and the 2003 national elections.)

Table 1: Marshall Islands Registered Voters 2003

| Election District | New & Reregistered Since 12/31/99 | 2003 Total Registered | 1999 Total Registered | % Change |
|-------------------|-----------------------------------|-----------------------|-----------------------|----------|
| Ailinglaplap | 333 | 1,620 | 1,649 | 1.8- |
| Ailuk | 454 | 1,171 | 869 | 35.8+ |
| Arno | 304 | 1,708 | 1,829 | 6.7- |
| Aur | 297 | 1,043 | 975 | 6.9+ |
| Bikini/Kili | 442 | 1,020 | 645 | 58.1+ |
| Ebon | 296 | 1,464 | 1,531 | 4.5- |
| Enewetak | 115 | 656 | 616 | 6.5+ |
| Jabot | 161 | 278 | 130 | 113.8+ |
| Jaluit | 325 | 2,206 | 2,443 | 9.7- |
| Kwajalein | 785 | 2,293 | 1,738 | 31.9+ |
| Lae | 29 | 645 | 884 | 27.1- |
| Lib | 278 | 526 | 277 | 89.9+ |
| Likiep | 374 | 1,289 | 1,202 | 7.2+ |
| Majuro | 2,885 | 6,445 | 4,956 | 30+ |
| Maloelap | 321 | 943 | 828 | 13.9+ |
| Mejit | 1,116 | 1,969 | 994 | 98.1+ |
| Mili | 707 | 1,759 | 1,315 | 33.8+ |
| Namdrik | 165 | 936 | 969 | 3.4- |
| Namu | 137 | 742 | 723 | 2.6+ |
| Rongelap | 103 | 954 | 1,065 | 10.4- |
| Ujae | 82 | 392 | 430 | 8.8- |
| Utrik | 113 | 729 | 779 | 6.4- |
| Wotho | 147 | 394 | 293 | 34.5+ |
| Wotje | 59 | 406 | 424 | 4.2- |
| Total | 10,028 | 31,588* | 27,564 | 13.5+ |

* Note: By the time of the 2003 national election, the Electoral Administration had reduced the total number of registered voters to 31,280 as a result of removing deceased and other incorrectly listed individuals. *Source: Marshall Islands Electoral Administration*

Voter turnout in the 2003 election averaged 66.8 percent, as 20,905 of the total 31,280 registered voters went to the polls or mailed in postal absentee ballots. The turnout range from a low of 53.8 percent on Wotje, where incumbent Speaker Litokwa Tomeing was running unopposed, to a high of 81 percent on Jaluit, which may be explained as being a heavy turnout for an atoll that is known as being politically feisty despite its two UDP incumbents having little opposition and winning by landslides.

For the first time in the history of Marshall Islands elections (since 1979), postal absentee votes (largely from Marshall Islanders living in the United States) played a significant role, accounting for 14 percent of the total votes cast (see table 2). In previous elections, the number of postal absentee votes was negligible.

Table 2: Votes by Type, 2003 Election

| Type of vote | Number | Percentage |
|----------------------------------|--------|------------|
| Regular (on island) ¹ | 8,670 | 41.5% |
| Domestic absentee ² | 9,307 | 44.5% |
| Postal absentee ³ | 2,928 | 14% |
| Total | 20,905 | 100% |

Notes: 1) 'Regular' means voters living on the island/atoll from which they cast votes and includes so-called 'confined' votes (a small number of voters in hospitals or otherwise unable to go to a polling station who voted); 2) 'Domestic absentee' means voters who live on one island but vote in another island's

election district; 3) 'Postal absentee' means votes from Marshall Islanders living outside the Marshall Islands, including Guam, Hawaii and the mainland US. *Source: Marshall Islands Electoral Administration.*

In the 2003 election in a total of 22 of the 24 islands (voting districts), absentee voters outnumbered on-island voters. Significantly, Kwajalein (the Marshalls second major urban center) saw a massive shift from an 87.5 percent on-island vote in 1999 to a nearly two-thirds (63 percent) offshore vote in 2003. Kili/Bikini went from having the highest on-island vote of any outer island in 1999 (65.7 percent) to an on-island minority of 47.3 percent in 2003. In many of the races, the regular on-island vote for a particular candidate was overturned by the much larger number of absentee votes from Majuro or Kwajalein going to a different candidate.

Analysis of the 2003 election results

a. Chiefs vs. commoners: Marshall Islands society and cultural norms are based on respect for the 'iroij' (chiefly) system and customs. But, as in the case of the Ailinglaplap election, on many islands voters sent a message that they are no longer voting according to custom. At Kwajalein, where the power of the chiefs remains strongest, Michael Kabua (former President Imata Kabua's brother), who ran in his brother's stead, was easily the top vote getter, and the two other candidates that he campaigned for won election, defeating the two other incumbents.

But Majuro was a different story, reflecting the reduction in traditional authority and control over the electorate. While ranking paramount chief and incumbent Senator Jurelang Zedkaia was reelected, he came in third. Moreover, none of the other Majuro AKA candidates endorsed by Zedkaia was elected. Majuro voters returned their chief to office, but with the four UDP incumbents. Without the strength of the postal absentee votes from Marshall Islanders living abroad, Zedkaia would have been fourth, just 77 votes ahead of the lowest winning UDP candidate.

Namdrik is also significant in that it's a Ralik Chain island in the Kabua and Loeak domain, and these chiefly leaders expended substantial campaign effort to gain election for deBrum. But Namdrik voters did not follow the directions of their chiefs, instead opting for the youthful UDP candidate Mattlan Zackhras, who was subsequently named to President Note's Cabinet. As mentioned above, although Loeak won by one vote in Ailinglaplap his near loss is considered a watershed in Marshall Islands politics.

b. Postal absentee votes: The month prior to the November national election, the Marshall Islands Electoral Administration sent teams of election staff to Guam, Hawaii and many parts of the mainland US in an effort to distribute ballots to registered voters. This effort by the Electoral Administration was the major reason that postal absentee votes accounted for 14 percent of total votes cast. In contrast, postal absentee ballots have numbered in the dozens in previous elections largely because of difficulties and delays in both obtaining and returning ballots by mail.

The large turnout by offshore Marshall Islanders is also indicative of large-scale out-migration to the US since the mid-1990s. The projected population in 1999, based on the 1988 census and growth rate, was about 65,000. When the 1999 census was completed, however, there were fewer than 51,000 Marshall Islanders in the country. This suggests that by 1999, close to 15,000 Marshall Islanders had already moved to the US for studies or work, and the numbers have only increased since that time based on anecdotal evidence and a couple of pilot surveys of Marshall Islanders in certain parts of the US.

The opposition AKA Party criticized the government for its aggressiveness in distributing ballots, saying this was not the "accepted practice" for getting ballots out to offshore Marshall Islanders. The criticism also suggested that there was the appearance of conflicts and fraud in the process, though no evidence was produced to substantiate this. In a November 28, 2003 article in the Marshall Islands Journal (nearly two weeks after the election but before the postal ballots had been counted), Ailinglaplap Senator Chris Loeak criticized the Electoral Administration's action of delivering ballots to offshore voters, saying that it wasn't done in previous elections and didn't follow the law. The Attorney General's office disputed

this, saying that registered voters were only provided with ballots and had to mail them in as required by the law.

Ironically in view of both the AKA criticism and the government's push to get ballots out to offshore registered voters, the postal absentee vote went heavily in favor of AKA candidates. For example, Loeak won reelection on the basis of a 40-31 postal absentee winning margin over challenge Katzuo Katjang (Loeak won by just one vote, 550-549). In Majuro, where four of the five seats were won easily by UDP candidates, the offshore vote went to AKA candidates. For example, postal absentee votes made up 15.5 percent of AKA incumbent Senator Jurelang Zedkaia's total votes; it went as high as 16.7 percent for AKA candidate Jiba Kabua. In contrast, for the four winning UDP incumbents, postal absentees ranged from 10 to 11 percent of their total votes. In some outer island races, the differences were even more pronounced. At Namdrik, postal absentee votes accounted for 24.7 percent of AKA candidate Tony deBrum, who lost to UDP challenger Mattlan Zackhras, whose postal absentee votes accounted for just 13.5 percent of the total votes he received. At Likiep, postal absentee votes accounted for 18.7 percent of incumbent AKA Senator Tom Kijiner's total votes. He lost to UDP challenger Donald Capelle, whose postal votes amounted to just 7.7 percent of his total support.

Some local observers felt the offshore postal vote for AKA candidates reflected the fact that Marshall Islanders living in the US were out of touch with the realities of the political situation in the country and the mood of a majority of voters supporting the UDP. Others suggested that it related to Marshall Islanders in the US being more conservative and pro-custom in the casting of their votes for candidates backed by traditional chiefs.

The biggest influence on offshore voters, however, is likely to have been the revised immigration provisions in the renegotiated Compact of Free Association, and the uncertainty that this presented. The US government demanded concessions from the Marshall Islands to the unfettered visa-free access to the US enjoyed by Marshall Islanders during the first 17 years of the first Compact. The changes allow the US government to modify and limit the length of stay in certain circumstances. The Marshall Islands government successfully lobbied the US Congress to add the protection that any proposed changes by the Department of Homeland Security/Immigration and Naturalization Service must be provided to the US Congress for review 90 days before it can go into effect – which affords the opportunity for objections to be raised by the Marshall Islands. Nevertheless, the mere fact that there was *any* change to this immigration provision caused considerable concern among US-based Marshall Islanders. Shortly before the November 2003 vote, the author of this paper visited with significant numbers of Marshall Islanders in three of the largest US mainland communities (Costa Mesa, California, Salem, Oregon and Springdale, Arkansas). In discussions about the Compact, virtually every question asked was related to the proposed immigration changes in the renegotiated Compact and their possible impact on Marshall Islanders living in the US. Largely because the Note government agreed to these immigration changes, mainland voters gave stronger support to AKA candidates.

Conduct of the 2003 election

The conduct of the 2003 national election led to the most election complaints and contested results ever. While some of the complaints may have been of dubious merit, for the first time in election history there were at least two specific and detailed complaints lodged in the High Court, which are described below:

- Three 'confined' voters (ie, voters whom for health or other reasons could not go to a polling station) filed a complaint that Electoral Administration officials did not bring their ballots to their homes as required, as they had properly registered for this service. Electoral officials said that the reason they didn't deliver ballots to these three was that either a) their names were not spelled properly, and so didn't match with the registration list or b) the names were not given to them by Electoral Administration supervisors. But the complainants said that the excuse that one of the names on the delivery list didn't match the master registration list was disingenuous because of 71 confined voters who did receive ballots, 28 of their names were misspelled and didn't match the master list. In addition, court testimony by Electoral officials showed that, as a headline in the Marshall Islands Journal on December 19, 2003 said, "Confusion reigns over

confined votes.” Although a system was nominally in place for handling confined voters, Electoral officials said in sworn testimony that they did not follow the instructions of the Chief Electoral Officer in carrying them out.

- A dispute centered on 28 postal absentee ballots that were rejected by the Electoral Administration. Postal ballots come as a two-step process: there is a signed affidavit with the voter’s name and registration data that is in an outside envelope. In a second envelope sealed inside the outer envelope with the affidavit is the actual ballot. When postal ballots arrive, Electoral officials check the affidavit to determine if the person is eligible. If they are, then the unopened envelope with the ballot is separated from the affidavit and put into a ballot box for counting at a later time. By law, these postal ballots are supposed to be mailed individually and must be postmarked on or before election day to be eligible. To insure that their ballots reached Majuro within the 14 day deadline after voting day, some US mainland voters put their affidavit and ballot envelopes into US Postal Service ‘express mail’ envelopes to gain quicker delivery to Majuro. The Electoral Administration counted all those express mailed individually, but rejected 28 ballots (without reviewing their affidavits) that were mailed in groups of two or more inside express mail envelopes. The High Court complaint said since the individually express mailed ballots were counted, the 28 that were mailed in groups of two or more should also. The matter remains in court as of July 2004.

Other complaints included one candidate’s strong complaints (before, during and after the election) about the involvement of an incumbent Senator’s sister in the election process as an Electoral Administration staff. Because this individual was allowed to be involved in both the ballot distribution and counting process as it related to her brother’s election district, it gave the appearance of impropriety about which the Electoral Administration did nothing – until virtually the end of the counting process, when at the request of the Secretary of the Ministry of Internal Affairs, under which the Electoral Administration falls, requested her to stay away from the tabulation headquarters.

In Majuro, many of the voters voting absentee for their home islands had to persevere through many hours of standing in line in order to vote. An antiquated and time consuming voting process in which just one line was set up for voters from each island caused serious delays for voters from the more populated islands. In fact, voters from two islands were still in line well past midnight on voting day (polls closed at 7 pm, except for those already in line at 7 pm) because of these inefficiencies.

The counting and tabulating process is all by hand, and convoluted, particularly because of the many absentee votes coming in. In addition, because of the antiquated provisions of the law regarding postal absentee votes, Electoral officials must wait until 14 days after the election before they can begin counting these postal votes. Thus, voters and candidates have to wait more than two weeks to have a final ‘unofficial’ result. In fact, the first final unofficial count was issued by the Electoral Administration the week of December 8, 2003, more than three weeks after the vote. The election win by Senator Chris Loeak (which necessitated a recount) did not become official until the week of January 12, 2004, nearly two months after the election and 10 days into the opening session of the new Nitijela.

Clearly, the election system employed in 2003 is outdated and inefficient, given the size of the electorate and its changing makeup (ie, the now-large offshore vote). Similarly, the need for quality pre-election training of Electoral Administration staff, as well as a government appreciation of the requirement of providing an adequate number of properly trained staff is needed. Combined with these problems is the need for amendment to the election law to take into account such new factors as the availability of ‘express mail’ and to resolve problems inherent in the confined voter regulations.

Summary

The 2003 election returned the commoner led and dominated government of President Kessai Note for a second four-year term. It also suggested that candidates are no longer assured of election based on their traditional status. The 2003 election continued the 1999 trend of non-resident domestic voters deciding which candidates will win because of the sheer number of voters living in the two urban centers of Majuro and Kwajalein (which comprise about 65 percent of the total estimated population of 56,000). For the first time, the 2003 election saw offshore voters weigh in. These postal absentee votes affected only one

significant race – Ailinglaplap – but can be expected to become a much bigger factor in future elections as the population of Marshall Islanders in the US continues to increase.

In some respects, the Marshall Islands election process affords its citizens more participation in the democratic process than the American democracy upon which the system is based. The provision of ballots to individuals who are ‘confined’ (not physically able to get to a polling station) is one example of how the right to vote has been extended as far as possible. Another was the government’s decision prior to the 2003 election to send Electoral Administration teams to the US and other offshore locations to deliver ballots to absentee voters to insure large participation by non-resident Marshall Islanders. The problems that developed in the 2003 election around the administration of confined votes and other aspects of the election reflect, at least in part, the fact that the Marshall Islands population has more than doubled since the election laws were first put into place in 1979, and little has been done to update the system to reflect this and other changes in technology and communications that, as with the postal ballots, affected the conduct of the election.

The government will need to address a variety of administrative and legislative issues that need resolving before the 2007 election in order to improve the conduct of the election so as to reduce complaints of impropriety, as well as speed the counting and tabulation process so that results are completed within a few days – instead of the current few weeks – after the election.

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