



REPUBLIC OF NAURU

ELECTORAL (AMENDMENT) BILL 2018

No. of 2018

A Bill for an Act to amend the Electoral Act 2016

Certified: []

Table of Contents

1	Short title.....	1
2	Commencement	1
3	Amendment of the Electoral Act 2016.....	1
4	Amendment of section 47	1
5	Insert new section 85A.....	1

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Electoral (Amendment) Act 2018*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Amendment of the Electoral Act 2016

The Electoral Act 2016 is amended by the provisions of this Act.

4 Amendment of section 47

Section 47 is omitted and substituted as follows:

47 Restriction on transfer of registration

- (1) A transfer of registration must not be made:
 - (a) within 6 months of the last transfer;
 - (b) after 5:00pm 21 days before polling day; or
 - (c) for the purposes of a by-election as a result of a vacancy created during the term of the Parliament.
- (2) A person who transfers is not eligible to vote in the transferring district for a by-election during the term of the Parliament for which he or she has already voted in the general election in another district.
- (3) A person who has transferred districts following a general election shall be eligible to vote in a by-election in the district he or she had voted in the general election for that term of the Parliament.

5 Insert new section 85A

85A Determination of exclusion of candidate

- (1) In this section:

‘relevant candidate’ means a candidate who may be excluded as a result of the Electoral Commissioner’s determination.

- (2) If the Electoral Commissioner is required, under section 85(4), to determine a candidate or candidates to be excluded, the Electoral Commissioner must:
 - (a) in relation to each relevant candidate, deduct from the total value of the votes received by the candidate the value that was derived from last preference votes; and
 - (b) identify which of the relevant candidates has the highest remaining value of votes after making the deduction; and
 - (c) exclude each other relevant candidate.
- (3) If, after making the deduction, the remaining value of votes for each of the relevant candidates remains equal, the Electoral Commissioner must repeat the procedure of deduction in respect of second-last preference votes, third-last preference votes, and so on, until it is possible to identify one candidate with the highest remaining value of votes and to exclude the other relevant candidate or candidates.
- (4) If it is not possible to exclude any candidate under subsection (2) or (3) because the preference votes received by each of the relevant candidates are equal in every respect, the Electoral Commissioner must determine by lot a candidate or candidates to be excluded, using a random method of selection such as:
 - (a) tossing a coin; or
 - (b) drawing the names out of a container in such manner that the Electoral Commissioner cannot see which names he or she is drawing.
- (5) A determination by lot under subsection (4) must be made in the presence of each of the relevant candidates and a police officer.