

**REPUBLIC OF NAURU**  
**ELECTORAL (AMENDMENT) BILL 2018**  
**EXPLANATORY MEMORANDUM**

The *Electoral (Amendment) Bill 2018* is a Bill for the *Electoral (Amendment) Act 2018*.

**EXPLANATION OF CLAUSES**

**Clause 1** provides that, once enacted, the short title of the Bill will be the *Electoral (Amendment) Act 2018*.

**Clause 2** sets out when the Bill's provisions will commence.

**Clause 3** is the enabling provision for the amendment of the *Electoral Act 2016*.

**Clause 4** amends section 47 by clarifying that transfer of registration cannot be made for the purposes of a by-election as a result of a vacancy created during the term of the Parliament. Those who transfer during the term of the current Parliament cannot vote in a by-election in the district they have transferred to. The transferees can only vote in the subsequent general election. However, those who have transferred can still vote in a by-election in the District they have transferred from.

This ensures that transfers of registrations are for general elections only and that the electoral roll to be used for a particular District's by-election is the same electoral roll used in the preceding general election.

**Clause 5** inserts section 85A which provides for the determination of the exclusion of a candidate in a situation where there is a tied result.

The Electoral Commissioner is to deduct from each relevant candidate the total value of the votes received by the candidate from all his or her last preference votes. Once the Commissioner has complete the deduction, he or she will then determine which candidate or candidates has the highest remaining value of votes and all other candidates will be excluded.

If, after the deduction is made, the candidates still have an equal value of votes, the Commissioner must repeat the process by deducting second last preference votes and third last preference votes until the Commissioner determines which candidate emerges with the highest value of votes.

Lastly, there may be a possibility that even after the procedure as described above is carried out, there is still no outright winner. In this case, the Electoral Commissioner will use a random method of selection such as the tossing of a coin or the drawing of names out

of a container in a manner where the Electoral Commissioner cannot see the name being drawn. If the Commissioner chooses the latter method then it must be conducted in the presence of a police officer and the relevant candidates. The relevant candidates in this case are those candidates who have been put through the different methods of elimination to determine which is to be excluded due to the fact that they have an equal value of total votes.