

**REPUBLIC OF NAURU**  
**ELECTORAL (AMENDMENT) BILL 2017**  
**EXPLANATORY MEMORANDUM**

The *Electoral (Amendment) Bill 2017* is a Bill for the *Electoral (Amendment) Act 2017*.

**EXPLANATION OF CLAUSES**

**Clause 1** provides that, once enacted, the short title of the Bill will be the *Electoral (Amendment) Act 2017*.

**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 84 of the Act by omitting the words 'except a by-election'. Section 84 relates to the counting of votes marked on valid ballot papers in an election but excluded ballot papers used in a by-election.

The omission of the words 'except a by-election' would now mean that the counting method for both general and by-elections would be the same.

**Clause 5** repeals section 86 which was a section that detailed how ballot papers were to be counted in a by-election. Unlike the method of counting for a general election, in a by-election, the Electoral Commissioner will first count the first preference votes. If there is a candidate who has received the largest number of first preference votes then that candidate is declared elected after the first count.

Repealing this section further assures the congruence of the counting method for the general election and by-election.

**Clause 6** repeals section 87 which was a section providing for the determination of the exclusion of a candidate in a situation where two or more candidates receive the same value of votes after the count is conducted. The exclusion of a candidate was determined by the Electoral Commissioner by using a random method of selection such as tossing a coin or drawing the names out of a container.