

## REPUBLIC OF NAURU

### ELECTORAL (AMENDMENT) BILL 2025

#### EXPLANATORY MEMORANDUM

The *Electoral (Amendment) Bill 2025* is a Bill for the *Electoral (Amendment) Act 2025*.

This memorandum provides an explanation of the Bill and is only intended to indicate the general effect.

#### EXPLANATION OF CLAUSES

**Clause 1** provides that, once enacted, the short title of the Bill will be the *Electoral (Amendment) Act 2025*.

**Clause 2** sets out that the commencement of the Bill once passed will be on the date it is certified by the Speaker.

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

**Clause 4** provides for the amendment of the *Section 23* of the Act. The amendment will be to give this power to the Cabinet. It removes the requirement of the two thirds majority of the Parliament. The grounds of a Electoral Commissioner are incapacity, incompetence, negligence, misconduct or failure to maintain confidentiality.

**Clause 5** provides for amendment to *Section 42* of the Act. The proposed amendment now substitute current subsection (1)(e) and subsection (4) with new subsection (1)(e) and new subsection (4). This provision now removes the function and power from the Electoral Commission to review and decide if a person is entitled to be registered on a Roll in respect of a District, based on his or her substantial connection through Nauruan customs, customary links and affiliation, birth by either his or her parent in that District, the registration for any electoral purposes of either his or her parent in that District or his or her spouse being born in that District or registered for the purposes of the *Electoral Act 2016* in that District. The proposed amendment now authorises the Cabinet to consider and grant applications of voters intending to register or transfer their registration under the Roll in respect of a District in relation where he or she is applying for registration as a voter under the categories provided mentioned above.

The Electoral Commission will continue to receive the applications for transfer under this criterion. After receiving the application, the Electoral Commission will still process the application timeframe is 14 days. After that the application will be referred to the Cabinet for a decision. The decision of the cabinet will be given to the Electoral Commission to register the transfer if it is approved.

This provision also inserts a new subsection (5) to provide for the timeframe in which Cabinet must make a decision in respect of an application to be registered on a Roll of a respective District under proposed amendment to *Section 42(1)(e)*. A decision is required to be made within 14 days of the receipt of the application from the Electoral Commission.

**Clause 6** provides for amendment to *Section 136(a)* of the Act, for regulations to be prescribed to provide for procedures in relation to process on determining applications in relation to registration or transfer of votes. This is the general regulation making power provision, to allow for procedures in relation to prescribing regulations to provide for process of how voters may be registered transferred to be prescribed by Regulations. This will allow procedures in relation to registration or transfer of voters granted by Cabinet under proposed amendment to *Section 42(1)(e)* of the Act.