



**REPUBLIC OF NAURU**  
**ELECTORAL (AMENDMENT) ACT 1973**

(No. 15 of 1973)

*ARRANGEMENT OF SECTIONS*

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**AN ACT**

*To amend the Electoral Act 1965–1970.*

*(Certified : 8th November, 1973)*

*Enacted by the Parliament of Nauru as follows:*

**SHORT TITLE**

- 1 (1) This Act may be cited as the Electoral (Amendment) Act 1973
- (2) The principal Act as amended by this Act may be cited as the Electoral Act 1965-1973

**INTERPRETATION**

2. In this Act "principal Act" means the Electoral Act 1965-1970.

**AMENDMENT OF SECTION 3 OF THE PRINCIPAL ACT**

3. Section 3 of the principal Act is amended —
  - (a) by the deletion of the definitions of "the Act" and "the Legislative Council"; and
  - (b) by amending the definition of "member" by substituting "Parliament" for "Legislative Council".

**AMENDMENT OF SECTION 4 OF THE PRINCIPAL ACT**

4. Section 4 of the principal Act is amended by the addition of the following new subsection (5) thereto —
 

"(5) Where at any time there is no Electoral Registrar appointed under subsection (1), the Chief Secretary shall be the Electoral Registrar.  
Provided that he shall cease to be the Electoral Registrar upon a person being appointed as such under subsection (1)."

**AMENDMENT OF SECTION 6 OF THE PRINCIPAL ACT**

5. Subsection (2) of section 6 of the principal Act is repealed and the number and brackets "(1)" are deleted from subsection (1).

**ADDITION OF A NEW SECTION 7A TO THE PRINCIPAL ACT**

6. The principal Act is amended by inserting after section 7 thereof the following new section 7A —
 

"7A. Where the Registrar is not satisfied that any person applying to have his name entered on any roll is entitled to have it so entered, he shall forthwith notify the applicant in writing that the application is rejected and shall state his reason for rejecting it."

**AMENDMENT OF SECTION 8 OF THE PRINCIPAL ACT**

- 7 (1) Subsection (1) of section 8 of the principal Act is amended by deleting the number and brackets "(1)" and the words and punctuation "subject to the next succeeding section."
- (2) Subsection (2) of section 8 of the principal Act is repealed.

**REPEAL AND REPLACEMENT OF SECTION 9 OF THE PRINCIPAL ACT**

8. Section 9 of the principal Act is repealed and the following new section 9 is substituted therefor —

- "9. (1) The roll on which a Nauruan is entitled to have his name entered is —
- (a) the roll in respect of the District in which he has been living for not less than one month, or, if he is living outside Nauru, of the District in which he had been living for not less than one month immediately before he ceased to live in Nauru;
  - (b) the roll in respect of the District which is entered in the Register of Births maintained under subsection (1) of section 6 of the Births, Deaths and Marriages Ordinance 1957-1967, or in any register or record of births certified under subsection (3) of that section, as his place of birth;
  - (c) the roll in respect of a District with which the Secretary of the Council has certified in accordance with Form 8 that he has a substantial connection —
    - (i) by Nauruan custom;
    - (ii) by reason of the birth of either of his parents in that District; or
    - (iii) by reason of the registration for any electoral purpose of either of his parents in that District;
  - (d) any roll on which his name is already entered and has been so entered for not less than three years; or
  - (e) the roll on which the name of his spouse is entered for the time being,
- whichever he applies for.

(2) Where any person whose name is entered on the roll of any District ceases to be entitled to have his name entered on that roll, he shall notify the Registrar of that fact in writing within one month of the date on which he has ceased to be so entitled, and he shall at the same time apply to the Registrar in writing in accordance with Form 1 in the Schedule to this Act to have his name entered on another roll on which he is entitled under the preceding subsection to have it entered.

(3) Where any person whose name is entered on a roll on which he is entitled to have it entered wishes to have it transferred onto the roll of another District on which he is entitled to have it entered, he shall request the Registrar in writing in accordance with Form 1 of the Schedule to this Act to have his name entered on that other roll.

(4) Notwithstanding the provisions of subsection (1), where —

- (a) any application is made by any person whose name is not already on any roll to be entered on the roll in respect of a District other than a District in which he has been living for not less than one month; or
- (b) any application is made by any person for his name to be removed from the roll in respect of one District and entered on the roll in respect of another District which is not in the same Electoral District, the applicant shall attend upon —
  - (i) the Councillor, or one of the Councillors, for the District on the roll of which the applicant is applying to have his name entered, or for the group of Districts of which that District forms part;
  - (ii) the Councillor, or one of the Councillors, for the District on the roll of which the applicant's name is entered or, where it is not already entered on the roll of any District, of the District in which the applicant has been living for not less than one month, or for the group of Districts of which that District forms part;

and shall tender to each such Councillor a notice in accordance with Form 9 of the Schedule to this Act and each of these Councillors shall forthwith endorse on that notice whether he consents to the entry or transfer of the applicant's name as proposed or not and shall sign that endorsement.

(5) Where any Councillor who has been notified under the last preceding subsection of an application for entry or transfer endorses on the notice that he does not consent to the entry or transfer proposed, the applicant may lodge with the Electoral Registrar an application in accordance with Form 10 of the Schedule to this Act for the consent of the Council to the entry or transfer. The Electoral Registrar shall forthwith send that application to the Council and, unless

the Council informs him in writing within seven days of the application being sent to it that it does not consent to the entry or transfer, it shall be deemed to have consented thereto.

(6) Upon receipt of a notice under subsection (2) or a request under subsection (3), and, where any consent is required, upon being satisfied that it has been given or is to be deemed to have been given, the Registrar shall remove the name of the person concerned from the roll on which it is entered and, if he is satisfied that the person is entitled to have his name entered, he shall enter it on that roll. If the Registrar is not satisfied that the applicant is entitled to have his name entered on the roll on which he has applied to have it entered or, if any consent is required, he is not satisfied that it has been given or is to be deemed to have been given he shall reject the application and may by notice in writing require him to apply in writing in accordance with Form 1 in the Schedule to this Act to have his name entered on another roll on which he is entitled under subsection (1) to have it entered.

(7) Notwithstanding the provisions of subsection (4) of section 10, where an application has been made to the Council under subsection (5) of this section less than seven days before the closing of any roll and the Council has not informed the Electoral Registrar before the closing of that roll whether it consents to the entry or transfer or not, that roll may be re-opened for the purpose of giving effect to any consent, or refusal of consent, to the entry or transfer by the Council.

(8) No person is entitled to have his name on more than one roll at the same time."

#### **AMENDMENT OF SECTION 10 OF THE PRINCIPAL ACT**

9. Subsection (2) of section 10 of the principal Act is amended by inserting after the words "he shall" the words and punctuation, "if the Nauruan is apparently entitled to have his name entered on the roll in respect of a District as the District in which he has or had been living for not less than one month, enter his name on the roll in respect of that District and in any event"

#### **AMENDMENT OF SECTION 12 OF THE PRINCIPAL ACT**

10. In subsection (1) of section 12 the words and punctuation "Subject to subsection (2) of section 8 of this Ordinance," are deleted.

#### **AMENDMENT OF SECTION 14 OF THE PRINCIPAL ACT**

11. Section 14 of the principal Act is amended by substituting "the Chief Secretary" for "the Administrator" in subsection (1) and subsection (2) and by deleting "acting with the advice of the Executive Council" in subsection (2).

#### **AMENDMENT OF SECTION 15 OF THE PRINCIPAL ACT**

12. (1) Subsection (1) of section 15 of the principal Act is repealed and the following new subsection (1) is substituted therefor —

"(1) Where Parliament has been dissolved or a member has died or vacated his seat in accordance with Article 32 of the Constitution, the Speaker shall, subject in the case of a general election to compliance with Article 39, within fourteen days of such dissolution, death or vacation cause a writ for the holding of an election in accordance with Form 4 or Form 5 of the Schedule to this Act, as the case requires, to be issued to the Returning Officer not later than four weeks before the polling day fixed by the Speaker in the Writ."

#### **AMENDMENT OF SECTION 16 OF THE PRINCIPAL ACT**

13. (1) Subsection (1) of section 16 of the principal Act is repealed and the following new subsection (1) is substituted therefor —

"(1) No person may be nominated as a candidate for election as a member for an Electoral District —

(a) until every roll for that Electoral District has been closed in accordance with subsection (4) of section 10; and

(b) unless his name is entered on the roll in respect of the District which comprises, or, as the case may be, of a District which is included in, that Electoral District."

(2) Subsection (2) of section 16 of the principal Act is amended by inserting after the words "a Nauruan" the words "qualified to be elected a member".

(3) Section 16 is amended by the insertion of the following new subsection (3) —  
“(3) A person who has been nominated as a candidate for election as a member may, by notice in writing given to the Returning Officer not less than seven days before the date on which the election is to be held, withdraw his candidature for that election.”

**AMENDMENT OF SECTION 17 OF THE PRINCIPAL ACT**

14. Subsection (2) of Section 17 of the principal Act is amended by deleting "Administrator" and substituting therefor the word "Speaker".

**AMENDMENT OF SECTION 27A OF THE PRINCIPAL ACT**

15. Section 27A of the principal Act is amended by inserting after the words "postal voting" the words "or voting by proxy or both".

**AMENDMENT OF SECTION 29 OF THE PRINCIPAL ACT**

16. Section 29 of the principal Act is amended by deleting the full stop at the end of the section and substituting a colon therefor, and by adding the following proviso —

"Provided that, where the validity of an election or the declaration of an election is disputed, the person or persons named in the Returning Officer's notice published under section 28 as the candidate or candidates elected shall, notwithstanding that the Supreme Court may declare that he was, or they were, not duly elected, for all purposes be deemed, until such declaration is made, to be a member or members, as the case may be, duly elected".

**AMENDMENT TO SECTION 11 OF THE PRINCIPAL ACT**

16A Subsection (3) of Section 11 of the principal Act is amended by deleting the punctuation "." after the word "section" and inserting the following words —  
"and shall have power to join the Council as a party to the proceedings."

**AMENDMENT OF THE SCHEDULE TO THE PRINCIPAL ACT**

17. (1) Form 1 of the Schedule to the principal Act is repealed and the following new Form 1 is substituted therefor —

"Form 1

REPUBLIC OF NAURU

Section 9(1)

**ELECTORAL ACT 1965-1973  
APPLICATION FOR ENROLMENT OR TRANSFER OF ENROLMENT  
PARTICULARS FOR ENROLMENT**

NAME (In Full):

NAME (In Full) of Wife or Husband (if any):

DATE AND YEAR OF BIRTH:

ANY NAME FORMERLY USED:

**TO THE ELECTORAL REGISTRAR, NAURU**

- 1. I am a Nauruan citizen.
- 2. I have been living for not less than one month\*/immediately before my departure

from Nauru I had been living for not less than one month in the District of .....

- 3. My place of birth was registered as the District of .....
- +4. I have a substantial connection with the District of .....
- and submit herewith the certificate of the Secretary of the Nauru Local Government Council.
- +5. My wife's\*/husband's name is entered on the roll in respect of the District of .....
- .....
- 6. I have attained the age of twenty years.
- +7. My name is at present entered on the roll in respect of the District of .....
- .....

++8. I hereby apply to have my name entered on the roll in respect of the District of..... + and for it to be removed from the roll in respect of the District of .....

I declare that all the statements made in this application are true to the best of my knowledge and belief.

Signature of Applicant .....

Date.....

\* Delete whichever is not applicable.

+ Delete if not applicable.

++The applicant may apply to have his name entered on the roll in respect of any one of the following—

- (a) the District where he has been living for not less than one month or, if he is living outside Nauru, of the District in which he had been living for not less than one month immediately before he ceased to live in Nauru;
- (b) the District registered as the place of his birth;
- (c) a District with which the Secretary of the Nauru Local Government Council has certified that he has a substantial connection.

**BUT HE MUST NOT APPLY FOR IT TO BE ENTERED ON THE ROLL OF MORE THAN ONE DISTRICT."**

(2) Form 7 of the Schedule to the principal Act is amended by adding thereto a written translation of the "Directions to Electors" contained therein, in the Nauruan language.

(3) In all the forms in the Schedule to the principal Act—

- (a) the words "Republic of Nauru" are substituted for the words "Territory of Nauru" wherever the latter words appear; and
- (b) the word "Parliament" is substituted for the words "the Legislative Council" wherever they appear.

(4) The schedule to the principal Act is amended by adding thereto the following new forms 8, 9 and 10.

**Form 8**

**REPUBLIC OF NAURU**

**Section 9(1)(c)**

**ELECTORAL ACT 1965-1973  
CERTIFICATE**

To the Electoral Registrar.

I..... the Secretary of the Nauru Local Government Council, hereby certify that.....

of ..... has a substantial connection with..... District by Nauruan custom\*/by reason of the birth of his father\*/mother in that District\*/by reason of the registration for electoral purposes of his father\*/mother in that District.

Secretary

Nauru Local Government Council.

Date:

\* Delete whichever is not applicable.

Form 9

REPUBLIC OF NAURU

Section 9(4)

ELECTORAL ACT 1965-1973  
NOTICE TO COUNCILLOR

To Councillor.....

..... District

I ..... of ..... being a person who has been living for not less than one month in \*/whose name is at present entered

on the roll in respect of ..... District intend to apply to the Electoral Registrar for my name to be (+removed from that roll and)

entered on the roll of ..... District.

In accordance with section 9 of the Electoral Act 1965-1973, I request you to endorse on this notice forthwith whether you consent to the entry\*/transfer applied for or not and to sign that endorsement.

Applicant.....

Date.....

I consent\*/do not consent.

Councillor.....

Date.....

I consent\*/do not consent.

Councillor.....

Date.....

\* Delete whichever is not applicable.

+ Delete if not applicable.

Form 10

REPUBLIC OF NAURU

Section 9(5)

ELECTORAL ACT 1965-1973  
NOTICE TO THE NAURU LOCAL GOVERNMENT COUNCIL

To the Secretary  
Nauru Local Government Council

I ..... of .....  
being a person who has been living for not less than one month in \*/whose name is at present  
entered on the roll in respect of .....

District have applied to the Electoral Registrar to have my name (+removed from the roll and)  
entered on the roll in respect of ..... District.

Councillor(s).....has\*/have refused to consent to that entry\*/transfer.  
Now therefore, in accordance with section 9 of the Electoral Act 1965-1973 I apply to  
the Nauru Local Government Council for its consent to the transfer.

Signed..... (Applicant)

Date.....

Please note that, if the Council wishes to refuse its consent to the transfer referred to above, it  
should notify me of its refusal in writing within seven days of the date of this notice. Otherwise it  
will be deemed to have consented to the transfer.

Electoral Registrar .....

Date.....

- \* Delete whichever is not applicable.
- + Delete if not applicable."