



REPUBLIC OF NAURU

ELECTORAL (AMENDMENT) ACT 2022

No. 8 of 2022

An Act to amend the *Electoral Act 2016*.

Certified: [8th June 2022]

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Electoral (Amendment) Act 2022*.

2 Commencement

This Act commences on 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 3

Section 3 is amended in the definition of '**by-election**', by:

(a) deleting the word '*one*' and substituting with '*a*'; and

(b) inserting '*in a seat of Parliament due to a vacancy contemplated under Article 32(1)(b), (c), (d) and (e) of the Constitution*' after the word '*vacancy*'.

5 Amendment of Section 6

Section 6(1)(d) is amended by deleting '*making regulations*' and substituting with '*issuance of a code of conduct*'.

6 Amendment of Section 41

Section 41(3) is amended by:

(a) deleting the word '*and*' at the end of paragraph (a);

(b) deleting the fullstop at the end of paragraph (b) and substituting with ' *; and*'; and

(c) inserting a new paragraph (c) as follows:

'(c) subject to the limitations imposed by Section 47.'

7 Amendment of Section 42

Section 42 is amended:

(a) in subsection (1)(e)(iv) by inserting the words '*in that District or registered for the purposes of this Act*' before the words '*in that*'; and

(b) in subsection (3) by:

(i) deleting the words '*a reference to*'; and

(ii) deleting the words '*refers to*' and substituting with '*includes*'.

8 Amendment of Section 44

Section 44 is amended by deleting the word 'Section' and substituting with 'Sections 41 and'.

9 Amendment of Section 57

Section 57(3)(d) is amended by inserting the words 'a signed code of conduct and' before the words 'a fee'.

10 Amendment of Section 59

Section 59 is amended by:

- (a) deleting the word 'other' in subsection (1);
- (b) inserting into subsection (2), the words ', Deputy Minister and Member of Parliament' after the word 'Minister' at the end of that subsection; and
- (c) inserting a new subsection (2A) immediately after subsection (2) as follows:

(2A) A holder of an office of profit in the service of Nauru as prescribed under subsection (1), shall resign from his or her office 60 days before the dissolution of the full term of Parliament under Article 41(7) of the Constitution.

11 Amendment of Section 66

Section 66(1) is amended by deleting '9.00am' and substituting '7:00am'.

12 Amendment of Section 78A

Section 78A(2) is deleted and substituted as follows:

(2) Early voting may take place:

- (a) outside the constituency, in a secure location designated by the Electoral Commission; or*
- (b) in a mobile polling station designated by the Electoral Commission under Section 63.'*

13 Amendment of Section 79

Section 79(4) is deleted and substituted as follows:

(4) A voter who seeks to vote in a mobile polling station:

- (a) on polling day, shall, apply in writing to the Electoral Commission at least 48 hours before 7:00am on polling day, and state the reasons for the*

application and provide any information including documents that the Electoral Commission may require; or

(b) before polling day as provided for under Section 78A shall, apply in the prescribed manner.’.

14 Amendment of Section 136

(1) Section 136 is amended by:

(a) deleting the words ‘*Electoral Commission*’ and substituting with ‘*Cabinet*’;
and

(b) deleting paragraph (i) and substituting as follows:

(i) for the amendment of the Schedules; or

(j) any matter necessary or convenient for giving effect to this Act.’.

15 General amendments

All references in the Act vesting the power to make Regulations in the Electoral Commission are deleted and substituted by vesting such power in the Cabinet.

16 Consequential Amendments

As a consequence of the amendment to Section 42(1)(e)(iv), Schedule 2 is amended in Forms 1, 2 and 3 and Schedule 3 is amended to reflect the new criterion that a person may be registered or transferred if he or she has a substantial connection through his or her spouse being born or ‘*registered*’ in that District.

17 Amendment of Schedule 9

Schedule 9 is deleted and substituted as follows:

SCHEDULE 9



REPUBLIC OF NAURU

ELECTORAL ACT 2016

[Section 57(3)(a)]

NOMINATION OF CANDIDATE FOR ELECTION AS A MEMBER OF PARLIAMENT

We nominate[insert full name of person being nominated] of[insert name of District in which candidate is registered] to be a candidate for election as a Member of Parliament for the Constituency of [insert name of Constituency]

Dated:/...../20.....

..... [insert full name of Voter] [signature of voter]

..... [insert full name of Voter] [signature of voter]

I, [insert full name] of [insert District in which person is registered], solemnly and sincerely declare that:

- (a) I consent to the above nomination.
(b) I have submitted a declaration of intention to contest a general election pursuant to Section 135A of the Act, on .../...../20.....
(c) I meet all legal requirements for candidacy.

I make this solemn declaration by virtue of the Oaths, Affirmations and Statutory Declarations Act 1976 conscientiously believing in the statements contained therein to be true in every particular.

Dated:/...../20.....

..... [signature of Candidate]

NOTE: Any person making a false statement is guilty of an offence and liable to imprisonment for 5 years

18 Amendment of Schedule 10

Schedule 10 is deleted and substituted as follows:

SCHEDULE 10



REPUBLIC OF NAURU

ELECTORAL ACT 2016

[Section 59(1)]

OFFICES OF PROFIT IN THE SERVICE OF NAURU

1. An officer who holds an office under the *Public Service Act 2016*.
2. An officer who holds an office under the *Nauru Police Force Act 1972*.
3. An officer who holds an office under the *Nauru Air Corporation Act 1995*.
4. An officer who holds an office under the *Nauru Rehabilitation Corporation Act 1997*.
5. An officer who holds an office under the *Nauru Fisheries and Marine Resources Authority Act 1997*.
6. An officer who holds an office under the *RONPHOS Act 2005*.
7. An officer who holds an office under the *Nauru Utilities Corporation Act 2011*.
8. An officer who holds an office under the *Nauru Fibre Cable Corporation Act 2017*.
9. An officer who holds an office under the *Nauru (RPC) Corporation Act 2017*.
10. An officer who holds an office under the *Cenpac Corporation Act 2018*.
11. An officer who holds an office under the *Naoero Postal Services Corporation Act 2018*.
12. An officer who holds an office under the *Ports and Navigation Act 2019*.
13. An officer who holds an office under the *Nauru Tourism Corporation Act 2019*.
14. Any officer who holds an office in an instrumentality of the Republic registered under the *Corporations Act 1972* and any other corporation established by a written law.
15. Any officer appointed to an office pursuant to the *Public Enterprise Act 2019*.
16. Any officer appointed to an office pursuant to the *Parliamentary Services Act 2020*.
17. Any officer appointed to a public office or instrumentality established under a written law.