



REPUBLIC OF NAURU

ELECTORAL (EARLY VOTING) REGULATIONS 2019

SL No. 15 of 2019

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The Electoral Commission makes these regulations under sections 136(d) and (f) of the *Electoral Act 2016*:

PART 1 - PRELIMINARY

1 Citation

These Regulations may be cited as the *Electoral (Early Voting) Regulations 2019*.

2 Commencement

These Regulations come into effect on the day they are notified in the Gazette.

PART 2 –APPLICATION OF REGULATIONS

3 Application of regulations

(1) For the purpose of section 78A of the Act, these Regulations apply to voters who:

- (a) will be travelling overseas and cannot attend a polling place within the hours of polling on polling day;
- (b) due to their religious beliefs cannot attend a polling place within the hours of polling on polling day;
- (c) are so ill or infirm that attending a polling place on polling day is precarious to their health;
- (d) are approaching maternity;
- (e) will be a patient in a hospital on polling day; or
- (f) are unable to leave their work place during the hours of polling.

(2) A voter who falls under the circumstances listed under subregulation (1) must:

- (a) apply to the Electoral Commissioner for early voting in the form approved by the Electoral Commissioner; and
- (b) provide the required evidence of his or her circumstances where the Electoral Commissioner deems necessary.

PART 3 – PREPARATIONS FOR EARLY VOTING

4 Gazetting and advertising early voting locations and times

- (1) The Electoral Commissioner must determine and gazette the location of the Early Voting Polling Place and the hours of polling.
- (2) The ballot papers for early voting shall be issued for all constituencies notwithstanding the location of the Early Voting Polling Places.

5 Staff

The Electoral Commissioner must appoint a Presiding Officer and polling officials for an Early Voting Polling Place and gazette their names under section 82(2) of the Act.

6 Request names from churches

- (1) The Electoral Commission may request a list of names to be provided from Churches whose day of worship is on polling day.
- (2) The list under subregulation (1) shall only be used for voters who apply for an early vote under the criteria in Regulation 3.

7 Polling equipment and record book

The Early Voting polling place will be equipped with the necessary voting screens, ballot boxes, electoral rolls, ballot papers, record book and stationery.

PART 4 – PROCEDURE FOR APPLYING FOR AND EARLY VOTE AND DETERMINATION OF APPLICATION

8 Voter to apply in person

A voter who intends to cast his or her vote under these Regulations as an early vote must:

- (a) apply in Form 1 in the Schedule for early voting;
- (b) state the reasons for the application;
- (c) if applying under the criteria of travelling on polling day, provide a travel document proving that the he or she will be overseas during polling day; and
- (d) provide any other documents that may be required by the Electoral Commissioner.

9 Decision to be at Electoral Commissioner's discretion

- (1) The Electoral Commissioner may approve or deny any early voting application received by the Commission.
- (2) Where the Electoral Commissioner approves an application under subregulation (1), he or she must:
 - (a) inform the applicant of his or her decision; and
 - (b) inform the applicant of the polling place for early voting.
- (3) Where the Electoral Commissioner denies an application, he or she must inform the applicant in Form 2 of the Schedule before the early voting polling closes.
- (4) The Electoral Commissioner must keep a record of the details of all the applications received and the decisions made in respect of each application.
- (5) The Electoral Commissioner may delegate his or her power to approve or deny any application received to his or her delegate.

10 Reasons for rejection of an application

The Electoral Commissioner may reject an application for any of the following reasons that are relevant to the application:

- (a) the voter is not registered on the electoral roll;
- (b) the documents provided with the application do not indicate that the voter is overseas on polling day;

- (c) the documents provided with the application do not indicate that the voter is unavailable on polling day;
- (d) the voter's name does not appear on the list provided by their church;
- (e) the voter has not provided a health practitioner's certificate; or
- (f) any other reason that the Electoral Commissioner may determine that the voter does not qualify to cast an early vote.

PART 5 – DUTY OF ELECTORAL COMMISSIONER AND PRESIDING OFFICER

11 Electoral Commissioner to direct Presiding Officer

Where any application is approved by the Electoral Commissioner or his or her delegate, the ballot paper must be issued to the voter.

12 Voter's vote recorded as if taken in a polling station under usual circumstances

The voter, when casting their vote, must so far as is reasonably practicable, be taken in all respects as if the vote was recorded in a polling station or mobile polling station under usual circumstances.

PART 6 – EFFECT OF EARLY VOTING AUTHORISATION

13 Voter may not vote in person on polling day if they have cast an early vote.

A voter who has cast an early vote for an election must not:

- (a) vote in person on polling day; and
- (b) participate in any aspect of proxy voting.

PART 7 – HANDLING AND STORAGE OF BALLOT BOXES

14 Sealing ballot boxes at the close of each day of polling

- (1) At the commencement of the first day of early voting, the Presiding Officer must lock the ballot box, leaving open the slot to insert ballot papers and record the seal numbers in the record book.
- (2) At the conclusion of early voting each day:
 - (a) the ballot boxes must be sealed with numbered seals;
 - (b) the number printed on each seal must be recorded in the Presiding Officer's Record Book and witnessed; and
 - (c) the ballot boxes must be stored securely until the next day of polling.
- (3) At the commencement of each day of early voting:
 - (a) the seal numbers on the ballot boxes must be compared to the seal numbers recorded in the Presiding Officer's Record Book to ensure they match; and
 - (b) where a match has occurred, sufficient seals shall be removed so that ballot papers can be inserted into the ballot box during voting; or
 - (c) where a match does not occur, the Electoral Commissioner must be notified immediately.

SCHEDULE

Form 1



Roll Id

APPLICATION FOR EARLY VOTING

Electoral Act 2016 (section 78A)

Electoral (Early Voting) Regulations 2019

(regulation 8)

Last Name	
First Names	
Any previous name(s)	
Date of Birth	/ /
Phone Number	
Email address	

On polling day I will be: *(tick one box)*

<input type="checkbox"/> Overseas during the hours of polling (must have current ticket or travel itinerary showing that you will be away)	<input type="checkbox"/> Observing my faith (must appear on list of worshippers provided by your church)
<input type="checkbox"/> Unable to leave work (Letter from employer required)	<input type="checkbox"/> Approaching maternity (Doctor's certificate required)
<input type="checkbox"/> Ill or infirm (Doctor's certificate required)	<input type="checkbox"/> Will be in Hospital (Doctor's certificate or admission forms)

.....
Signature of Voter

Dated...../...../2019

Office Use only

Voter on Roll ?

Voter not on roll

Proof of criteria supplied

Voter did not satisfy criteria

Date received in office/...../ 2019

Registered District.....

Voter advised

Photocopied Proof of criteria

Voter advised

Processing Officer

Date / /2019



Roll Id

**REJECTION OF EARLY VOTE
APPLICATION**

Electoral Act 2016 (section 78A)
Electoral (Early Voting) Regulations 2019
(regulation 9(3))

Last Name	
First Names	
Middle Names (if any)	
Date of Birth	/ /

Your application to vote early has been rejected for the following reason:

<input type="checkbox"/> Insufficient documentation to prove overseas travel	<input type="checkbox"/> Name did not appear on the list provided by church
<input type="checkbox"/> Insufficient documentation to prove overseas travel	<input type="checkbox"/> Did not supply a health practitioner's certificate or admission forms from the hospital.

NOTE:

- (i) Early voting is available to voters who have a genuine need to cast their vote before polling day.
- (ii) You are reminded that voting is compulsory in Nauru and you must vote on polling day.

.....

Date / /2019

NEC Officer
(Delegate of Electoral Commissioner)

