



REPUBLIC OF NAURU

ELECTORAL (MOBILE POLLING STATION) REGULATIONS 2016

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The Electoral Commission makes the following regulations in accordance with section 136(d) and (f) of the Electoral Act 2016:

PART 1 - PRELIMINARY

1 Citation

These Regulations may be cited as the *Electoral (Mobile Polling Station) Regulations 2016*.

2 Commencement

These Regulations commence on the day they are notified in the Gazette.

3 Interpretation

In these Regulations, the Electoral Act 2016 is referred to as 'the Act'.

PART 2 – PURPOSE AND APPLICATION OF REGULATIONS

4 Purpose of Regulations

(1) The purpose of these Regulations is to provide for the implementation and administration of Section 63 (3) of the Act for the effective conduct of elections.

(2) The Regulations affords an opportunity to vote to every voter, who:

(a) for the time being, is in his or her home or anywhere in Nauru, except for the voter who resides in an institution specified in section 63 (1) and section 79(3)(a) of the Act; and

(b) is of sound mind, but by reason of illness or infirmity, or, in the case of women, by reason of approaching maternity, is unable to attend a polling station established under section 62 of the Act, or a mobile polling station established under section 63(1), to vote.

5 Application of Regulations

The Regulations apply to a voter who:

(a) falls under exceptional circumstances, as set out in regulation 4; and

(b) has made an application to the Electoral Commissioner; and

(c) has provided the required evidential reports to his or her condition.

PART 3 – PROCEDURE FOR APPLYING AND DETERMINATION OF APPLICATION

6 Voter to apply on time

A voter must:

- (a) apply in writing to the Electoral Commissioner at least 48 hours before 9:00am on polling day; and
- (b) state the reasons for the application; and
- (c) provide a medical report from a medical practitioner registered under the Health Practitioner's Act 1999 in support of the voter's alleged medical state and condition; and
- (d) provide any other documents that the Electoral Commissioner may require.

7 Decision to be at Electoral Commissioner's discretion

- (1) The Electoral Commissioner has the discretion to approve or to deny any application received, including any application received after the 48 hours specified in regulation 6.
- (2) The decision of the Electoral Commissioner must be communicated to the voter who is denied his or her application, at the earliest possible time.
- (3) When an application is approved, the Electoral Commissioner must record the approval; designate a polling station for the purpose of these Regulations, and inform the voter of his or her decision.
- (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.

PART 4 – DUTY OF ELECTORAL COMMISSIONER AND PRESIDING OFFICER

8 Electoral Commissioner to direct presiding officer

Where any application is approved by the Electoral Commissioner, he or she must direct the presiding officer in charge of the polling station or mobile polling station to afford the voter an opportunity to record the voter's vote by visiting the voter at the voter's residence or a place of abode, within 24 hours of the polling day, or at polling day before the close of the poll.

9 Presiding officer to visit voter

When visiting the voter, the presiding officer must take with him or her, the ballot box provided for the relevant station and he or she must be accompanied by another election official appointed by the Electoral Commissioner, and a police officer.

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

On a visit conducted in accordance with this Part, the voter's 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.

11 Visit may be prohibited

No visit may be made under this Part, if such visit is prohibited on medical grounds by a medical practitioner under the Health Practitioner's Act 1999, or, if the application was denied for the reason that the visit will disrupt the voting at the polling station or mobile polling station.