

THE TERRITORY OF NAURU

No. 7 of 1965

A N O R D I N A N C E

To provide for the Election of Members of the Legislative Council for the Territory of Nauru, and for other purposes.

I, the Administrator of the Island of Nauru, in pursuance of the powers conferred by Article 1 of the Agreement dated the second day of July, 1919, between the Government of the United Kingdom, the Government of the Commonwealth of Australia and the Government of New Zealand, hereby make the following Ordinance.

Dated this *24th* day of *December*, 1965.



Administrator of the
Island of Nauru.

ELECTORAL ORDINANCE 1965.

PART I. -- PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Electoral Ordinance 1965.

Parts.

2. This Ordinance is divided into Parts, as follows :-

Part I. - Preliminary (Sections 1-4)

Part II. - Electoral Districts and Electoral Rolls (Sections 5-14).

Part III. - The Writ and Nominations (Sections 15-18).

Part IV. - The Polling (Sections 19-23).

Part V. - The Scrutiny (Sections 24-28).

Part VI. - Disputed Elections (Sections 29-42).

Definitions.

3. In the Ordinance, unless the contrary intention appears -

"absolute majority of votes", in relation to the scrutiny of votes cast at a poll for the election of a member for an Electoral District, means a number greater than the number equal to one-half of the number of ballot-papers other than informal ballot-papers received into the scrutiny;

"candidate", in relation to an election, means a person nominated as a candidate for election as a member in accordance with section 16 of this Ordinance;

"declaration", in relation to an election, means a declaration made under section 28 of this Ordinance;

"District" means each of the following Districts, namely, Aiwo, Anabar, Anibare, Anetan, Baiti, Boe, Buada, Denigomodu, Ewa, Ijuw, Meneng, Nibok, Uaboe or Yaren, being Districts into which Nauru is divided by the customs of the Nauruans;

"election" means -

- (a) a general election of members;
- (b) an election referred to in sub-section (3.) of section 14 of the Act; or
- (c) a supplementary election under section 17 of this Ordinance;

"elector" means a Nauruan whose name appears on a roll;

"Electoral District" means a District or group of Districts for which a member or members are to be elected in accordance with section 5 of this Ordinance;

"member" means an elected member of the Legislative Council;

"nomination day", in relation to an election, means the day fourteen days preceding polling day;

"petition" means a petition under section 29 of this Ordinance;

"polling day", in relation to an election, means the day fixed in the writ for the election as the day when the poll is to be taken;

"polling place" in relation to an election, means a place at which the poll is to be taken that has been notified in accordance with sub-section (2.) of section 18 of this Ordinance;

"roll" means a roll of electors kept in accordance with section 6 of this Ordinance;

"the Act" means the Nauru Act 1965;

"the Executive Council" means the Executive Council for the Territory of Nauru established by the Act;

"the Legislative Council" means the Legislative Council for the Territory of Nauru established by the Act;

"the Registrar" means the Electoral Registrar appointed under the next succeeding section;

"the Schedule" means the Schedule to this Ordinance.

Electoral Registrar, Deputy Electoral Registrar and Returning Officer.

4. - (1.) For the purposes of this Ordinance, there shall be an Electoral Registrar, a Deputy Electoral Registrar and a Returning Officer, each of whom shall be appointed by the Administrator.

(2.) Notice of an appointment made under the last preceding sub-section shall be published in the Gazette.

(3.) A person appointed under sub-section (1.) of this section has such powers and functions as are conferred on him by this Ordinance.

(4.) Subject to the control of the Registrar, the Deputy Electoral Registrar has, and may exercise, all the powers and perform all the functions of the Registrar under this Ordinance.

PART II. - ELECTORAL DISTRICTS AND ELECTORAL ROLLS.

District representation.

5. The members shall be elected for the respective Districts or groups of Districts as follows :-

- (a) one member for each of the Districts of Aiwo, Boe, Buada, Meneng and Yaren;
- (b) one member for the group of Districts comprising the Districts of Anabar, Anibare and Ijuw;
- (c) one member for the group of Districts comprising the Districts of Anetan and Ewa; and
- (d) two members for the group of Districts comprising the Districts of Baiti, Denigomodu, Nibok and Uaboe.

Registrar to keep rolls.

6. - (1.) The Registrar shall keep in respect of each District a roll of the names of Nauruans who are to be entitled to vote at an election.

(2.) In relation to the first general election of members, the roll kept in accordance with section 14A of the Nauru Local Government Council Ordinance 1951-1963 in respect of each District shall be deemed to be the roll for that District for the purposes of the last preceding sub-section.

Forms for
enrolment, &c.

7. Forms of application for, and transfer of, enrolment, and such other forms as are necessary for the purposes of Parts II. and III. shall be made available by the Registrar to persons who wish to use them and the Registrar shall assist persons in the use of the forms.

Qualifications
for enrolment.

8. - (1.) Subject to the next succeeding sub-section, every Nauruan resident in Nauru, who is over the age of twenty-one years, whether male or female, is entitled to have his or her name entered on a roll.

(2.) A Nauruan is not entitled to have his name entered on or retained on a roll or to vote at an election if -

(a) he is of unsound mind; or

(b) he has been convicted and is under sentence for an offence punishable under a law in force in Nauru by imprisonment for one year or longer.

Claims for
enrolment and
transfer of
enrolment.

9. - (1.) A Nauruan entitled to enrolment under sub-section (1.) of the last preceding section living in a District is entitled to have his name entered on the roll in respect of that District.

(2.) An elector whose name is on the roll in respect of a District and who lives in another District is entitled to have his name transferred to the roll in respect of the District in which he lives.

(3.) A Nauruan is not entitled to have his name entered on more than one roll at the same time.

(4.) A Nauruan who is entitled to have his name entered on, or transferred to, the roll in respect of a District, and whose name is not on that roll, shall, within a period of one month after he becomes so entitled, apply in writing, in accordance with Form 1 in the Schedule, to the Registrar to have his name entered on,

or transferred to that roll.

Penalty: Three pounds.

(5.) Where the Registrar is satisfied that a Nauruan, who has made application during or after the expiration of the period referred to in the last preceding sub-section to have his name entered on or transferred to the roll in respect of a District, is entitled to have his name entered on, or transferred to, as the case may be, that roll -

- (a) he shall cause the name of the Nauruan to be entered on, or transferred to, that roll accordingly; and
- (b) he shall cause the Nauruan to be notified of the action so taken.

(6.) Where the Registrar is not satisfied that a Nauruan, who has made an application referred to in sub-section (4.) of this section, is entitled to have his name entered on, or transferred to, as the case may be, the roll in respect of the District specified in his application, he shall reject the application and cause the Nauruan to be notified of the rejection.

Alteration
of rolls
and closing
of rolls
before
election.

10. - (1.) The Registrar shall cause to be struck off any roll the name of a Nauruan who -

- (a) is dead;
- (b) has ceased to reside in Nauru; or
- (c) is not entitled, under this Ordinance, to enrolment.

(2.) Where the Registrar has caused the name of a Nauruan to be struck off a roll he shall, unless the Nauruan is dead or has ceased to reside in Nauru, cause the Nauruan to be notified of the action taken.

(3.) The Registrar shall cause to be made such alterations in the entries on any roll as are required as a result of any change in the place at which an elector lives in a District.

(4.) Where an election is to be held, the roll in respect of a District in which the election is to be held shall be closed on the twenty-first day preceding polling day and shall not be re-opened until the day after polling day.

(5.) While a roll is closed in accordance with the last preceding sub-section, an alteration shall not be made to the roll except to correct an error or omission, to remove the name of a person under sub-section (1.) of this section or in pursuance of an order made by the District Court on an application to that Court under the next succeeding section.

Appeal in
relation
to
enrolment.

11. - (1.) A Nauruan -

(a) whose application to the Registrar to have his name placed on, or transferred to, the roll in respect of a District has been rejected under sub-section (6.) of section 9 of this Ordinance; or

(b) who has been notified that his name has been struck off the roll in respect of a District under sub-section (1.) of the last preceding section,

may within one month after the receipt of the notification of the rejection of his application, or the notification that his name has been struck off the roll, as the case may be, apply to the District Court for an order directing that his name be entered on, transferred to, or reinstated on, as the case may be, that roll.

(2.) The Electoral Registrar shall be deemed to be the respondent on the application.

(3.) The District Court shall hear and determine an application under this section.

(4.) A judgment of the District Court given on an application under this section is final.

(5.) The Registrar of the District Court shall send to the Electoral Registrar a certified copy of the order of the District Court and the Electoral Registrar shall cause such entries (if any) to be made on the roll in respect of a District as are necessary to give effect to the order.

Electors.

12. - (1.) Subject to sub-section (2.) of section 8 of this Ordinance, an elector is entitled to vote at the election of a member for the District in respect of which he is an elector or of a member or members for the group of Districts that includes the District in respect of which he is an elector, as the case may be.

(2.) An elector shall vote at each election of a member for the District in respect of which he is an elector, or of a member or members for the group of Districts that includes the District in respect of which he is an elector, as the case may be, unless -

- (a) he is absent from Nauru on polling day;
- (b) he is seriously ill or infirm and by reason of that illness or infirmity is precluded from attending at a polling place to vote;
- (c) in the case of a woman, she is precluded by approaching maternity from attending at any polling place to vote; or
- (d) he has some other valid and sufficient reason for not voting.

Penalty : Three pounds.

(3.) The Returning Officer shall, as soon as possible after polling day, prepare a list of the names and descriptions of the electors who appear not to have voted at the election, and shall certify the list by writing under his hand.

(4.) The list so certified is evidence of the fact that an elector whose name appears in it did not vote at the election.

Notice to
electors who
fail to vote.

13. - (1.) There shall, within one month after polling day at an election, be sent to each elector whose name appears on the certified list of electors referred to in the last preceding section a notice in accordance with Form 2 in the Schedule.

(2.) An elector to whom a notice has been sent in pursuance of the last preceding sub-section, shall within the time specified in the notice (not being less than fourteen days from the date on which the notice is sent) complete, sign in the presence of a witness who is an elector or a person qualified to be an elector, and return to the Returning Officer, a reply in accordance with Form 3 in the Schedule.

(3.) If the elector to whom a notice under this section is addressed is unable, by reason of absence from his place of living or physical incapacity to complete, sign and return the reply as required by this section, any other elector having personal knowledge of the facts may complete, sign in the presence of a witness who is an elector or a person qualified to be an elector and return the form on behalf of the absent or incapacitated elector and the elector to whom the notice has been sent shall then be deemed to have complied with the last preceding sub-section.

(4.) An elector shall not state in a reply returned in pursuance of this section a false reason for his failure to vote.

(5.) An elector who makes, in pursuance of this section, a reply on behalf of another elector shall not state in the reply returned in pursuance of this section a false reason for the failure of that other elector to vote.

Penalty: Three pounds.

Action where
reason
considered
insufficient.

14.- (1.) Where a reply under the last preceding section states a reason for the failure of an elector to vote, which, in the opinion of the Returning Officer, is not a valid and sufficient reason for that failure, the Returning Officer shall submit the facts to the Administrator.

(2.) Proceedings for an offence against section 12 of this Ordinance shall not be instituted except with the written consent of the Administrator acting with the advice of the Executive Council.

PART III. - THE WRIT AND NOMINATIONS

Writ for
elections.

15.- (1.) The Administrator shall, within fourteen days after the date on which a notice under sub-section (1.) of section 16 of the Act is published, or within fourteen days after a vacancy in the office of a member occurs, cause a writ for election in accordance with Form 4 or Form 5 in the Schedule, as the case requires, to be issued to the Returning Officer not later than four weeks before the polling day fixed by the Administrator in the writ.

(2.) The Returning Officer shall publish in the Gazette the particulars of the writ, the dates of the nomination day and the day when the rolls will be closed for the election.

Qualifica-
tion of
candidate.

16.- (1.) A Nauruan is not qualified to be a candidate for an election as an elected member of the Legislative Council for an Electoral District unless he is an elector or is entitled to be an elector for that Electoral District or for a District included in that Electoral District.

Nomination
of
candidate.

(2.) A Nauruan may be nominated as a candidate for election as a member for an Electoral District by delivering to the Returning Officer not later than noon on the day fourteen days before polling day a written nomination of the person as a candidate in accordance with Form 6 in the Schedule, signed by two or more electors in respect of that Electoral District or of a District included in that Electoral District, as the case may be, and by the candidate.

Failure of
Election.

17. - (1.) For the purposes of this section, an election in respect of an Electoral District fails where -

- (a) the required number of candidates for an Electoral District is not nominated or is not returned as elected; or
- (b) after the day on which the names of the candidates are published in accordance with paragraph (a) of sub-section (2.) of the next succeeding section and before the closing of the poll a candidate dies.

(2.) Subject to this Ordinance, where an election in respect of an Electoral District fails, a new writ shall be forthwith issued by the Administrator for a supplementary election in respect of that Electoral District.

(3.) Where an election in respect of an Electoral District fails in consequence of the death of a candidate, the supplementary election shall be held on the rolls that were prepared for the purpose of the election that failed.

Candidates who
are unopposed
to be declared
elected.

18. - (1.) If the number of candidates in respect of an Electoral District is not greater than the number of members to be elected for that Electoral District, the Returning Officer shall declare the candidate or candidates duly elected.

(2.) The Returning Officer shall, on nomination day or as soon as possible after that day, by notice exhibited in a conspicuous place at or near the building known as the Administration Offices, Nauru, and by notice in the Gazette, publish -

- (a) the names of the candidates and the electors by whom they have been nominated; and
- (b) if the number of candidates in respect of an

Electoral District is greater than the number of members to be elected, the date fixed by the Administrator in the writ as the date on which the poll is to be taken and the places determined by the Returning Officer as the places at which the poll is to be taken in each District.

PART IV. - THE POLLING.

Election to be by ballot.

19. - (1.) Subject to sub-section (1.) of the last preceding section, every election shall be by ballot and the voting shall commence at one o'clock in the afternoon of polling day and shall close at six o'clock in the afternoon of the same day.

(2.) The poll shall be taken at the place or places in each District notified by the Returning Officer in accordance with paragraph (b) of sub-section (2.) of the last preceding section.

(3.) The Returning Officer shall appoint a person to act as presiding officer at each polling place.

Compartments for voting.

20. - (1.) At each polling place, there shall be one or more separate voting compartments.

(2.) A person who is not an elector about to mark his ballot-paper shall not enter such a compartment during the poll.

Penalty: One pound.

Ballot-papers and ballot-boxes.

21. - (1.) A presiding officer shall be provided with a sufficient number of ballot-papers in accordance with Form 7 in the Schedule, and shall initial the back of those ballot-papers before he delivers them to electors who are about to vote at the polling place at which he presides.

(2.) The presiding officer shall also be provided with a ballot-box, in the top of which there shall

be an opening sufficiently large to permit a folded ballot-paper to be placed in the ballot-box.

(3.) The presiding officer shall lock the ballot-box before the polling commences and the ballot-box shall not be opened during the election except in accordance with paragraph (a) of section 26 of this Ordinance.

(4.) The presiding officer shall retain the key to the ballot-box until he hands it to the Returning Officer for the purposes of paragraph (a) of section 26 of this Ordinance.

Method of voting.

22. - (1.) Subject to this Ordinance, an elector is not entitled to vote at a polling place other than a polling place in the District in respect of which he is enrolled as an elector.

(2.) Subject to the next succeeding section, the presiding officer shall deliver to each elector claiming to vote a ballot-paper initialed in accordance with the sub-section (1.) of the last preceding section.

(3.) When he has received a ballot-paper in accordance with the last preceding sub-section, an elector shall enter a voting compartment and, without leaving it, mark his vote on the ballot-paper then fold the ballot-paper so as to conceal his vote and openly, in the presence of the presiding officer, place the ballot-paper in the ballot-box.

(4.) If an elector cannot read or his sight is so impaired that he cannot vote without assistance, the presiding officer may, at the request of the elector, mark in accordance with the wishes of the elector, fold and deposit the elector's ballot-paper for him.

Presiding officer may ask certain questions.

23. - (1.) The presiding officer may ask an elector who claims to vote the following questions :-

- (a) "Are you the person whose name appears as (the name of elector) on the roll of persons entitled to vote at an election

of members for (the name of the Electoral District or the names of the Districts included in the Electoral District)?";

- (b) "Are you qualified to vote at this election of members for (the name of the Electoral District or the names of the Districts included in the Electoral District)?"; and
- (c) "Have you already voted at this election ?".

(2.) The presiding officer is not entitled to ask such an elector any other questions in relation to his claim to vote at the election.

(3.) A person who refuses to answer any question referred to in sub-section (1.) of this section, or who fails to answer questions (a) and (b) so referred to in the affirmative and question (c) so referred to in the negative, shall not be permitted to vote.

(4.) A person shall not make a false answer to a question asked in accordance with sub-section (1.) of this section.

Penalty: Five pounds or imprisonment for one month or both.

PART V. - THE SCRUTINY.

The scrutiny.

24. - (1.) The result of the polling shall be ascertained by scrutiny.

(2.) The Returning Officer may appoint a presiding officer or other person to assist in the conduct of the scrutiny.

Informal
ballot-
papers.

25. - (1.) Subject to the next succeeding sub-section, a ballot-paper is informal if -

- (a) it is not authenticated by the initials of the presiding officer in accordance with sub-section (1.) of section 21 of this Ordinance;
- (b) it has no vote indicated on it or it does

not indicate the elector's first preference for one candidate and his contingent votes for all the remaining candidates; or

- (c) it has on it any mark or writing (not authorized by this Ordinance to be put on it) by which, in the opinion of the Returning Officer, the elector can be identified.

(2.) Where -

- (a) there are two names specified on a ballot-paper and an elector has indicated his vote on the ballot-paper by placing the figure "1" in the square opposite to the name of one candidate and has left the other square blank - the ballot-paper is not informal by reason only of paragraph (b) of the last preceding sub-section; and
- (b) there are more than two names specified on a ballot-paper and an elector has indicated on the ballot-paper his first preference for one candidate and his contingent votes for all the remaining candidates except one and the square opposite to the name of that candidate has been left blank - the elector shall be deemed to have indicated the order of his preference for all the candidates and that his preference for the candidate opposite to the name of whom the square has been left blank is his last preference.

(3.) Notwithstanding paragraph (c) of sub-section (1.) of this section, a ballot-paper is not informal by reason only of the fact that a mark or writing has been placed on it by the Returning Officer.

(4.) A ballot-paper is not informal for any reason other than the reasons specified in this section, but is to be given effect according to the elector's intention so far as that intention is clear.

Scrutiny
of ballot-
papers.

26. As soon as practicable after the close of the poll, the presiding officer at each polling place shall bring the locked ballot-box from that place to the Returning Officer, who shall, in the presence of the presiding officer -

- (a) open the ballot-box;
- (b) reject all informal ballot-papers and arrange the unrejected ballot-papers under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate;
- (c) count the first preference votes given for each candidate on all unrejected ballot-papers;
and
- (d) place in a separate parcel all ballot-papers that have been rejected as informal.

Determination
of result of
election.

27. - (1.) In respect of each Electoral District, the Returning Officer -

- (a) shall ascertain the total number of first preference votes given for each candidate; and
- (b) shall make out and sign a statement setting out the number of first preference votes given for each candidate, and certify, by endorsement on the copy of the writ received by him, the like particulars.

(2.) The candidate who has received the largest number of first preference votes is, if that number constitutes an absolute majority of votes, elected as a member for the Electoral District in respect of which he was a candidate for election.

(3.) If no candidate for election as a member for an Electoral District has received an absolute majority of first preference votes, the Returning Officer shall proceed with the scrutiny and the counting of votes as

follows :-

- (a) a second count of the ballot-papers for that Electoral District shall be made;
- (b) on the second count the candidate who has received the fewest first preference votes shall be excluded, and each ballot-paper counted to him shall be counted to the candidate next in order of the elector's preference;
- (c) if a candidate then has an absolute majority of votes he shall be elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his ballot-papers to the unexcluded candidate next in order of the elector's preference shall be repeated until one candidate has received an absolute majority of votes; and
- (d) the candidate who has then received an absolute majority of votes shall be elected for that Electoral District.

(4.) Where two members are required to be elected in respect of an Electoral District and one candidate has been elected in accordance with sub-section (2.) or (3.) of this section, the Returning Officer shall proceed with the scrutiny and counting of the votes as follows :-

- (a) the Returning Officer shall re-arrange all the ballot-papers under the names of the respective candidates in accordance with the first preference indicated on the ballot-papers, except that each ballot-paper on which a first preference for the elected candidate is indicated shall be placed in the parcel

of the candidate next in order of the voter's preference;

- (b) if a candidate then has an absolute majority of votes he shall be elected, but if no candidate then has an absolute majority of votes, the scrutiny shall proceed as provided in paragraph (c) of the last preceding subsection until one other candidate has received an absolute majority of votes; and
- (c) the candidate who has then received an absolute majority of votes shall be elected as the other member for that Electoral District.

(5.) If on any count two or more candidates have an equal number of votes and one of them has to be excluded, the Returning Officer shall decide by lot the candidate to be excluded.

Declaration of election.

28. As soon as possible after the result of an election is ascertained, the Returning Officer shall, by notice exhibited in a conspicuous place at or near the building known as the Administration Offices, Nauru, and by notice in the Gazette, declare -

- (a) the result of the election;
- (b) the name or names of the candidate or candidates elected;
- (c) the number of formal votes cast; and
- (d) the number of informal votes.

PART VI. - DISPUTED ELECTIONS.

Method of disputing elections and declarations.

29. The validity of an election or the declaration of an election may be disputed by petition addressed to the Court of Disputed Elections and not otherwise.

The Court of Disputed Elections.

30. The Central Court is the Court of Disputed Elections and shall, subject to this Part, hear and determine a petition.

Requisites
of petition.

31. A petition disputing an election or the declaration of an election -
- (a) shall set out the facts relied on to invalidate the election or the declaration of the election;
 - (b) shall contain a prayer asking for the relief the petitioner claims to be entitled to;
 - (c) shall be signed by a candidate at the election or by a person who was qualified to vote at the election;
 - (d) shall be attested by two witnesses; and
 - (e) shall be filed in the registry of the Central Court within forty days after the publication in the Gazette of the notice in relation to the election in accordance with section 28 of this Ordinance.

Deposit as
security for
costs.

32. At the time of filing the petition, the petitioner shall deposit with the Registrar of the Central Court an amount of Ten pounds as security for costs.

Proceedings
may be stayed
unless
requisites
complied with.

33. The Central Court may, on the application of a respondent to a petition, order a stay of proceedings if either of the last two preceding sections has not been complied with.

Returning
Officer
entitled
to enter
appearance.

34. - (1.) The Returning Officer is entitled, by leave of the Court of Disputed Elections, to enter an appearance in any proceedings before the Court relating to a petition and to be represented and heard in those proceedings.

(2.) Where the Returning Officer enters an appearance in accordance with the last preceding subsection, he shall be deemed to be a party respondent to the petition.

Powers of
Court.

35. - (1.) The Court of Disputed Elections shall sit as an open court and its powers shall include the following:-

- (a) to adjourn;
- (b) to compel the attendance of witnesses and the production of documents;
- (c) to grant to a party to a petition leave to inspect, in the presence of the Electoral Registrar, the rolls and other documents (except ballot-papers) used at or in connexion with an election and to take, in the presence of the Electoral Registrar, extracts from those rolls and other documents;
- (d) to examine witnesses on oath;
- (e) to declare that a person who has been declared to be elected under section 28 of this Ordinance was not duly elected;
- (f) to declare a candidate duly elected who has not been declared to be elected under section 28 of this Ordinance;
- (g) to declare an election in respect of an Electoral District absolutely void;
- (h) to dismiss or uphold a petition in whole or in part; and
- (i) to award costs.

(2.) The Court of Disputed Elections may exercise all or any of its powers under this section on such grounds as the Court in its discretion thinks just and sufficient.

Inquiries
by Court.

36. The Court of Disputed Elections shall not inquire into the correctness of a roll.

Real justice
to be observed.

37. The Court of Disputed Elections shall be guided by good conscience and the substantial merits of each case without regard to legal forms and technicalities and is not bound by any rules of evidence.

Decisions
to be final.

38. The decisions of the Court of Disputed Elections are final and conclusive and shall not be questioned in any way.

Costs.

39. The Court of Disputed Elections may award costs against an unsuccessful party to a petition.

Deposit applicable for costs.

40. If costs are awarded to a party against a petitioner, the deposit made by the petitioner under section 32 of this Ordinance may be applied in payment of the sum ordered, but otherwise the deposit is repayable to the petitioner.

Other costs.

41. All other costs awarded by the Court of Disputed Elections, including the balance above the deposit made by a petitioner, are recoverable as if the order of the Court of Disputed Elections were a judgment of the Central Court.

Effect of decision of Court.

42. - (1.) Where the Court of Disputed Elections declares that a person who has been declared to be elected under section 28 of this Ordinance was not duly elected, he shall be deemed not to have been elected.

(2.) Where the Court of Disputed Elections declares a candidate duly elected who has not been declared to be elected under section 28 of this Ordinance, he shall be deemed to have been elected.

(3.) Where the Court of Disputed Elections declares an election in respect of an Electoral District void, the election in respect of that Electoral District shall be deemed to have failed.

THE SCHEDULE

Form 1.

Section 9(4.)

The Territory of Nauru

Electoral Ordinance 1965

APPLICATION FOR ENROLMENT OR
TRANSFER OF ENROLMENT

Particulars for Enrolment

Names (in full):

Occupation:

Sex:

Date and Year of Birth:

Place of Birth:

Former Surname:

To the Electoral Registrar, Nauru.

1. I am a person included in one of the classes of persons who, under the Nauruan Community Ordinance 1956-1962, constitute the Nauruan community, resident in the District in Nauru.

2. I live in the District of

3. I am over the age of 21 years.

4. My name is at present enrolled for the District of

5. I hereby claim enrolment as an elector for the District of

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

Personal signature of Applicant

Date

Paragraph 4 should be struck out if the claimant is not already enrolled.

The Territory of Nauru
Electoral Ordinance 1965

District of

Number on Roll

NOTICE TO AN ELECTOR WHO APPEARS TO HAVE FAILED TO VOTE

TO (Name)

..... (Address)

You are notified that you appear to have failed to vote at the election held under the Electoral Ordinance 1965 on the , 19 , and you are hereby called upon to give the true reason why you failed so to vote.

You are required to -

- (a) state, in the form attached, the true reason why you failed to vote;
- (b) complete and personally sign the form, and have it witnessed by an elector or a person qualified to be an elector; and
- (c) return the form to reach me on or before the , 19 .

NOTE: (1) An elector who -

- (a) fails to vote at an election without a valid and sufficient reason for that failure;
- (b) on receipt of this notice, fails to complete, sign and return within the time specified in the notice, the form (duly witnessed) attached to it, or
- (c) states in that form a false reason for not having voted or, in the case of an elector completing the form on behalf of any other elector, states in that form a false reason why that other elector did not vote,

is guilty of an offence and is, on conviction, liable to a penalty not exceeding Three pounds.

NOTE: (2) If the elector to whom this notice is addressed is unable, by reason of absence from his place of living or physical incapacity, to complete, sign and return the attached form within the time specified in this notice, any other elector who has personal knowledge of the facts may complete, sign and return the form duly witnessed, within that time, and the completing, signing and returning of the form will be treated as compliance by the first-mentioned elector with the requirements of this notice.

Returning Officer,
Nauru.

Date , 19 .

The Territory of Nauru

Electoral Ordinance 1965

District of

FORM OF DECLARATION TO BE COMPLETED AND RETURNED TO THE
RETURNING OFFICER, NAURU

I, _____, do hereby declare that the following is the true reason why I [☒] failed to vote at the election held under the Electoral Ordinance 1965, on _____, the _____ day of _____, 19 _____.

+

(Personal signature of Elector)

I, the undersigned, being an elector or a person qualified to be an elector, certify that I have seen the abovementioned elector sign the above declaration.

(Signature of witness in own handwriting)

(Occupation)

(Address)

Date _____, 19 _____.

☒ Where this form is filled in on behalf of an absent or physically incapacitated elector, the word "I" must be struck out, and the name of the absent or incapacitated elector inserted.

+ Here set out the precise and true reason for having failed to vote.

The Territory of Nauru

Electoral Ordinance 1965

Writ for a General Election of Members of the
Legislative Council for the Territory of Nauru.

To _____ the Returning Officer

.GREETING

This is to command you to cause elections
to be made according to law of members to serve in the
Legislative Council for the Territory of Nauru; and I
appoint the _____ day of _____ 19____, to
be the date when the poll (if any) for the purposes of
the elections shall be taken.

Given under my hand at Nauru, this _____ day of

_____, 19____.

Administrator.

The Territory of Nauru

Electoral Ordinance 1965

Writ for an Election of a Member of the Legislative Council
for the Territory of Nauru to fill a Vacancy.

To the Returning Officer.

GREETING

This is to command you to cause an election to be
made according to law of member(s) of the
Legislative Council for the Territory of Nauru to fill
the vacant office of member(s) for the
District(s) , and I appoint the day
of , 19 , to be the date when the poll
(if any) for the purposes of the election shall be taken.

Given under my hand at Nauru, this day of
, 19 .

Administrator

The Territory of Nauru
Electoral Ordinance 1965

NOMINATION OF MEMBER OF THE LEGISLATIVE
COUNCIL FOR THE TERRITORY OF NAURU.

We hereby nominate \boxtimes of⁺
as a Member of the Legislative Council for \neq
..... District(s).

Dated this day of, 19. .

.....
(Signature of Elector)

.....
(Signature of Elector)

I hereby consent to the above nomination,

Dated this day of, 19. .

.....
(Signature of Candidate)

-
- \boxtimes Here insert in full the names of the candidate.
 - ⁺ Here insert the candidate's place of residence and occupation.
 - \neq Here insert name of District or the names of the group of Districts.

The Territory of Nauru

B A L L O T - P A P E R .

Electoral Ordinance 1965

District or Group of Districts
of

Election of Member (or two Members, as the case requires)
of the Legislative Council for Nauru.

C A N D I D A T E S

.....

.....

.....

.....

.....

DIRECTIONS TO ELECTORS

Mark your vote on this ballot-paper by placing the numbers
(here insert "1 and 2" where there are two candidates, "1, 2 and 3"
where there are three candidates, "1, 2, 3 and 4" where there are
four candidates and so on as the cases require) in the squares
respectively opposite to the names of the candidates so as to
indicate the order of your preference for them.