

Nauru

Background	Name of EMB:	The Office of the Electoral Commissioner (Nauru)
	Status:	Permanent – as a result of the Electoral Act 2016
	Number of commissioners:	One electoral commissioner, who is the chair of the commission. Two permanent deputy commissioners.
	Number of full-time EMB staff:	Three
Establishment of the EMB	Constitutional and/or legislative provisions for establishment of the EMB:	Electoral Act 2016, Constitution of Nauru 1968 and Public Service Act 2016 (specifically Section 84 of the PSA).
	EMB’s mandate:	<p><i>Functions of Electoral Commission:</i></p> <ol style="list-style-type: none"> 1. The Electoral Commission has the general duty, responsibility and authority to formulate policy, the registration of voters for the election of Members of Parliament and the conduct of elections in accordance with the Electoral Act 2016 including responsibility and authority with respect to the following matters: <ol style="list-style-type: none"> a. registration and transfer of registration of voters; b. receipt and return of the writ of an election in accordance with Section 56; c. monitoring and enforcing compliance with this act; d. making regulations for the effective conduct of the elections; e. such other functions as are conferred upon it by any other written law. 2. The Electoral Commission must ensure that voter information and education programmes are established and implemented from time to time to assist voters in exercising their rights and for the effective conduct of the elections. 3. The Electoral Commission shall have the authority to appoint, remove and take disciplinary action against any employee of the commission, and shall have the authority to determine all matters relating to the employment of all staff in the commission, including the:

		<p>a. terms and conditions of employment;</p> <p>b. qualification requirements for appointment and the process to be followed for appointment, which must be an open, transparent and competitive selection process based on merit;</p> <p>c. salaries, benefits and allowances payable in accordance with the budget of the commission; and</p> <p>d. the total number of staff that are required to be appointed in accordance with the budget of the commission.</p> <p>4. In making appointments of any person to the commission, the electoral commissioner must ensure the independence, impartiality and integrity of the commission is upheld and maintained.</p> <p>5. In exercising his or her powers to remove or to take disciplinary action against any employee of the commission, the electoral commissioner must ensure that the process followed in the exercise of his or her powers is transparent and is in accordance with the Code of Conduct adopted by the commission.</p>
	<p>EMB model:</p> <p>What standards are established in the constitution or other legislation for democratic legitimacy?</p>	<p>Independent.</p> <p>The Constitution prescribes a parliament, the members and the electors, who are the citizens of Nauru who have attained the age of 20.</p> <p>The Electoral Act details the method of enrolment, including auto-enrolment from the Department of Births, Deaths and Marriages. The method of voting is full preferential and is counted using the Dowdall voting system, which is a decimalised modification of the Borda system.</p>
<p>Appointment, tenure and removals</p>	<p>Provisions for the appointment of commissioners:</p> <p>Political status of commissioners:</p> <p>Chair qualifications:</p>	<p>The electoral commissioner and the two deputies are appointed by the president, acting on advice from Cabinet for a period of four years.</p> <p>Appointments do not follow political lines.</p> <p>The chair, who is also the electoral commissioner, can be qualified as a Supreme Court judge or can be a person who has held senior leadership and management positions in Nauru or elsewhere.</p>
	<p>Commissioner qualifications:</p>	<p>As above.</p>

	<p>Tenure of chair and commissioners:</p> <p>Provisions for the removal of commissioners:</p>	<p>Four-year renewable term</p> <p>The electoral commissioner cannot be removed from office, except by a resolution of parliament approved by not less than two-thirds of the total number of members. The deputies can be removed from office by the president on the recommendation of the electoral commissioner.</p>
	<p>Provisions for the appointment of EMB senior staff:</p>	<p>The Electoral Commission can appoint staff within budget.</p>
	<p>Tenure of EMB senior staff:</p>	<p>There are no other staff prescribed within the Electoral Act.</p>
	<p>Provisions for the removal of EMB senior staff:</p>	<p>None specified</p>
<p>Funding arrangements</p>	<p>Setting and control of EMB's budget:</p>	<p>The budget is appropriated to the Electoral Commission. The commission intends to employ a budget officer.</p>
	<p>Financial autonomy:</p>	<p>Funds are appropriated from the government and then managed by the Electoral Commission.</p>
	<p>Legal provisions for financial autonomy:</p>	<p>There are no provisions in the Electoral Act for financial autonomy.</p>
<p>Electoral system</p>	<p>Number of chambers/ houses within the legislature:</p>	<p>Unicameral.</p>
	<p>Voting system:</p>	<p>The method of voting is full preferential and is counted using the Dowdall voting system, which is a decimalised modification of the Borda system. See Part 7 of the Electoral Act 2016 for details.</p>

	Amendments to electoral laws:	The Electoral Commission can propose and advise the government.
	Drafting of electoral regulations:	The Electoral Commission is required in the Electoral Act to draft regulations for the function of the election.
Electoral disputes	Electoral dispute resolution mechanisms:	No policy has yet been established for the conduct of elections. The Electoral Act provides for a Court of Disputed Returns for challenges to the outcome of the election.
Other issues:		
Secretariat	Administrative autonomy:	The commission can create and abolish positions for the conduct of elections.
	Women in senior positions:	Both deputies are women.
	Administrative structure:	The commission was only established in March 2016 – there are no departments at the moment.