

**VERBATIM NOTES OF THE MEETING OF THE STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS, HELD IN THE COMMITTEE ROOM (EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS ON MONDAY, 14<sup>TH</sup> NOVEMBER, 2016 AT 9.50 A.M.**

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**Interviewee:** Supervisor of Elections

**In Attendance:**

1. Mr Mohammed Sanneem - Supervisor of Elections
  2. Ms. Anaseini Senimoli - Director Operations
  3. Mr. Mesake Dawai - Review and Compliance Officer
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MR. CHAIRMAN.- Good morning Honourable Members, members of the Secretariat and members of the media; today we are again fortunate to have a team from the Fiji Elections Office, headed by the Supervisor of Elections, who are here to brief us on the Fiji Elections Report and the Electoral Commission Report in regards to which we had forwarded a set of questions to the Supervisor, and we have had a written response. However, the Supervisor had requested, and we had in fact requested him in turn to appear before the Committee, to take us through the issues that were raised throughout this process.

As you are aware, we are looking at the two Reports; those are the Fiji Electoral Commission Report and the Joint Report by the Supervisor of Elections and Electoral Commission, together with Appendix 1, the Multi-National Observer Group Report on the 2014 Elections, and we are scrutinising those reports to see if there are any changes that need to be made to the process and the procedure, and if any laws should also be amended before the next Elections, and we are tasked to provide a report back to Parliament as soon as possible.

So, for that purpose, we thank the Supervisor of Elections for turning up probably a third occasion to assist in the process.

With that, we welcome you and your team, Sir, and you can now proceed with the response.

MR. M. SANEEM.- Good morning Honourable Chairman and Committee members, to start off with, the Fijian Elections Office owes gratitude to the Committee for allowing us this opportunity to provide a response, as well as to allow the Fijian Elections Office to clarify any matters that may have been raised during the submissions to the Committee.

We are also thankful for the questions that were forwarded to us. It made our job a lot more easier to provide a more comprehensive response directly based on the reports.

Mr. Chairman I do seek your indulgence if we could provide you with the response that we sent again. We have identified a small error in the letter that we wrote and we would like state that the substance of the report has not changed. I assure you, it is just a couple of paragraphs in the initial stages of the letter were missing.

So, I would like to seek your indulgence to furnish you with the copies of those reports now. Yes, you can disregard the first one. If you even pay regard to the first one, the content

is still the same, we have added a few paragraphs in the beginning, which we had overlooked last week.

We thank you, Mr. Chairman. This is rather a brief submission because the answers are provided in writing and the last time when we attended, we highlighted the various positive issues that were highlighted by the Multinational Observer Group and to that end, today's submission to the Committee is basically to provide some responses to some key questions.

As you would be aware from the political parties training, the FEO has already launched its 2018 Electoral preparations branding at that seminar, and we have also provided a timeline of events for the political parties for their usage.

So to start with, Sir, to say that in contributing towards the development of stable democratic institutions, we humbly request this Committee to consider that only two years ago, Fijians were introduced to a new electoral system. It is important that voters or citizens as a whole maintain confidence and trust in the new electoral system.

We admit there is still more work needed to build capacity around Elections in Fiji. The recent example is when the Fijian Elections Office conducted an Elections for the first time for a University Student Association. When we conducted that election, Mr. Dawai on my left here, he was the Returning Officer and we were able to incorporate various electoral good practices into that Elections as an example to students. We intend to, in the future, use students as direct workers in the electoral process, to allow them to gain more understanding of the elections process.

The need to amend core architecture of the electoral system must be weighed against the degree of professional trainings, institutional memory of past elections, updated geographical, statistical and voter data that have already been administered by the FEO. Overall, these issues prompt public interest in the entire process, therefore it is important to note that major structural changes to the electoral systems just 2 years after the Elections or the 1<sup>st</sup> Elections, we definitely must effect the preparation to the next general Elections and secondly impact on the ordinary citizens understanding of the electoral process.

Proposed amendments that are deemed absolutely necessary must be considered only if they promote consistency and are in line with best international practices. I invite the Committee to carefully consider and not change things just because it feels like changing it, but to consider it against data, consider it against practical implications as well as operational possibilities, something that may look practical now may not in fact be practical, but create more problems in the implementation stage.

I must not actually remind the Committee that elections are the largest non-war time exercise any country runs and it requires great amount of consistency, precision and training. It will be prudent to remind the Committee that greater understanding of the system will only prevail with periodic and consistent elections.

I will now proceed to provide some responses to the Electoral Commission's Report recommendation, Mr. Chairman, and I would invite the Committee to Question 7 regarding section 52 of the Electoral Decree. (The response is on page 4 of the letter to the Committee.)

Mr. Chairman and Honourable members the question states; Should section 52 (2) of the Electoral Decree be reworded to read as stated there?

The response is as follows; We respectfully submit that polling agents and observers are permitted to carry in writing materials inside the polling stations, to allow them to record the events as per their requirement. It is important to allow observers and candidate agents to record events as they occur not from memory or recollection at a later stage. The Electoral Decree also requires candidate agents to provide complaints in writing to the Presiding Officer in the event they would like to lodge a complaint. The current provisions make it practically difficult for the candidate or agent to perform this function, as well as to perform their own function as observers of the process.

We urge the Committee to consider this as a key amendment to the process. The Fijian Elections Office provides each voter with a voter instruction guide as they enter the polling place, to assist the voter to select the candidate of their own choice. The number percentage of invalid votes in 2014 as we all now was 0.75 percent. From our assessments, the books were of real help to voters, considering the amount of invalid votes. That is all we will say to that portion.

To Question 9; Should section 67(7)(a) of the Electoral Decree be amended by adding after the words ‘polling day’ ‘provided that if the applicant holds multiple citizenship or he or she may only register for a postal vote if they have been in Fiji for at least x months’? I think that is what the polling meant, for the 4 years prior to the scheduled date of this Elections.

Our response is as follows; The FEO feels that firstly that this will be very difficult to manage. We will be required to check the immigration data for each of these persons in order to allow any application. It maybe an impossibility as citizenship may travel on different passports in and out of the country. Additionally, weight it against international norm of allowing maximum franchise, these limitations would restrict citizens who initially registered to vote. Implementing this, as I said, will be difficult. We propose that election notes should be designed to enhance franchise. The Fijian Election Office has gone to a great extent to register as many voters as possible overseas, and placing these restrictions would be unreasonable and would promote or actually it will deter potential voters overseas from registering.

Question 13 basically is a recommendation to do away with secret envelopes. We would like to provide an explanation as to the reasons behind secret envelopes being used. Secret envelopes firstly are used in pre-polling areas only. Secret envelopes are used to give confidence to the voter that his or her vote is not going to be revealed until the count. This is because pre-poll votes are transported in ships, in vehicles or stored at various locations. Pre-poll votes sometimes are gathered as early as 10 days before the Elections. To give confidence to the voter, we would like the votes to be kept in secrecy, yes, inside the ballot box, but we still would like it to be more secure. It is recommended that secret envelopes be maintained. During our review of the 2014 Elections, we found that there were some issues with the quality of the envelopes. This, we will do better in the next Elections. We will be working with our suppliers in this regard.

To explain to the Committee, gentlemen, the secret envelopes, the pre-poll votes, if the secret envelope is not present, the vote is regarded as an invalid vote. To give greater explanation, it also prohibited the chance of stuffing of ballot boxes with extra votes because there would be requirement for secret envelopes to be present. We will build in security features in secret envelopes to prevent duplication or manipulation of the system as well.

MR. CHAIRMAN.- Before we move further, can you explain how this postal voting or pre-polling secret envelopes works?

MR. M. SANEEM.- For every pre-poll voter, we provide them with a ballot paper and an envelope. The voter is required to go and mark the ballot, then put that ballot inside an envelope and seal it, then drop it in the ballot box. The ballot box guard is instructed not to allow any ballot to be dropped into the box without the secret envelope present. So, after this has been dropped in and sealed, when we come to count at the counting centre (I think Honourable Dulakiverata was at the count centre to see this) we open the box and drop everything. And first, we would separate the ones that were not in the envelope.

So, in 2014 we all saw that some of the envelopes did open. So that was a sealing issue and we will incorporate that into our training, but overall in 2006 as you would note that there were some findings that more voters voted than the number on the roll, et cetera. To prevent this from repeating, especially in pre-poll areas, where Elections starts earlier, secret envelopes were introduced, And they were quite useful to us and it allowed the AFEO to actually assess the feasibility of this in future and we really believe that it is a good initiative to have secret envelopes. It is a bit of an extensive opening and counting exercise, but we have to ensure that for transparency and accountability reasons.

Question 15, is a simple one, where the pre-poll ballots should be counted together, if there are less than 50 ballot papers in that ballot box. This is a little bit of a to and fro between some internationally recognised practices or internationally suggested ideas such as in conflict countries, where it is more prudent for electoral violence to occur, observers have recommended that fewer number of votes are mixed and counted together to prevent identification of votes to a particular tribe or to a particular area. This is mostly in conflict countries, you can take examples of Kenya, where these things were done. But for a country like Fiji, counting is done for pre-poll, counting is done at a central location. Also, the second factor is that results are announced per station actually. Mixing of ballot papers would firstly create confusion and secondly, take away the accountability.

In the event we mix ballot papers for one area and the candidate wants to lodge an Election petition we would then have to go and run Elections in all the places where the mixing occurred. Additionally, when the result sheet is finally printed you will find blanks, in various polling places because the results were all mixed. So, it does not allow for greater accountability and transparency and especially when it comes to Election petitions, where candidates wish to exercise their rights. As the Fijian Election Office, we would vigorously oppose this recommendation.

HON. J. DULAKIVERATA.- I am sorry, Mr. Chairman. When are we allowed to ask question at the end of the presentation, or as we go along?

MR. CHAIRMAN.- As we go along.

HON. J. DULAKIVERATA.- Mr. Chairman , these pre-poll ballots, at what stage are they counted? As soon as they are received, or together with the polling results?

MR. M. SANEEM.- Mr. Chairman, pre-poll counting occurs after close of Elections on Election day. So, if we take 2014 into account, pre-poll counting started at the count centre on 17<sup>th</sup> September after 6.00 p.m. We do not count any ballots before the close of the final Election day. We are quite lucky in comparison to the US, which has got various time zones as they cross between this side to that side, where some places counting had already started

before polling close in other places. Even in Australia, this same thing had happened. Darwin was still voting while Sydney was counting. So, in Fiji, we have no such situation. We count all after the close of polling on Election day and that is the plan for the next Election as well.

HON. H.R.T. POLITINI.- Just a question, Mr. Chairman, so counting will be done at the polling station and apart from that sent to the main centres, is that right?

MR. M. SANEEM.- Pre-poll counting happens at the count centre and normal election day ballots are counted at polling places. So if someone voted, say in 2014, at the Civic Centre on 17<sup>th</sup> September, the counting for Civic Centre was done at Civic Centre. But if someone had voted, say the pre-poll area in Cicia, the ballot box for Cicia had then been transported to the count centre at Vodafone Arena and counting for that polling station was done at the Vodafone Arena.

HON. H.R.T. POLITINI.- Mr. Chairman, just clarifying that, all the counting ballot boxes from the maritime areas will be counted at the FMF Dome?

MR. M. SANEEM.- Actually, if I may have the opportunity, Mr. Chairman, can we distribute the map with all the polling venues that we have plotted on Fiji's map, to explain that these are the proposed venue as at 29<sup>th</sup> July, we are still doing consultations.

So, as we can see the Election day venues are in red and pre-poll venues are in yellow. These are currently proposals. So, all the yellow venues counting will be done at the count centre, which is at Vodafone arena, only one count centre. The polling at these venues will take place before Election day.

MR. CHAIRMAN.- What is the duration of pre-polling? How long does the pre-polling last?

MR.M. SANEEM.- We look at pre-polling for 10 days, but pre-polling is limited to factors such as the ship schedule, whether water level in the river, et cetera to deal with accessibility, sometimes the boat cannot reach the island on time because of the tide, so we have to shift the polling in that island to a different time. Similarly if there is a high water level or flooding in the river, then the teams cannot reach the venue on time, so we start 10 days early to allow for these factors. We would be able to squeeze it, but it is very difficult considering the areas that we have to reach as well as the type of transportation that is available.

MR. CHAIRMAN.- If I am correct, 10 days before 17th September, pre-polling had started commencing in Lomaiviti and Lau group.

MR. M. SANEEM.- Actually 14 days before the polling, we started the pre-polling on the 3rd of September.

MR. CHAIRMAN.- Your officers were present in those islands, where people cast their votes and put it in the secret ballot and put it in the box, is that how it happened?

MR.M. SANEEM.- Yes, so we sent our teams from the Central Division to conduct pre-polling in these areas and in those areas, voting happened and the ballot paper was put inside the secret envelope and then into the ballot box.

MR. CHAIRMAN.- And those boxes were then brought in and kept under security in Suva?

MR.M. SANEEM.- Yes, so the boxes were first loaded onto the transportation mechanism, the boats or the trucks and then they were kept in Suva at the warehouse. We had a warehouse and it was under Police security.

MR. CHAIRMAN.- There were some concerns raised by the SODELPA party that most of the people in those islands were not aware of what pre-polling was and they were saying that they were not on the island. So did the pre-polling happen for one day only in a particular place, or was it open for those 10 days?

MR.M. SANEEM.- Pre-polling was actually organised on the number of hours we would need for the number of people that were there and it only happened in venues once. So there were dates allocated for these venues. In 2014, we were delayed in publishing our list of venues because of the obvious time frame constrictions but for the next Election, as you can already see, we have demarcated the areas where we will be conducting pre-polling. This is currently as at 29th July, and following the consultations, we will finalise this and we will start doing awareness in these areas in advance.

MR. CHAIRMAN.- If someone misses his/her pre-polling venue, is it possible for that person to vote somewhere else?

MR.M. SANEEM.- According to the Electoral Decree you can only vote where you are assigned, so once we have finished polling at a particular place for pre-polling, we will not be able to open that ballot box to allow your vote to be entered in there.

MR. CHAIRMAN.- In Kadavu and Ovalau, I see that there are yellow and red dots, is there any particular reason as to why these areas had pre-polling as well as election day venues?

MR.M. SANEEM.- One of the considerations for pre-poll zones is accessibility and in Kadavu there are certain places that are easily accessible, but then there are other places where you have to go on foot or by boat and when you have to go by boat, there are various other considerations. So at the moment we are considering pre-polling in those areas and we are also waiting for some submissions from the political parties and other stakeholders to determine whether we should create the entire island as a pre-polling zone or whether we need to implement polling day voting in various other locations on the island.

To go to Rotuma itself, we have to charter a plane but before we charter the plane, the fuel has to be transported to Rotuma because on the way back, the plane would need the fuel. In 2014, I think fuel had been sent on a ship prior to Elections so that the chartered plane would be able to come back from Rotuma. There are some logistical issues around these locations that require a lot of serious consideration.

MR. CHAIRMAN.- Is there any alternative to pre-polling or maybe extending the time for pre-polling, to say more than 14 days so that people can go back to their islands?

MR.M. SANEEM.- I think it has to do with the awareness, as long as people in those areas know that they have to be present on the dates given. Prior to 2018, we intend to be able to finalise shipping schedules as early as possible so that we can alert all these areas about their dates.

MR. CHAIRMAN.- What was the practice before 2014 Elections, say in 2006 or 2001 Elections? How did these people vote?

MR.M. SANEEM.- I think it was because you can vote anywhere at that time, it was not precinct voting.

MR. CHAIRMAN.- It was not a single day elections?

MR.M. SANEEM.- It was seven days election so that allowed for different considerations.

MR. CHAIRMAN.- That may actually allow people to move back and forth and go and vote.

MR.M. SANEEM.- Exactly, yes. At that moment, we had approximately 70,000 and for pre-poll, we had 50,000 who had voted in 2014. But as I said Mr. Chair, if I may just make this point, in the next Elections, all people in these areas will be aware that we vote before Election day and they will make necessary arrangements. This will help in terms of periodic and consistent practices and it will also assist these areas in determining the movements. There is always postal votes, and on the day of the event, if they are not on the island, they can apply for a postal vote in advance and then they can receive a vote at their location.

HON. J. DULAKIVERATA.- Mr. Chair, just following your questions on the pre-polling, you mentioned some of the concerns that were raised in the last Elections. What had happened in the last Elections, people had been informed of the pre-poll dates and they knew when the pre-poll was going to happen. But then, during the Methodist Church conference, everyone from the island had come here and while they were here, the pre-polling dates were changed, so all the people here did not vote because they could not go back on time to their polling stations to vote. Not only that, in some other places the pre-polling dates were shifted and it was too late for people to return to their stations.

So I hope these things will not happen in the next Elections. We still have two years now, hopefully all these things should be well planned so that we do not repeat the same mistakes.

MR. CHAIRMAN.- Any comments on that Mr. Saneem, what actually happened?

MR.M. SANEEM.- The only thing I would suggest is that for the 2014 Elections, we had only six months to organise all these things and the FEO and the Electoral Commission did its level best to ensure that information was transmitted.

In the next Elections, we will have more time where we are still in time, and as you can see the list of areas are being demarcated now, the determination of pre-polling and polling

day venues are being made now and in 2017. The FEO will be travelling to all these venues and we will be pasting stickers to inform all the people who are voting at those venues whether this will be a pre-poll or polling day venue. We will also be doing a few more things that will also assist the members of the public in knowing the details about their voting requirements.

MR. CHAIRMAN.- Just a general question, to your knowledge these island group here Lau and Lomaiviti or Rotuma for example, what sort of communication or media access do these islands have? Do they have newspapers, radio or television?

MR. M. SANEEM.- They have radio and we definitely always work with the Government machinery already in place, so we go through the Provincial Administrators that are there to inform all those areas.

MR. CHAIRMAN.- All these islands, the remote ones they have some Government offices there where people which are inhabited.

MR. M. SANEEM.- They have government offices, health centres and also the *turaga-ni-koro* - the mechanisms are available.

MR. CHAIRMAN.- The channel of communication is there.

MR. M. SANEEM.- In 2014, we conducted various exercises with *turaga-ni-koro* of all the divisions to train them about elections, make them election stakeholder awareness hubs, so that they could train people in their own villages and clarify questions on elections, but all this happened in a very reduced timeframe. Now, we are already working on a few more awareness mechanisms, where we will be engaging them earlier on so that they become very active electoral participants.

HON. H.R.T. POLITINI.- Mr. Chairman through you, Mr. Saneem, I must commend you and your team for the astronomical effort put in the 2014 Elections, especially been the first time we have adopted that type of electronic system, again thank you.

MR. M. SANEEM.- Thank you.

HON. J. DULAKIVERATA.- Mr. Chairman, just one point, if we are really serious about having everyone registered to vote, then I cannot see any reason why anyone who is away from his polling venue cannot vote in another polling area. The reason being, we only have one constituency. In the old electoral system in the old constitution, because we have separate constituency and it will be very hard if you vote in another constituency and to transfer your vote to be counted with the other constituency, now no matter where you vote, there is only one constituency. If we are really serious about everyone registered, then this should be allowed, you can vote anywhere.

MR. CHAIRMAN.- So, you are suggesting that if someone from Lau happens to be shopping in Suva on that particular day, he can go and vote in Suva.

HON. J. DULAKIVERATA.- Yes.

MR. CHAIRMAN.- Very strictly, is that possible or what is the ...?

HON. H.R.T. POLITINI.- Mr. Chairman, if I may I think that it is the importance of the awareness programme that they have pre-elections date so I guess that is no excuse for person to leave his area.

MR. CHAIRMAN.- I think what Honourable Dulakiverata is saying that for example the Methodist Church conference people have already moved from those islands and it takes about a week to reach the main centre and it was difficult for them to go back. So, he was saying that if someone is on the main island, is it possible logistically, is it a good practice? We do not know the mechanism but he know the mechanisms.

MR. M. SANEEM.- Honourable Members, I will not agree or disagree with what Honourable Dulakiverata has said but I will put forward the operational aspects of this entire exercise and I will leave it to the committee to decide.

In Australia, this year, there was the national elections and Australia has that system where you can vote from any place from anywhere and the planning happened as such that because it was during school holidays, it was anticipated that a lot more people will be in the Gold Coast but what happened was, there was a situation where there were no more ballot papers left in New South Wales itself and other parts of Australia because they did not print enough based on their prediction. Now, in a situation where what Honourable Dulakiverata has said that would mean that;

1. the FEO would have to print firstly it would have to estimate how many other voters are going to be present in the facilities on Elections day;
2. We would have to then print and place voter rolls for all these areas at those centres that means an entire country voter list would be sitting in all these areas and if we are going to allow anyone to vote at any polling station that means all polling places will have to have voter list of the entire country, probably this thick, sitting in a polling place;
3. What about multiple voting? If we allow for pre-poll, someone can vote for pre-poll then come back and through some mechanism try and vote again at the central locations. Then we would have to have a second we cannot have a first count only to give result we will have to have a second count because we will have to bring all these ballot papers back to the office and a Savusavu fellow will have to send the ballot from Savusavu for the person who was supposed to be voting in Gau to the counting station from Gau. So, it has to be sent there and then it has to be accounted for in the results for Gau and then you have to again account for the Taveuni one, send to the Taveuni counting place, so for the second and the third week, the only thing that will be happening is transmitting of ballot papers to these areas. Then you will have to have a second count with all these ballot papers to give you exact results per polling place because that is the requirement in this country.

So, we will be counting first we will have a provisional results, then you will have great changes in the provisional result as you move ballot papers around.

So, in Australia they have something called 'the second count'. The first count is what is announced on televisions and radios and then the writ is returned to the second count announcement of formal announcement of results. Last Elections it took about a three weeks

gap between the first announcement of results and the formal announcements of results and it can take longer because as the votes move from place to place, then the numbers would change.

So, that is another logistics. Can I just give one more, the last one would be to actually find reasoning to send these ships to these areas with ballots. Right now, we only printed 715,000 ballot papers for a population of 591,105 voters exact number, exact to-date. In a situation like that, we would have to print at least triple the number of ballots because every polling place will have to stock up for extras, then I would say it will also stop us from giving you result from each polling place on Elections night because we cannot count, we have to come to a central place. First send all the ballot papers around and then start counting. The result process will approximately take two weeks so, it would probably create a lot of confusion, uncertainty in the country.

In 2014, Mr. Chairman, the FEO announced results at 8.30pm, as soon as we announced the results, there were a lot of media interviews of political parties, a lot of the parties went on to say they were happy with the way the Elections was conducted, et cetera. I do not want resound that, but after the results at 9.30pm, there were petitions coming through. So, if you want to have a situation where there is a lot of certainty the idea would be to ensure that the processes support that and if you have a gap of two weeks before we announce you the results, I believe then it would be a little impractical for the current situation in the country.

MR. CHAIRMAN.- I see the reasoning now because I was not too certain of that, there could be a situation where a group of people could hire a mini bus and go around voting all around Viti Levu and then you will have to verify whether this person has already voted because it is very difficult to have the immediate cross off and check if this particular election number has already voted.

MR. M. SANEEM.- Yes. So, in indelible ink if you say that an indelible ink is there, studies have shown and in my experience in Bougainville, they were quite successful in removing indelible ink.

MR. CHAIRMAN.- Another check and balance system, if 50 people have registered in this particular area, 50 people would have voted there, so that is it.

MR. M. SANEEM.- Yes. A 100 percent turnout at an area can only be seen if only those people in that area come to vote. So, in this situation the turnout cannot be guaranteed, I cannot tell you, you might even have an election result where I tell you that 700,000 people voted, we are yet to find out who double voted. So, the entire elections will be in jeopardy. These are some of the practical considerations for the Committee.

MR. CHAIRMAN.- The other problem would be like places in Dawasamu, Tailevu you might have only 100 ballot papers but on that particular for the miracle water, every 3,000 people will be there.

MR. M. SANEEM.- It maybe a holiday so yes, we have to have polling in picnic areas, that is what they do in Australia. They target all the holiday areas for voters.

MR. CHAIRMAN.- Can we have one last question?

HON. J. DULAKIVERATA.- Mr. Chairman, one last question. I thank the Supervisor of Elections for his contribution. My point was, if we are really serious about getting all the

people that registered to vote, then we should not strictly confine them, but things might happen where they have to leave their residence. Those are the only circumstances. We will see now that the number of places that we have pre-poll. So, I think two years now we should still keep an open mind in discussing these issues because there are lots of experiences that we had come through, but I think these are special categories of people; the people that genuinely could not be there because they will inform the Electoral Office, or if they are here, and they could not go back there for the voting.

So, there should be a system to capture these people, not that we should have free voting for everyone to vote anywhere they like, it is only for these specific people who genuinely will absent themselves. Thank you.

MR. M. SANEEM.- I just want to make one further comment. This postal voting mechanism is available. If I am aware that I will not be at the polling place on that Election day, I can apply for a postal vote. We had 12,000 postal voter applications, 7,000 of which were from Fiji. So, that mechanism can be used. There were three postal vote applications in Rotuma and the manner in which this was dealt with was that the plane went to Rotuma and the person got off the plane, straight away on to a transport to all these places and if they would have intended to return the ballot, then they have to give it in the same plane to come back.

MR. CHAIRMAN.- Alright.

MR. M. SANEEM.- So, these are some of the mechanisms that we did allow to enhance the franchise, and lastly it is not an excuse but that is to clarify that voting in Fiji is voluntary. So, we do not fine people for not voting. Shall I move on Mr. Chairman?

MR. CHAIRMAN.- Yes.

MR. N. SANEEM.- May I now focus on the Multinational Observer Group recommendations that has also been put up as questions by the Honourable Committee.

Why is the FEO repeatedly highlighted the various initiatives and steps that the FEO is taking, based on the MOG Report? I would like to clarify few things.

Question No. 3, Page 12; should the range of penalties for electoral offences be proportionate, appropriate and comparable to international standards and practices?

The FEO's response to this is that, at the moment penalties for electoral offences are imposed based on the discretion of the court. The actual penalty imposed is proportionate to the gravity of the offence, or legal principles that are applied by the court, so it is to act as a deterrent. It also allows the court to exercise greater flexibility in the event there is an organised commission of an offence.

I think in the Australian Elections in 2013, there were some questions about a group that went around double voting. In those situations, the court should be given the flexibility to impose greater penalties. So, that law currently allows for that.

Question No.6; should the Fijian Elections Office and the Electoral Commission consider implementing electoral and campaign calendars, to ensure political parties and other elections stakeholders have adequate time to prepare for the Elections?

The FEO will be addressing all parties, to outline the Electoral Calendar in the lead up to the 2018 Elections. In fact, this presentation came earlier, but on Friday last week, we have released to all political parties present at the workshop our very first calendar leading up to the 2018 General Elections. The participants of the workshop were given details about various milestones that the FEO is intending to achieve and how the parties will be affected by some of these events. The calendar will become more and more comprehensive as we progress towards 2018, Mr Chairman.

Another one of these engagements is the FEO conducting the Internationally Accredited BRIDGE Training Module on Introduction to Elections for all the political parties. I would like to thank all the parties for actively participating in this training last week and we had engaged the services of an international expert facilitator to conduct this training for political parties and I believe there was a panel session in which we actually participated in it on Friday, to allow parties to air any questions that they may have on the process which I think they effectively did. The Chairperson of the Electoral Commission was present at that workshop as well and he closed the workshop and provided various responses.

May I just add a bit more about the calendar towards the 2018 Elections. The FEO will be conducting further sessions with other stakeholders to explain this calendar but the essential plan is to make sure that on the last day of March, 2018, we are on standby mode for the Elections. So, that is the plan. Once that is in place, there are two things that I want to highlight to this Committee.

Firstly, the Electoral Decree currently does not define what is a “campaign period”. In 2014, the Electoral Commission also did not identify what is the campaign period, so we observed campaign period to be the period to be the period between the day of the Election was announced and the Return of Writ. However it will be useful for the law to identify what is the campaign period or how to define a campaign period.

MR. CHAIRMAN.- As it is, there cannot be any campaigns at the moment, because the writ has not been returned and filed.

MR. M. SANEEM.- Yes, the Writ has not been issued yet, but the campaign rule still apply. So, if campaign period is defined then the enforceability of these rules by the Enforcement Agencies and monitoring by the FEO is also made easier. So, a campaign period is one thing that the FEO would prefer to have clearly outlined in the law.

Secondly, in terms of dealing with the calendar, the FEO proposes that for a normal Election, it should be automatic that postal votes are open on the first day of the year on which the Elections is ordinarily scheduled to happen. Because currently the rules say that postal votes open when the Elections date is announce. Now, in the event, because Fiji does not have a fixed calendar for Elections, the Government in its discretion can order an Election in 45 days, because the writ can be issued tomorrow on Election year, based on the rules as a hypothetical scenario.

So, that may in my view would be slightly a shorter period of time for postal vote applications to come in considering Election is 45 days away and postal vote application require you to send your application in an envelope to us with the signature of a Justice of Peace or Commissioner for Oaths or notaries public. As the FEO are advocates of franchise and to enhance franchise, it is easier if timelines are somewhat identified in the Electoral Laws. So, the postal vote amendment is something that the FEO would recommend. So, there are two critical things that the Committee may refer to.

The Multinational Observer Group also in Question No. 9 had said should the rules of regarding use of paper in polling stations be clarified. We have identified the appeals response to the Committee already.

Question No. 13, deals with the Media Industry Development Authority. Should the Media Industry Development Authority issue clear and timely practical reporting guidelines and conducted various press conferences and workshops with the media?

We had allowed the media to raise as many questions and clarifications as possible. On Elections day and Elections counting night, the Chairperson of MIDA was present at the main media centre to assist, allow and guide media personnel in case they had any questions regarding reporting. Currently, the law requires the MIDA Chairperson to approve media coverage on Election day and he was present at the media centre to provide this service. I would like to thank the Chairperson of MIDA for being so accessible and being present at the media centre, he did the full 24 hour shift with most of my team.

Question 18; is it important for voters and political parties to be informed of the national voter rolls through accessible means?

Our response is that we will finalise voter lists every year and provisional list will be made available to parties upon request and payment of necessary fees.

We would also like to clarify that the FEO ran a “Verify me portal” on the FEO website, to allow members of the public to verify their own personal details as maintained by the FEO.

The FEO also maintained the ‘545 SMS’ mechanism, to allow voter to verify their details through the SMS mechanism. When I presented about the SMS mechanism at the recent global conference on voter education in India, it received greater claim. It was a very simple, sensible mechanism to allow a voter to know where they can vote. And it was working on election day and our greatest highlight of the event was that on election day, it received over 100,000 queries. That shows how accessible the system was and how many voters took advantage of the availability of that system.

In terms of Question 20; should voter and civic education be introduced in the secondary school curriculum in order to raise voter awareness in future elections?

The FEO has been working on this, Chairperson. The Honourable Minister for Education has given positive feedback in this regard and we have already participated in some consultations earlier on in the year. We will be looking at some case examples such as the

Indian Electoral Commission example of how they have implemented voter education programme in schools and we will be looking at adapting the programme in Fiji.

Question 23; Should 'pre-polling' be renamed 'early voting'? Following the 2014 General Elections, the entire country is familiar with the words "pre-polling" to mean "voting before election day". We believe it will be unwise to now change the name again before the next Elections.

In terms of our campaign, the FEO's awareness campaign, we have kept various consistent messaging. For the first time, we did not use the translated versions of various words such as "voting", we used the word 'vote' instead of the local translation. We did not change the words, translated it into the local language, the word such as "pre-polling", "ballot paper", "voter", these are the words that we use consistently, English words, because that was the branding that the FEO wanted to convey.

So similarly for the pre-polling, now you will go to various places where people will talk about pre-polling. If I change it to early voting, they will now imagine that this will happen before pre-polling. So we believe that with consistent and periodic elections, these words will become more and more built into the system.

Question 27; Should consideration be given to simplifying the voting process inside polling stations?

In our view, the voting process inside the polling place in Fiji is one of the most simplest. Reports were received that various voters who went to the polling places at around 11.30 a.m., voted in two minutes or less. It is anticipated that with more practice, voters will become more comfortable with the system inside the polling place.

We have kept the same system for Trade Union Elections, to allow voters to be able to practice more as to how they will be greeted inside a polling place.

In 2014, the Fijian Elections Office had to conduct training for voters, even for those who had not voted for the first time, to tell them what a polling place will look like inside. We conducted various mock exercises to allow voters to feel what is going to happen inside a polling place, this is because the systems of the past were not what we were using, we had redesigned the polling place totally. So there was no more triangular screens with cloth in front, it was all cardboard boxes, you could see a voter as they were at the voting screen, et cetera.

We conducted many mock exercises and we intend to do the similar exercise again. So I would suggest that we maintain a similar system and we would like to increase the number of issuing clerks at the polling place, so that at one time, more than one person is issued with the ballot paper so the flow will be quicker.

In 2014, we noticed that the turnout in the mornings was immense and then it died down during the day and very few people came to vote in the afternoons. Some places had recorded 100 percent turnout by midday. So we anticipate that there will be a different environment in

the next Elections. People will say “I will go a bit later” so, we might have a surge in the afternoon.

So FEO has to be prepared for all those psychological instincts of voters, but we would actually again advocate for people to come early in the morning to vote and finish their civic rights.

HON. H.R.T. POLITINI.- Mr. Chair, through you, again I must commend your team at the polling station as I had witnessed, in terms of accessibility, a couple of times where those that were physically challenged and the elderly, where the polling boxes were brought right to their vehicles to cast their votes.

MR. M. SANEEM.- Thank you for that eye witness account, Honourable Politini. In terms of that area for persons with disabilities and the elderly, we are now designing our software so that the first and most accessible polling place is allocated to that group of people and the other polling places are allocated for persons who can access them easily. So we anticipate that should the programming work out, the elderly and persons with disability will be allocated the first polling place, which would be the one that has got accessibility ramps et cetera.

Question 30; Should consideration be given to simplify the counting process?

Counting is a very sensitive arena and the FEO places the greatest emphasis on this. The counting process that was devised in 2014 will also be used in 2018, as we do not have any issues with the process. We conducted some recounts at the office, but just trial exercises and we found great consistency. This one with sample ballot papers, we did not recount original ballot papers. This is between different teams and we found that it was consistent, the results were consistent and the same and we find that the system did work in 2014. Of course, as I say again, polling officials who were recruited in 2014 worked on elections for the first time. The second time they might be lot more quicker and a lot more experienced, although they have to win their jobs on merits again.

The current counting process, as a particular staff in our office said, “is thorough and transparent.” We have although amended the presiding officers record book to make it a lot more user-friendly at the polling place.

As we had, we again invite the Committee to come and observe the counting process at the office, we can set up a demo for the Committee.

MR. CHAIRMAN.- Before moving further Supervisor, there were some concerns raised by some political parties that the actual national counting centre was at the Vodafone arena and the results were announced from the opposite end, that is the gymnasium. So, what they were saying was, the national tally at the national whiteboard or result board was at the gymnasium. So, the concern was that whilst the votes were being counted here at the Vodafone arena, the communication from here to the other side went physically; someone took the piece of paper and it was announced from that end.

The question was, why could not it be done from the arena itself so that the agents were present at the site there would see that, say “this station has 1,000 votes”, and that was posted on the whiteboard?

MR. M. SANEEM.- Thank you Mr. Chairman. The results that were announced from the count centre were provisional results only and provisional results were received at the call centre and then transmitted to the result entering centre, which was separated. The reason why we separated the two was to prevent mixing. We also did not want too much movement of staff from here to there, which would have resulted in chaos. So, we separated the two arenas.

Also, at the result centre, we had the media present and there were no restrictions to the media into all these venues, but the media centre as for international norms should be separate from where counting is taking place, because constantly we run press conferences, et cetera, and we do not want disturbance to the counting teams.

As far as transmission of results is concerned, it was always accompanied by a police officer and an Elections office staff and they walked across, they travelled in the vehicle across the road.

In terms of verification, because it was an electronic system, verification can be done sitting at home. The pink slips that were posted at all the polling places, if you had copies of the pink slip, you can go and look up the result for that polling place and see whether the data entry was accurate or not.

So, it was not necessary for someone to physically pre-present with the result as they were been taken from this venue to that venue, which was about 200 metres away, but the accountability was, they are allowing you to verify.

MR. CHAIRMAN.- The second point that was raised on the issue of counting was, that when their results were phoned in from various centres, the practice should have been that one centre would have one phoning result, but for smaller centres there were block results, so there were 10 counting centres probably in Kadavu, one phone call actually gave a result of all those counting centres. So, it was difficult for the party agents who were present on different centres to verify whether that was correct or not, but the suggestion was, that if there is 10 centres say in Kadavu or in Ba (where I come from), then there should have been 10 different results called in from those 10 polling stations.

MR. M. SANEEM.- So, say for example at International Secondary School in Suva, if the staff on the ground would have organised “Right, we all finish counting then we will phone in the result one shot”. So what they would have done is one presiding officer would have made the call and given the details of his polling place then the next one, then the next, then the next one, it was provisional results anyway. So, the calling was just to make it easier.

We had a system where there were five numbers that were given to various different areas, you call your number and at the count centre we have set up that, if they call that number and that number is currently in use by Director, the call would not be terminated, the call would bounce to me on a phone that I was carrying. So, one number at one time would receive 20 or 30 phones and we had 60 staff receiving data at the same time. So practically, once again as I said, verification can be done by looking up the results, so if someone is saying that because

one presiding officer called in 10 results, I think the concern should be; Did I manage to go and counter-check the 10 results, and whether the results were inaccurately recorded?

MR. CHAIRMAN.- So, if I am getting it right and for the benefit of the public, the provisional results and the final results are provisional results, the phone in results is when the vote is counted at the centre and when the box is actually moved to Suva and you physically count those papers, is that...

MR. M. SANEEM.- No, no, no provisional results are phoned in results from any centre, any counting place or any school or any community hall where Elections took place on the 17<sup>th</sup> of September. They had finished counting, the first thing they will do is call us and say, "these are the results for my venue, alright send the transport." That is the second message.

After that counting, they will officially also record those results on the protocol of results, that is also transmitted to us. The provisional results are recorded from the phone in, the final results are from directly from the protocol of results, the data entry for final results happens after provisional results stop. So, that is second round, the second round data entry for final result is double blind data entry. It is not single person entry, so there is a security mechanism there.

MR. CHAIRMAN.- The counting happens only at one place it will only happen at the polling station, it will not be recounted here at the main centre.

MR. M. SANEEM.- There is no recounting. There are two things; the pre-poll ballots are all counted at the count centre, polling day ballots are only counted at the polling stations and then they are secured and placed away. We do not open and count again, there is no second count in Fiji.

MR. CHAIRMAN.- It only happens if there is a petition by Parliament in court.

MR. M. SANEEM.- It only happens if there is a petition. Thank you, Mr. Chairman, as we said in the beginning, it is important that the Committee considers, for stability sake, the systems and mechanisms that are already in place. The Elections only take place once and it is necessary for citizens to be engaged once again, many more times in order for the election system to become more robust and for more practical suggestions to come into place.

The Fijian Elections Office is the operation arm. We conduct the elections, recommend to the committee various operational issues that we have highlighted in our report for the Committee's due consideration. We have reserved our comments on matters of policy that are for the Electoral Commission and the Parliament to consider.

As I conclude, I would like to say that the Fijian Elections office will continue to implement the electoral laws as they are currently or as amended. Until then, we will remain to the letter of the law, at it is. Thank you Mr. Chairman.

MR. CHAIRMAN.- Thank you Supervisor for your comprehensive submissions and for your response to our questions. I believe the Members have some questions on the practical aspects of the elections. I have some of my own apart, from this questions just general observations in matters that we picked up from the *Hansard* report of different presentations.

One of the aspects that was highlighted by one of the presenters from the National Federation Party who made his presentation in his private capacity was that at the actual counting centre when the votes were being verified, he as an agent had a few concerns

regarding the separation of ballot papers or the determination by the presiding officer on whether the vote is valid or invalid, and once he raised his concern then he was asked by the security to move out. That was his claim, I am not saying whether it was correct or not, but what is the general process if an agent raises a concern, what are the powers of the presiding officer, what all can he do?

MR. M. SANEEM.- At the counting, if the polling agent has a concern, the procedures allow the polling agent to raise the concern verbally and the Presiding Officer would then, based on that concern, look into the matter. If the Presiding Officer would then say 'I note your concern but I do not agree with it', I will move on, and then the Polling Agent can give a written complaint to the Presiding Officer for escalation. Now, if the incident that this person was complaining about is at the count centre in Suva, then at any point in time the escalation would have immediately been done to Deputy Supervisor Michael Clancy the count supervisor, which is also Michael Clancy or another person, or myself, we were all present there 24/7.

If the person had an legitimate complaint, they would have to write it and hand it to us. If the person was asked to leave that means that person was disorderly. If you are disorderly, you will be asked to leave. It is a count centre, a sensitive environment and that is the rule. So, if this person who came here and said they were asked to leave I am very much believe they may have been disorderly.

Now, in terms of the clarification. the only complaint that we received in writing was from the FijiFirst and that complaint was resolved the same evening, and resolved by me actually, and we held that the complaint that have been received by us did not provide sufficient grounds to be upheld.

So, that is the incident in terms of a written complaint received by the FEO, if this person who came to complain to the Committee did not follow the process and give us a written complaint, then I believe he missed the boat.

MR. CHAIRMAN.- As you have mentioned, there is about 580, 000 voters in Fiji and the total amount of ballot papers printed was 700,000. Is there any process where you actually tally how many votes were cast against the remaining ballot paper?

MR. M. SANEEM.- Yes, in every polling place, before counting starts the first step is reconciliation and at reconciliation the presiding officer first counts the number of ballot papers not used and the total number of voters that attended, as well as the total number of discarded ballot papers that may have been returned, then the new ones issued and then the reconciliation takes place and the presiding officer notes it in his record book, signs it and counter signed by the polling agent. After that then they go to open the ballot box. So, that is the process. That reconciliation is done at the polling place.

MR. CHAIRMAN.- What happens to the remaining ballot papers?

MR. M. SANEEM.- It all get sent back to the FEO.

MR. CHAIRMAN.- It comes back to the office.

MR. M. SANEEM.- Yes.

MR. CHAIRMAN.- And is probably shredded later.

MR. M. SANEEM.- We shredded 7.2 tonnes of ballot materials in January and February this year.

MR. CHAIRMAN.- 7.2 tonnes meaning the number of trees. Any questions or clarification Honourable Members? Honourable Dulakiverata.

HON. J. DULAKIVERATA.- Thank you, Mr. Chairman, through you, on Page 13, Question No. 7; Should the Public Order Amendment Act be reviewed to all our groups, including political party together, without requiring a permit?

I mean your response is already here; “Policy matter for Parliamentary decision”, but going forward as a democracy, from your position as Supervisor of Elections.

MR .CHAIRMAN.- This just the start, Honourable Dulakiverata. That general question was put to him but it is not his arena to suggest amendments. It was part of a question that also went to Solicitor-General. Probably when he comes, he will be able to address that.

HON. J. DULAKIVERATA.- Alright, can I just rephrase that question? How do you define political campaign?

MR. M. SANEEM.- May I just say that in answering this question, I would probably step outside the boundaries of an operational conductor of Elections as Supervisor of Elections.

In a democracy, Elections is only one step towards democracy. So, in terms of that question, I would leave it as we have said as a policy decision for Parliament to consider and be any further requirements on practical nature be required. The only thing I would say as far as we know, in terms of campaign, the rules are stipulated very clearly in the Electoral Decree for the FEO to monitor, and we had done that in 2014 and if there are any changes, we will implement the changes, otherwise we will do the same in 2018.

MR. CHAIRMAN.- For the benefit of the Members what we had done was, we had sieved through all the submissions and all the *Hansard* Reports and had general questions for all the three parties that we invited are the Supervisor of Elections, the Electoral Commission and the Solicitor-General. We had asked them questions that are relevant to them if that could be answered and the rest would be passed to the other team. All amendments to the Constitution and all amendments to the Electoral Decree were questions reserved for the Solicitor-General. Practical aspects like how votes are counted, how the extra ballot papers are disposed of, that is his arena.

Electoral Commission, his responsibility was to observe what the Multinational Observer Group observed and then discuss or try to reconcile their views with the MOG. So, these are the questions at the moment and we actually sent it to all the parties, but you are open to ask questions and the Supervisor can answer.

HON. J. DULAKIVERATA.- On the question of postal ballots; I have heard from people on the ground, from those living overseas that they received the ballot papers very late. Most of them received them after the Elections; some received it on the day of the Elections, and some sent their ballots and they knew it could not have reach their destination, in time for counting. So, what is your plan looking forward to ensure that these problems do not occur in the next Elections?

MR. M. SANEEM.- Thank you. While the first thing is to have multiple companies handling this, and the 2014 Election, where only one company handling the entire postal vote. So, in the 2018 General Election, the plan is to split the postal votes application into local and overseas, and then further divide the overseas into somewhat into half between two companies, to allow for better opportunity for the companies to send these materials across. The FEO, as you would know, is at postal vote, we are at the mercy of the companies that we recruit, and then in due time, we will be able to work with our suppliers to be able to get practical solutions to this.

For postal votes, we have limited time to send it as well, 18 days to send it and get it back. So, that also has a ...

In our report on Page 15, Fijian Election Office SOEs Report one month after the Elections, we had stated as you have highlighted that on 26<sup>th</sup> September, the company returned 2,219 satchels, of which 480 were characterised as received too late and 1,739 as undelivered.

So that is one of the things that we have to learn from in the next Elections, but if you see the result is not that negative because the total number of votes we sent out was 12,190 and we received 7,948 back. So, it does not mean that we will not improve the system, but to improve the system mechanically, we are looking at two different companies for overseas votes and a separate company looking at local postal votes.

In 2014, we gave 20 vehicles to assist in this delivery of postal votes as well from the FEO side. The companies did an excellent job in terms of delivering all our ballots as far as possible. As I have said, we even have to send three postal votes to Rotuma and the idea was to go in a plane, get off and take it to these places, and if they wanted it back in the same day, receive it and return it. So, that was how it happened.

MR. CHAIRMAN.- I have another question. People who hold dual citizens are allowed to vote in Fijian Elections?

MR. S. SANEEM.- If they have a valid passport, they can register.

MR .CHAIRMAN.-Valid Fijian passport.

MR. S. SANEEM.- Yes, valid Fijian passport they can register.

MR. CHAIRMAN.- But they cannot contest Election...

MR. S. SANEEM.- I believe so. You have to forego one.

MR. CHAIRMAN.- Those people who acquired dual citizenship, if they are out of country, where do they register?

MR. S. SANEEM.- So, for the 2017 registration drive for overseas voters, we are now planning with all the embassies and consulates, so that next year Fiji Day celebration we can send out teams to all these areas because people will converge for Fiji Day celebrations, and at the same time we will put out the message for registration and we will also be distributing postal vote application forms but not receiving any until the time is right.

In that way, we have more access to Fijians and we will go into these places. For the Pacific Island nations like Tonga, Samoa and Vanuatu, we are working already with the Madam Ambassador to setup registrations before March. We would like to send teams to all these places before March next year so that we have already got them registered. In the last Elections, we did not send out teams to these areas but now that we have time, we will send them out. You would understand that to Kiribati, if we send a team, they can go this week and come back next week. So these are some of the considerations when you look at time. You can come back from Australia and New Zealand quicker than some of these island nations. To logistically plan this, we need at least three or four months for the teams to be able to hop into all these places and conduct registrations.

MR. CHAIRMAN.- Are there any further questions Honourable Members to the team?

HON. J. DULAKIVERATA.- Just one more question, if you have these difficulties, why you only have 14 days for their ballot....?

MR. M. SANEEM.- The Constitution has given a specific time line for Elections to be conducted so from the date the writ is issued, we have only 44 days. In the 44 days, then there is nomination period. When nomination closes, then we have the candidates draw. The FEO will always endeavour to have the candidates draw as soon as possible because that means more time for campaign, more time to get materials out and more time to print ballot papers. In the last Elections, the Electoral Commission delivered its rulings after three days, so we held the draw on the fourth day. So similarly, we had already booked the second, third and fourth day to conduct the draw and we also anticipated zero objections and appeals, as it may not be possible in a political environment but we had anticipated that, and we had also booked a venue for the first day but we eventually did it on the fourth day. This is how things will flow from there.

MR. CHAIRMAN.- If there are no further questions or comments, I would like to thank the Supervisor of Elections, Mr. Mohammed Saneem and his team for being present for the third time before this Committee to address us on the practical issues of the reports that were received by the Committee from the Parliament and we are grateful that you turned up, Sir, and explained to us on the practical aspects.

We have your written responses to the questions and should we need any further clarifications, we have your contact. Perhaps, before putting the final report, we might invite you again to clarify some of the issues that were raised in the *Hansard* which we are still receiving through to get some concerns to be raised. Most of them are answered, there may be just one or two. I will be sending you another email in that regard.

With that, members of the media, members of the Secretariat and Honourable Members on behalf of all of us, thank you Supervisor of Elections and the team. We shall now break and commence after 30 minutes. Please join us for tea and we will have further discussions in that area.

MR. M. SANEEM.- Thank you, Mr. Chair.

The Committee Interview adjourned at 11.13 a.m.