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The Chairperson

Parliamentary Standing Committee on Justice, Law and Human Rights

Parliament of Fiji

Suva

Dear Sir

BRIEFING ON 2014 GENERAL ELECTIONS REPORT: (i) 2014 ANNUAL REPORT OF FIJIAN ELECTORAL COMMISSION AND (ii): JOINT REPORT BY SUPERVISOR OF ELECTIONS AND FIJIAN ELECTORAL COMMISSION ON THE 2014 GENERAL ELECTIONS

We kindly refer to the Standing Committee's Letter dated 28 October 2016 requesting written responses to questions pertaining to recommendations from the Electoral Commission Report of 2014 and the Multinational Observer Group (MOG) Report. All the responses to your questions are included in this letter.

Electoral Stability and Reform- The Need for Consistency in Electoral Practice

In contributing towards the development of stable democratic institutions, we humbly request the Committee to consider that only two years ago Fijians were introduced to a new Electoral System. It is important that voters or citizens maintain confidence and trust in the new electoral system. There is still more work needed to build capacity in Fiji on elections.

Fijians have continued to participate in the process post-2014 General Election through new voter registrations, change of details on the EVR Cards or through replacement of EVR Cards.

The MOG Report also highlighted that the outcome of the 2014 Fijian Election broadly represented the will of the Fijian voters. Therefore, proposed amendments to the still fairly

new Electoral Decree needs to be considered carefully so as not to unnecessarily burden Fijian voters, political parties and other actors who have now become familiar with the electoral system with confusion but to progressively bring about updates to the system. The system has delivered a credible election in its first cycle and should be allowed to cement its foundation, with minor tweaks for the second go.

This is equally important to allow the Election Management Body administering general elections to obtain strategic fitness in order to protect its autonomy, safeguard integrity, ensure efficacy and professionally implement the rule of law and electoral procedures. The Fijian Elections Office has been reviewing the 2014 General Election procedures and processes to fine tune its administration and conduct thorough training of staff in preparation for the next General Election. Election officials require competencies and high-order skills to deliver credible elections- a country's largest logistical exercise.

Consequently, the need to amend core architecture of the electoral system must be weighed against the degree of professional training, institutional memory of past elections, updated geographical, statistical and voter data that have already been administered by the FEO. Overall, these issues prompt public trust in the entire process; therefore, it is important to note that major structural changes to the Electoral System will affect the preparation for the next General Election, which is only a year away now.

Moreover, the FEO has already reviewed recommendations from the MOG Report and concerns raised by the EC's Report, incorporated it into its Strategic Plan and has recommended its own set of proposed amendments to further articulate some sections to the Electoral Decree. Therefore the System should be allowed to operate following these progressive updates to further strengthen the system.

Proposed amendments that are deemed absolutely necessary must only be considered if they promote consistency and are in line with best international practice. The FEO, in line with international best practices, has also recommended legislative changes to provisions in the Electoral Decree 2014.

It will be prudent to keep in mind that greater understanding of the system will prevail with periodic and consistent elections in the future.

Questions from EC Report

1. Should the Electoral Decree 2014 be amended to reflect clearly how the two institutions EC and Office of the SoE should be functioning to actualise their respective responsibilities under the Constitution (page 38 of EC Report);

Response:

It is proposed that a more interactive governance structure would be to make the Supervisor of Elections as Secretary to the Electoral Commission. This setup will be akin to a Board and CEO. ✓

2. Should Section 53 (3) of the Constitution be amended to reduce the threshold figure from figure 5% to 3.5% (page 40 of EC Report);

Response:

The FEO is not able to make a comment on this. ✓

3. Should Section 61 of the Constitution be amended to increase the time between issuing of the writ of elections and polling from 30 to 40 days (page 40 of EC Report);

Response:

The timeframe for the entire election in 2014 was 6 months and as a result, a lot of the information about the election became available as FEO was able to produce them. Increasing the number of days between the date for issue of *writ* to election day will allow for more time for campaign as well as give more time for election operations. However, based on the review of the operations of the election, this amendment is not necessary. ✓

4. Should Section 64 (1) & (2) of the Constitution be amended to provide “the Electoral Commission must award the seat to another party or independent candidate, that party or independent candidate being the next party or independent candidate in line for a seat in the original allocation” instead of a by-election? (page 41 of EC Report);

Response:

The FEO submits this is a Policy matter for Parliamentary decision. ✕

5. Should Section 23 (4) (g) of the Electoral Decree be amended by adding the following words to it: "provided that the actual penalty imposed was imprisonment for six months or more (page 42 of EC Report);

Response:

The FEO submits this is a Policy matter for Parliamentary decision. ✕

6. Should Section 36 (2) (c) of the Electoral decree be amended to replace the number "135" with 140 (page 42 of EC Report);

Response:

It is recommended that there is no change to these provisions as the numbers did not present any difficulty to voters. ✓

- ✕ 7. Should Section 52 (2) of the Electoral Decree be re-worded to read: "A voter may take into the polling station or polling venue a small card or piece of paper (no larger than \$5 note) on which the numbers (s) and the name (s) of or more candidates are written, but otherwise it shall be unlawful for any voter..." (page 43 of EC Report);

Response:

The FEO recommends that Polling Agents and Observers be permitted to carry writing materials inside the Polling Stations to allow them to record the events as per their requirements. It is important to allow Observers and Candidate Agents to record events as they occur. The FEO provides each voter with a Voter Instruction Guide as they enter the Polling Place to assist the voter in selecting the candidate of their choice. ✓

8. Should Section 53 (1) (a) of the Electoral Decree be re-worded as follows: "Voters will be provided with access to an alphabetical listing of the names of candidates. This list will include the party names in full (or the acronyms, or the symbols, as may be decided) and the photos of the candidates or an alphabetical list including party names in full (or acronyms, or the symbols, as maybe decided), will be added to the National Candidates List as an index or follow-on" (page 44 of EC Report);

Response:

In practical terms, the above recommendation sounds simple, however, in operational terms, it will mean a bigger, thicker Voter Instruction Guide to be handed to voters as they enter the Polling Place. In 2014, FEO did not receive any complaints regarding voters facing difficulty in locating their candidates in the Booklet. Whilst it may appear convenient to have an alphabetical list as well as a numerical list, the time it will take to print and compile the books will be longer and it will also cost more. ✓

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, he or she may only register for a postal vote if they have been in Fiji for at least...months with the four years prior to the scheduled date of this election” (page 45 of EC Report);

Response:

The FEO feels that we should not place any limitations on our citizens restricting them from casting their vote. Implementing this will also be very difficult. Election laws should be designed to enhance franchise. ✓

10. Should a clause will be added to Section 79 (4) (d) of the Electoral Decree, as follows: “..., having first shown to those present, at the beginning of the verification process that the designated ballot is empty.” (page 45 of EC Report);

Response:

This is already a practice of the FEO. It is specifically included in the operations manual and does not necessarily have to be included in the law. ✓

11. Should Section 81 (3) of the Electoral Decree be re-worded as follows: “A protocol of results must be completed by postal ballot counting officer for each box of postal votes” (page 46 of EC Report);

Response:

This is already a practice of the FEO. It is specifically included in the operations manual and does not necessarily have to be included in the law. ✓

12. Should Section 88 (4) of the Electoral Decree be re-worded as follows: A protocol of results must be completed by the pre-poll ballot counting officer for each box of pre-poll votes.” (page 46 of EC Report);

Response:

This is already a practice of the FEO. It is specifically included in the operations manual and does not necessarily have to be included in the law. ✓

13. Should Section 83 (1) of the Electoral Decree be changed to read: "A voter shall vote in the same way as voters on polling day." Reference to "secret envelopes" in the following subsections will be deleted and the text suitably modified. (page 46 of EC Report);

Response:

Secret envelopes are used to give confidence to the voter that his/her vote is not going to be revealed until the count. Therefore, it is recommended that secret envelopes continue to be maintained and that no amendment be done to Section 83(1). The FEO found during its review of the 2014 General Election that the quality of the envelopes will need to be better in the next election. The FEO will work on this with its suppliers. ✕

14. Should Section 86(1) of the Electoral Decree and the words "secret envelopes" be changed to ballot boxes." (page 46 of EC Report);

Response:

The FEO maintains the use of secret envelopes for the pre-poll process as it gives confidence to voters that their votes are not going to be revealed until the count. The use of secret envelopes also distinguish Pre-poll Votes from Polling day votes. ✓

15. Should Section 88 (2) of the Electoral Decree be replaced by the following: "If a pre-poll ballot box contains less than 50 ballot papers, it will be counted along with another pre-poll ballot box from a reasonably close-by area. The ballot papers from both boxes will be mixed before counting begins. The protocol of results must clearly indicate the names of both areas counted." (page 47 of EC Report);

Response:

To ensure proper accountability, it is of paramount importance that counting is conducted by Polling Station strictly. Mixing of ballot papers between boxes will create confusion and also present problems for FEO when publishing results. The FEO vigorously opposes this recommendation. ✓

16. Should section 102 and 103 of the Electoral Decree be re-worded so that they require a Final National Results Tally only but it will also be required that the phoned-in results

of each polling station be compared manually with the final protocol of results of that station before this latter are authorised to be entered into the progressive tally (page 47 of EC Report);

Response:

The publishing of the provisional results is vital as it advises the public and political parties of the voting trends in the elections pending the receipts of protocol of results from pre-poll and polling stations. It establishes an aura of certainty in a tense environment. We recommend that we continue to maintain the provisional results system. Phoned in results are provisional and Protocol of results are final results as they have been witnessed in the polling stations by party agents or independent witnesses. ✕

17. Should in Section 104 (5) of the Electoral Decree with the words “2, 3, 4, 5, 6, 7, 8, 9, 10 and thereafter by every whole number until the number that is equal to the total number of candidates nominated by the party” be changed to read “3,5,7,9,11,13,15,17,19 and thereafter by every odd number until the number that is equal to twice the number, less one, of the candidates nominated by that party. However, the Electoral Commission may omit those divisions which will clearly be irrelevant to provide for the application of Sainte Lague’ as opposed to d’Hondt rule. (page 48 of EC report);

Response:

The D’Hondt formula has not presented any difficulties in the previous General Election. FEO will be conducting a lot more awareness on the system of seat allocation. ✓

18. Should Section 104 (6) of the Electoral Decree have an addition as follows: “The fraction of a half (.5) will always be rounded upwards?” (page 48 of EC Report);

Response:

The FEO submits this is a Policy matter for Parliamentary decision. ✕

19. Should in Section 104 (8) of the Electoral Decree after the words “same value,” the following words be added: “the Electoral Commission must re-divide the total number of votes held by each of the tied parties by the relevant divisor in each case, taking the division to two decimal places, rounding off the decimal place in the same way as in subsection 6 above. The tie will be resolved according to these new quotients. If such a re-division does not resolve the tie... (page 49 of EC Report);

Response:

The FEO submits this is a Policy matter for Parliamentary decision. ✖

20. Should Section 119 of the Electoral Decree be amended to read: "The Electoral Commission may appoint any person, organisation or entity to be observers for any election on such terms of reference as determined by the Electoral Commission? The Minister, however, may in the case of foreign observers and after consultation with the Electoral Commission, add further terms of reference or veto such an appointment or invitation." (page 49 of EC Report);

Response:

Election observation is an invite by a sovereign country to its international partners. This would have to be in compliance with the country's foreign commitments. The Government is best placed to issue the invite through the foreign treaties and commitments instead of the EC which is a body within the State. In any event, observers receive accreditation from the FEO. ✓

21. Should in section 6 (3) (i) of the Political Parties Decree, all words following on "proposed political party" in line 2 be deleted and it be replaced by a new sentence, reading: However, no more than 7,500 may be submitted to the Registrar (page 49 of EC Report).

Response:

It may not be appropriate to restrict membership of Political Parties. ✖

The Multinational Observer Group Report

In 2014, the Fijian Government invited a Multinational Observer Group (MOG), co-led by Australia, Indonesia and India to come and observe the Fijian General Election. There were 92 observers that were part of the long term and short term observer mission. MOG issued a preliminary statement at the conclusion of the count and subsequently issued a comprehensive report recognizing significant improvements achieved by Fiji in relation to the election and concluded that the 2014 General Election was fair and broadly represented the will of the Fijian people. It also highlighted that despite a new, unfamiliar and complex voting system, the Fijian Elections Office (FEO) administered the elections effectively.

1. The 2013 Constitution removed racial voting blocs. The application of this new electoral system, with a single voter roll, seemed to be understood by voters and was positively received by most voters interviewed.
2. In general, the legal framework in Fiji was sufficient for the conduct of credible and legitimate elections
3. The Electoral Commission and FEO were competent, professional and committed in performing their duties
4. Funding regulations vary widely across countries, and the funding regulations in Fiji fit within the range of common international practice.
5. The 2014 election was the first time Fijians voted with a common voter roll, rather than ethnic rolls
6. In total, 591,101 people registered (51 per cent men and 49 per cent women), of the target 610,000 estimated eligible voters. This included approximately 5,508 overseas registered voters, following an overseas registration exercise in Australia, New Zealand, America, Papua New Guinea, Europe and the Middle East. The FEO made a commendable effort to expand the franchise, although it did not reach all areas (such as Tonga).
7. International best practice suggests polling station planning figures should create relatively small catchment areas so voters do not have to travel long distances to reach a station. The FEO's planning figure was appropriate and consistent with international best practice.
8. In the lead up to the election, sensitive materials such as ballot papers and seals were stored in secure facilities and under police guard. The security for the printing of ballot papers also appeared very high. Security measures included police observers, FEO staff, and secure storage facilities. There were also procedures for securely destroying ballot paper discards. Ballot papers incorporated secret security features to prevent duplication.

9. MOG observers commented very positively on the performance of polling day officials, who in general were very competent and committed in performing their duties.
10. Police officers independently recorded ballot box seal numbers during opening and closing procedures, and accompanied the transfer of sensitive election materials. There were usually two police officers assigned to each team for pre-polling, and one police officer assigned per polling station on Election Day. Police also patrolled campaign events, which were orderly and peaceful
11. MOG observers noted the admirable effort by the FEO to reach out to voters in geographically isolated areas and through door-to-door awareness activities in informal settlements. The FEO set up 18 voter information centres across Fiji, where voters could check their registration details, inspect the National Register of Voters and collect voter information. FEO teams undertook voter awareness activities over three months in all parts of the country. The MOG noted that the information was very technical and procedural in nature. The Electoral Commission also led a voter information campaign about seat allocation, which included booklets published in the newspapers in a range of languages.
12. Pre-polling staff were professional and courteous. Women were equally represented, including in positions of leadership such as Presiding Officers. Observers saw no unauthorised persons directing or interfering with voters or the work of pre-polling staff.
13. The pre-polling process was cumbersome and in some cases unnecessarily complex, but overall it was credible.
14. Although the process was complex to administer, observers reported that polling stations were generally well organised and operated efficiently. Observers commended polling staff on their professionalism and flexibility in problem-solving. Voter turnout on Election Day was 84 per cent.
15. The counting process, while transparent and credible, was unnecessarily complex.

16. The process used to determine ballot validity allowed for interpretation of 'voter intention' (as per the Electoral Decree), and conforms to international best practice. Posting the results of the count at polling stations, which was a part of the closing process in Fiji, is also considered international best practice.
17. Polling staff were meticulous, followed the process to the letter, and followed the manual closely. Overall, observers evaluated the counting process as credible and legitimate, but unnecessarily complex.
18. All irregularities were resolved transparently and appropriately.
19. The FEO consulted members of the Fiji National Council for Disabled Persons to discuss how the needs of people with disability could be accommodated. The FEO made some polling venues more accessible by building ramps for wheelchair access. During training, Presiding Officers were taught how to assist voters with disability. Voter education materials, developed by the FEO, included YouTube videos in sign language. The 2013 Fiji Constitution has been translated into braille.

The MOG report also provided recommendation for improvement of certain processes and this has been considered in the FEO Strategic Plan 2015-2019.

Questions from MOG Report

1. Should political party identification be included on the National Candidate List and/or voters and be permitted to bring how-to-vote materials inside polling stations, or the ballot be redesigned to include candidate names and parties?

Response:

In terms of Operational aspect of the Election, the FEO inserts the National Candidates List into the Voter Instruction Guide. Sufficient information is available inside the Polling Place to assist a voter in marking their choice. Invalid votes in 2014 were 0.75%. ✓

2. Should the National Candidate List be arranged in both numerical and alphabetical order?

Response:

In practical terms, the above recommendation sounds simple, however, in operational terms, it will mean a bigger, thicker Voter Instruction Guide to be handed to voters as they enter the Polling Place. In 2014, FEO did not receive any complaints regarding voters facing difficulty in locating their candidates in the Booklet. Whilst it may appear convenient to have an alphabetical list as well as a numerical list, the time it will take to print and compile the books will be longer and it will also cost more. ✓

3. Should the range of penalties for electoral offences be proportionate, appropriate and comparable to international standards and practices?

Response:

Penalties for electoral offences are imposed based on the discretion of the court. The actual penalty imposed is proportional to the gravity of the offence. ✓

4. Should the division of responsibilities between the Electoral Commission and the Fijian Elections Office be clarified?

Response:

It is proposed that a more interactive governance structure would be to make the Supervisor of Elections as Secretary to the Electoral Commission. This setup will be akin to a Board and CEO. ✓

5. Should consideration be given to reducing requirements for party registration and activities?

Response:

The FEO maintains that it does not see any issues arising with the registration requirements laid down in the Political Parties (Registration, Conduct, Funding and Disclosures) Decree 2013. There are currently 7 political parties in Fiji and they were all registered pursuant to the requirements laid out in the Decree and none of them had any problems with the registration requirements. ✓

6. Should the Fijian Elections Office and Electoral Commission consider implementing electoral and campaign calendars to ensure political parties and other election stakeholders have adequate time to prepare for the election cycle?

Response:

The FEO will be addressing all parties to outline the electoral calendar in the lead-up to 2018. FEO has already begun having meetings with Political Parties to discuss the program for the next election. The latest of these engagements being internationally accredited BRIDGE Training module on 'Introduction to Elections'.

7. Should the Public Order (Amendment) Decree be revised to allow groups, including political parties, to gather without requiring a permit?

Response:

The FEO submits this is a Policy matter for Parliamentary decision. ✂

8. Should the national candidate numbers be drawn earlier, to allow parties sufficient time to publicise these ahead of pre-polling?

Response:

In 2014, Parties had 23 days to campaign before the Election Day. ✂

9. Should the rules regarding the use of paper in polling stations be clarified, and observers and party polling agents allowed to carry paper into polling stations?

Response:

The FEO recommends that Polling Agents and Observers be permitted to carry writing materials inside the Polling Stations to allow them to record the events as per their requirements. It is important to allow Observers and Candidate Agents to record events as they occur. The FEO provides each voter with a Voter Instruction Guide as they enter the Polling Place to assist the voter to select the candidate of their choice. ✂

10. Should the Fijian Elections Office provide clear information materials in advance of the election, which includes the role of political party polling agents in the polling process?

Response:

FEO is currently in the process of compiling all its manuals. As soon as this is complete, we will be putting together a political party polling agents handbook that will guide agents in their duties and it would also allow them to understand the electoral processes involving their work.

11. Should more comprehensive training for party polling agents on their role and responsibilities in the electoral process be provided by political parties or other responsible bodies?

Response:

In 2014, the FEO conducted an information exercise for all parties to explain the election operations. Political Party Agents should be trained by Parties themselves and not by FEO. FEO will always ensure that it maintains its independence.

12. Should the media accreditation process be simplified and all media outlets, including international media, have sufficient advance notice of deadlines and timelines?

Response:

The Media Registration guidelines were available on FEO website as well as from MIDA itself. MIDA also conducted training for the Media in Fiji and at this training, various questions were also answered. FEO also conducted training sessions for the media to ensure that the reporters understood the process well.

13. Should Media Industry Development Authority issue clear, timely and practical reporting guidance?

Response:

MIDA Chairperson, in collaboration with the FEO issued reporting guidelines and also conducted various press conferences to allow media to raise questions. MIDA chairperson was also present at the media center from election morning right through to the next morning. By being present at the media center, the MIDA chairperson was directly accessible to the media.

14. Should penalties for breaching election-related reporting rules be reviewed?

Response:

Penalties for electoral offences are imposed based on the discretion of the court. The actual penalty imposed is proportional to the gravity of the offence.

15. Should the Media Industry Development Authority continue its role in future elections or is there a need for an independent institution to adjudicate complaints about its actions, consistent with Fiji's legal and constitutional framework?

Response:

MIDA is an independent authority and its decisions can be reviewed by the High Court.

16. Is there a need for a regulation as well as an independent institution to prevent and adjudicate media biases, thus ensuring a level playing field among election participants?

Response:

MIDA holds this responsibility.

17. Should the duration to apply for postal voting be lengthened in remote areas in order to facilitate prospective voters to vote?

Response:

It is proposed that the Decree is amended to allow applications for Postal Votes to open on 01 January of the normal election year.

18. Is it important for voters and political parties to be informed of the national voter roll through all accessible means?

Response:

The FEO will finalize the Voter List every year and provisional lists will be made available to Parties upon request and payment of necessary fees.

19. Should the Fijian Elections Office continue and expand its efforts to reach remote areas with in person voter education programs?

Response:

The FEO already has an extensive outreach program.

20. Should voter and civic education be introduced in the secondary school curriculum in order to raise voter awareness in future elections?

Response:

The Hon. Minister for Education has given positive feedback in this regard and the FEO has already participated in some consultations already. FEO will be looking to the Indian Electoral Commission to study how it implemented the school voter education program and adapt it to Fiji.

21. Should the Fijian Elections Office create a mechanism to respond to reports of inaccuracies of information provided by the SMS voter registration checking service?

Response:

The FEO has already conducted a thorough review of its services platforms from the 2014 General Election and is in the process of enhancing these service platforms to allow for greater accessibility and ease of use.

22. Should Section 115 of the Electoral Decree 2014 be revised to encourage civil society engagement in the election process, including removing restrictions on organisations receiving foreign funding?

Response:

In 2014, the Electoral Commission approved a form for application by organizations and most applications were approved.

23. Should 'pre-polling' be re-named 'early voting'?

Response:

Following the 2014 General Election the entire country is familiar with 'pre-polling' and it will be unwise to change the name again in the next election.

24. Should pre-polling locations be determined earlier, and local officials be consulted in their selection?

Response:

The 2014 Election was conducted in a constricted timeframe. It will be possible to carry out information sessions much earlier for the next election. The FEO Strategic Plan includes activities such as the conduct of Pre-Poll Venue Assessments, publication of preliminary polling venue lists and submitting the finalized lists to the Electoral Commission. We have conducted the first phase of Polling Venue Assessments this year and a list of venues were published in the newspapers in July

with a second list to be published again this month. By March 2017, FEO intends to have fully identified all venues in the country plus or minus 20 venues.

25. Should information on timing and locations for polling reach all voters, with special efforts made for voters in remote locations?

Response:

The 2014 election was conducted in a constricted timeframe. It will be possible to conduct strategic awareness exercises in remote parts of Fiji during the pre-election period. A lot of this awareness has already been done during the visits by FEO teams, however, targeted electoral awareness sessions will begin in the 3rd quarter of 2017.

26. Should the reason behind the regulation to ban pen and paper for observers be clarified and reviewed, as it could raise questions on the openness of the voting process?

Response:

The FEO recommends that Polling Agents and Observers be permitted to carry writing materials inside the Polling Stations to allow them to record the events as per their requirements. It is important to allow Observers and Candidate Agents to record events as they occur. The FEO provides each voter with a Voter Instruction Guide as they enter the Polling Place to assist the voter in selecting the candidate of their choice.

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

Response:

The Voting Process inside polling places in Fiji is one of the most simplest. It is anticipated that voters will become a lot more comfortable with the system as elections become more consistent and periodic.

28. Should a chronological list of procedures for each phase of Election Day be made available at each polling station as a guide for party polling agents and observers?

Response:

The FEO is currently in the process of putting together a Handbook which will be for Election Observers and Party Agents and this will contain procedures for each phase of Election Day. This book will be further complemented by training of Party officials.

29. Should sufficient training for polling station staff be ensured?

Response:

We have conducted a comprehensive review of the 2014 General Election and most of the recommendations have been implemented through our training manuals which are currently being revised.

30. Should consideration be given to simplifying the counting process?

Response:

The Counting Process that was devised in 2014 will also be used in the 2018 Elections as the FEO does not have any issues with the process. The current counting process is thorough and transparent. FEO has amended the Presiding Officers Record Book to be more user friendly.

31. Should observers and party polling agents be allowed to maintain a continued presence in polling stations, including throughout the voting, counting and packing processes?

Response:

Observers and Agents should not be asked to leave the Polling Place unless there is an emergency evacuation. FEO will thoroughly reflect this in its training.

32. Should voters with disability and elderly voters be allowed to receive assistance, if they so wish, from friends/ family members?

Response:

The FEO will leave this decision to the Parliament, however the following factors in the Pacific context deserve consideration:

- a. The right to vote and the right to secrecy of the vote requires the election management body to present to every voter the opportunity to cast their vote based on an independent decision. This decision should and must be allowed to be made (or changed) at the Polling Booth. Allowing an independent third party to assist a voter secures this confidence and this allows the voter to exercise their right to choose without influence or coercion.
- b. Block voting or more commonly practiced family style voting is a common feature in the Pacific due to the communal style of living. This discourages individuals from being able to exercise an independent right to choose their candidate should they be assisted by a family member or a friend.

- c. For elderly voters, this right to choose a candidate independently is diminished when their caregivers are present to cast a vote for them.
- d. In village and extended family settings, this can also result in a stronger personality influencing the votes for lowly literate and dependent persons.
- e. We also acknowledge that in some cases, a higher level of trust can be placed by well-educated persons with disability as the correct casting of their vote.

The FEO offers its sincere gratitude to the Hon. Committee Members for allowing this opportunity for a final response. We are available to attend before the Committee on 14 November at the time allocated to provide any necessary clarifications the Committee may have.

Yours faithfully



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Mohammed Saneem
Supervisor of Elections