

Submission to the Parliamentary Standing Committee on Justice, Law and Human Rights in Regards to 2014 general Elections.

2:30PM Monday July 25, 2016 By: Sharveen Chaudhary.

got postponed to Thursday 28/7/16

True democracy is only achieved when rules and regulations are transparent and most of all when the guardians of the law are true to their duty and maintain it with honour. I as the voting citizen of this country come before the committee to present the recommendations and what changes are compulsory to have a true free and fair elections.

The MOG and Electoral commission released a report in regards to the 2014 general elections. Although the MOG report stated that the election was credible however certain issues were raised towards the end of the report, which if inherited in the upcoming elections than it will prove to be a free and fair elections.

Some of those recommendations were:

- Having party symbol, candidates name in the voter guidelines and also in the ballot paper. We must consider those who are not

familiar in memorizing numbers, especially when 14*20 grid ballot paper contained 3 digit numbers in one box.

- Writing materials to be taken into counting centre by counting agents so that counting results can be noted and for record keeping of the interested party and also used in later verification part.
- Counting results to be certified by each party agent present in the polling station.
- For the very first time in Fiji we had electronic result compilations system; however there was no presentation done to all political parties as to how the system will publish data after data gets entered in the system. The pilot software testing is a very crucial part in confirming that the software is reliable, however political parties did not had a vivid idea as to how reliable the system was.
- A soft copy voter rolls should have been given to all parties at least 2 weeks before elections

Moving to some critical issues faced during the counting nights at Vodafone arena, some basic rules were violated and the decision were made without circulating any written amendments in relations to counting.

Section 54 of the electoral decree 2014 states and I quote “ *A voter shall vote for a single candidate by placing a circle around, or a tick or a*

cross on, the number of his or her preferred candidate on the ballot paper”.

Section 94-1 mentions about invalid votes and part (c) *“which does not clearly indicate the candidate for whom the voter wishes to vote; or”* (d) *“which indicates a vote for more than one candidate”.*

The sections of the elections decree stated above is clear as to whom and how the voters should vote and once the voting has completed, ballot papers which does not comply with those rules are to be invalidated.


Furthermore Section 94-2 states that *“ Any ballot paper that is marked in such a manner that the intention of the voter is clear, must not be invalidated and must be counted in accordance with the clear intention of the voter”.*

This part of the decree is ambiguous and questions as to what and how will the chief presiding officers and other senior officials will state that the “ intention” of the voter, if the vote had been from any place in Fiji. On Friday 16th of September 2014, the counting officials were issued with verbal instructions to validate all those ballot papers which had more than one mark and the intention of the voter was to give the vote to the number 279 (in this case 279 and other numbers along with 279 was marked in ballot papers). Upon various queries, still the decision remained the same.

The part 2 under section 94 needs to be removed so that elections take place on neutral grounds. There is nothing such as validating a vote based on voters' intention. If the vote has been casted wrongly than it should be invalidated, because simple rules apply, and in such cases than the elections office is to be held responsible and questioned as to how effective was their voting awareness campaign and this directly links to the issues raised in MOG reports which deemed the election credible but not free and fair.

The provisional voting results had been stopped to broadcast around 10pm Wednesday 14th September. The broadcasting of the result should have continued for public to have a view as to what numbers of votes were going to candidates and the parties. There were also issues with ballot boxes and ballot papers (Refer to annexure 1 and 2 attached)

If such rules do remain for the upcoming elections than I am afraid to say that any style of voting will be deemed as voters' intention and could be validated to any number.

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Sharveen Chaudhary

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NATIONAL FEDERATION PARTY

Our People's Future



URGENT

September 18, 2014

The Supervisor of Elections
Fijian Electoral Commission
Toorak
SUVA

ATTN: MR MOHAMMED SANEEM

Dear Sir

Re: Verification of Provisional Results and Compilation of
Final National Results Tally

Please take this as an URGENT query and complaint on your procedures for compiling what is termed "provisional results," the subsequent procedures of verifying these provisional results per polling station with the original "Protocol of Results" per polling station and also the subsequent steps to be taken forward that results in the compilation of the Final National Results Tally by the Supervisor of Elections.

The National Federation Party urges that your office comply with the Electoral Decree with immediate effect:-

- i) That each provisional result per polling station is verified with the original protocol of results per polling station – Section 97 (1) – that the Presiding Officer conveys the results of the total number of votes cast "as contained in the final protocol of results."
- ii) That the result of this verification per polling station is made available to party/independent candidate agents as mandated in Section 101(2) of the Electoral Decree.

"Candidates, polling agents, observers, and the media must be given access to observe the tabulation process."

We note that party agents were only informed late last night that they could observe the tabulation process which was done at the Media Centre– but were barred from getting a good view of the what the data entry operators were inputting.

- iii) That the results of this verification are also disseminated for public consumption.

All correspondence should be addressed to the general secretary