

Standing Committee on Justice, Law and Human Rights

Electoral Commission 2018-2019 Annual Report

Specific Questions on the Electoral Commission Annual Report 2018

- 1. In reference to page 22 of the Annual Report; can the Electoral Commission elaborate on the objections that were referred to in 4.4?**

Pursuant to Section 30 of the Electoral Act 2014, any person who is a registered voter can object to the nomination of any candidate on the grounds that:

- i. The candidate is not qualified to be nominated; or
- ii. Nomination of the candidate does not comply with the requirements of the Constitution or the Electoral Act.

For the 2018 General Election, the Objector was required to complete the Objection to Nomination of Candidate Form and lodge it with the Electoral Commission before 4:00pm on the day after close of nominations for the election. A fee of \$100 was set by the Commission.

The Commission would then write to the Supervisor of Elections advising him of the objection received and would request for the information relevant to the candidate being objected to. A copy of the objection would also be furnished to the candidate concerned to allow opportunity to respond. This was to be received no later than 12noon of the following day.

The Electoral Commission would then meet and make a decision taking into account the following: -

- i. Any reply from the Candidate;
- ii. Whether the candidate is qualified to be nominated;
- iii. Does the nomination of the candidate as an independent candidate or as a party candidate on a party list does comply with the requirements of the Constitution or Electoral Act; and
- iv. The information received from the Supervisor of Elections.

The decision from the Electoral Commission was then made available within three (3) days of receiving the objection. The Objector, nominated Candidate and Supervisor of Elections are advised on the decision made by the Electoral Commission. The decision of the Electoral Commission is final and cannot be appealed in any court, tribunal or any other adjudicating body.

The Decisions to the seven (7) objections received in the 2018 General Election is attached herein.

2. With regards to pre- poll, does the Electoral Commission feel that there is a need to also include essential services as part of pre-poll?

Section 82 (2) (e) of the Electoral Act 2014 gives powers to the Electoral Commission to approve other places for pre-poll voting, the Electoral Commission recognised the important services provided by essential services personnel and further considers the implications of having to remove them from their place of work to join a line to vote either on Election day or in Prepoll.

The Electoral Commission favors the argument that essential services staff are not disrupted from their work/ service and as such the Commission does not favor the concept of attendance voting for them.

Due to the necessity of not disrupting essential services and recognising that these individuals may be away from their assigned polling stations on Poll Day, the Fijian Elections Office in consultation with around 25 various essential services organisations agreed for their staff who are registered voters to apply for postal voting.

In facilitating the postal voting process, the Fijian Elections Office conducted information sessions with the various HR teams of these Organisations on the processes relating to postal voting, including the organizing of special delivery and dispatch of postal voting packages to the place of work in these essential service organizations. Further to these information sessions, the Fijian Elections Office then organised batch deliveries of postal voting packages and also arranged for pick-up for the returned postal ballots from the places of work.

In 2018, essential services were not disrupted due to elections.

3. What is the objective of having pre-poll and furthermore, clarification is sought on the criteria for selecting pre-poll venues?

Pre-poll voting authorises voters to physically vote in advance of the polling day. Pursuant to Section 82 (2) of the Electoral Act, 2014 the grounds for a voter to vote in advance are if the voter-

- i. Resides in a locality that is remote or the number of voters in a locality is not sufficient for the establishment of a polling station.
- ii. Is a resident of a nursing home or health care facility;
- iii. Is a member of the disciplined forces; or

- iv. Is under pre- trial detention or sentence of imprisonment
- v. Is in any other place approved by the Electoral Commission.

The Fijian Elections Office conducted a nationwide polling venue assessment in 2016. During this exercise, a team of Fijian Elections Office was sent to physically assess all polling venues that were used for the 2014 General election and confirm its availability and suitability for the 2018 General Election using set criteria. Alternative polling venues were also assessed during this period. After this assessment, a Polling Venue Selection Committee was selected to review and approve the recommended polling venues for the 2018 General election.

This Committee consisted of staff from the Fijian Elections Office Operations Directorate, Director of Operations (Fiji Police Force) and Director Geospatial from the Ministry of Lands. The role of this Committee was to recommend to the Supervisor of Elections the list of polling venues to be used for the 2018 General Election.

This Committee was also tasked to recommend polling venues for pre poll voting and in order to do this, criteria on the determination of pre- poll venues was used.

Criteria for selecting Pre-Poll Venues

The definition of remoteness as per the Fijian Elections Office Operations Guidelines is defined as follows:

- i. Located in maritime zones;
- ii. More than 3 hours travel from an area office; and
- iii. Not accessible by road.

Once the polling venues were approved, the Fijian Elections Office published the provisional list of polling venues and requested members of the public, political parties and stakeholders to review the list and give their feedback to the Fijian Elections Office through the polling venue locator platform.

The Fijian Elections Office continued to publish the provisional polling venue lists during the lead up to the 2018 General Election. The Fijian Elections Office published the provisional polling venue list and polling venue maps on

- 30 July 2016,
- 18 March 2017,
- 16 September 2017,
- 18 January 2018,
- 22 September 2018; and
- 26 September 2018.

4. Did the Electoral Commission receive any objection from candidates in regards to the ball roll? If yes, how many objections were received and how were these addressed?

There were no objections received by the Electoral Commission in regards to the National Candidates List Draw.

5. What were some of the challenges faced by the Electoral Commission during the election year in 2018 and how were these addressed?

The Electoral Commission faced an uphill battle with the spread of false information about the election on social media and various other platforms. Repeated efforts and considerable resources were diverted to counter false information with accurate and credible information. Various political leaders also produced articles that attempted to undermine the credibility of the Election. Futile attempts had been made to discredit the results, however, quick action by the Supervisor of Elections ensured that the misinformation was quickly identified and clarified.

The second biggest issue was the bad weather on election day that affected the turnout in the election. That is a risk that comes when an election date is selected in the cyclone season.

6. Does the Electoral Commission get enough time for preparation once the Writ of Election is issued?

Yes, the Electoral Commission believes that they had enough time for preparation once the Writ of Election was issued. The activities of the Electoral Commission during this period is reflected below.

EVENTS	DATE
Writ day	01/10/2018
EC Meeting with Observer Group - Ms Alice Cawte, SoE and Ms Ana Mataiciwa	06/10/2018
Nominations closes @ 12.00pm	15/10/2018
Western based Commissioners arrive in Suva - (2pm Flight)	15/10/2018
EC Meeting # 02 on Appeals and Objections - 9am	16/10/2018
Withdrawal on Nominations Closes 12.00pm	16/10/2018
Appeals and Objections Closes 4.00pm	16/10/2018

Appeals and Objections decisions relayed to the concerned parties	17/10/2018 18/10/2018
Candidate Ball Draw	19/10/2018
Notice of Pre-Poll and Poll	20/10/2018
Western based Commissioners return - Evening Flight	20/10/2018
Western based Commissioners arrive Tuesday evening and return Wednesday afternoon	24/10/2018
Observer Briefing (Chair delivered his speech) and EC meeting # 03	24/10/2018
Pre Poll (EC visited various Prepoll places throughout the country)	5/11/2018 06/11/2018 07/11/2018 08/11/2018 09/11/2018
Address by the Chairperson before the Presentations by the FEO Senior Management and Senior Staff.	13/11/2018
Western based Commissioners arrive in Suva (Midday 2pm Flight)	14/11/2018
ELECTION DAY All Commissioners to visit various Polling Venues and EC Meeting # 04	14/11/2018
EC hosted the EVP Participants for Cocktail Event on Election Night	14/11/2018
EC Meeting # 05 9am	15/11/2018
Results and seat allocation on 18/11/2018	15/11/2018 16/11/2018 17/11/2018 18/11/2018
EC Meeting # 06 before Writ of Return	19/11/2018

Return of Writ	19/11/2018
Western based Commissioners Return	20/11/2018

The Electoral Commission was able to prepare its schedule and assign tasks amongst the Commissioners for the Writ period. The significant lead time to the 2018 General Election in contrast to 2014 assisted the proper organization of the work and ensured the presence of the Commissioners at important events and at the same time delivery of the duties of the Commissioners.

7. How were the complaints addressed by the Electoral Commission during the Election period?

The Electoral Commission kept a register of complaints. All complaints received were registered and the Electoral Commission held meetings to discuss issues and complaints that arose during the election period. A response was obtained from the Fijian Elections Office or relevant party to verify any information related to the complaint. After deliberations, the Electoral Commission would then set out their decision which would be forwarded to the complainant via written means.

8. What are the main differences between the Secretary to the Electoral Commission and the Executive Secretary to the Electoral Commission in regards to the roles of these two positions, as per the Organisational Structure on page 12?

The Secretary to the Electoral Commission is an appointment by law as stipulated in Section 5(7) of the Electoral Act, 2014. In instances where the Electoral Commission is dealing with objections or appeals against the decisions of the Supervisor of Elections, the law stipulates that the Supervisor of Elections must not be present at such meetings.

The Executive Secretary is a staff of the Supervisor of Elections and provides administrative and clerical support to the Supervisor of Elections in duties assigned for him at the Electoral Commission. The position organises and maintains the Electoral Commission meeting schedules and assists the Electoral Commission in a variety of administrative and logistics tasks.

9. How does the Commission determine which number to begin with when deciding the numbers for the ball roll?

In the 2014 General Election the 3-digit number commenced from number 135 and concluded with number 382 as there were a total of 248 Candidates. It started from number 135 as this was stipulated in the sample of the ballot paper that was on the schedule of the Electoral Act, 2014.

Applying any of the set of 3-digit number from the 2014 General Election in the 2018 General Election would confuse the voters. To prevent this confusion, for the 2018 General Election the Electoral Commission decided to use a ball draw system similar to the National Candidates Ball draw to select the first 3 digits in the Ballot paper. This process took away any illusion of bias in the selection of the first 3 digit number. The draw would be done live on TV and internet and be carried out by a blindfolded person in the presence of Police officer. The Electoral Commission agreed that the series in the Ballot paper would not be repeated and as such the numbers would start either in the 400 series or 500 series.

The public draw was held on 15 May 2017 whereby the balls were drawn 2 consecutive times. In the first draw, only 2 balls were placed in the barrel containing number 4 and number 5 to determine the series. In the second draw, 9 balls were placed in the barrel containing numbers 0 to 9 and it was drawn twice to determine the next two digits.

At the conclusion of the draw, the first 3 digit number for Ballot Paper in 2018 was '508'.

The conduct of a public draw had promoted the principles of transparency which is essential to the electoral process as it promoted clear and open process as well as promote public confidence and trust in the electoral system.

10. The Committee seeks clarification on the effectiveness of the “Know your Election” program in terms of the number of votes cast against the total number of registered voters?

The “Know Your Election Program” is an initiative undertaken by the Fijian Elections Office to educate and disseminate election related information to the people of Fiji. This voter awareness drive served as a platform for the Fijian Elections Office to capture its key target audiences [voters] and to ensure the successful delivery of critical information relating to the conduct of elections in Fiji.

The Fijian Elections Office conducted three (3) “Know Your Election” campaigns during 2017 and 2018, in both urban and remote areas. With 50 FEO teams, the program reached 3,870 villages and communities, 168 schools, as well as companies and the disciplinary forces. These sessions included information sessions on how to vote, when to vote, where to vote and what happens inside a polling station. The Fijian Elections Office trained voter awareness officials to conduct this outreach and estimates some 280,000 people attended voter awareness information sessions. A separate Know Your Election campaign in August 2018 targeted areas where pre-polling was to take place, reaching some 68,000 people in these remote communities.

According to the 2018 Fijian General Election Final Report of the Multinational Observer Group (*Refer to page 25*) the Fijian Elections Office was commended for its extensive voter information and awareness efforts in advance of the election period. They noted that the campaigns were highly visible and generally well-targeted to include typically marginalised voters, including women, people with disabilities, young people and those living in remote communities. They found that the vast majority of Fijians appeared to understand the voting process and that the rate of invalid votes was low.

11. In the 2018 General Elections, the voter turnout was 71.9%; can the Commission compare this percentage with other jurisdictions, in terms of voter turnout. Additionally, if the Commission considers this percentage to be below mean value; what are some of the plans in place to address this?

<i>Country</i>	<i>Common Denominators with Fiji</i>	<i>Percentage Voter Turn out</i>
New Zealand	<ul style="list-style-type: none"> ➤ 18 years- Voting age ➤ Voting not compulsory 	79.75%
Kiribati	<ul style="list-style-type: none"> ➤ 18 years- Voting age ➤ Voting not compulsory 	75.67%

Source: International Institute for Democracy and Electoral Assistance (Voter Turnout Database)

Considering the fact that VOTING IS NOT MANDATORY, 71.9% voter turnout for Fiji's General Election is reasonable when compared to other Democracies of similar electoral systems. According to the Multinational Observer Group, Fiji's voter turnout is quite healthy by global standards (*Refer to page 25 of the 2018 Fijian General Election Final Report of the Multinational Observer Group*).

In the Fijian Elections Office Strategic Plan 2020-2023 it can be noted on Goal 4 that the Fijian Elections Office intends to strengthen electoral participation through effective outreach and engagement programs. The activities for this goal is clearly stipulated on page 59 to 61 of this document. The Electoral Commission will ensure that these activities are achieved by the Fijian Elections Office.

Specific Questions on the Fijian Electoral Commission Annual Report 2018

1. What are the main lessons learnt and experience gained from the 2018 General Elections?

Please note the recommendations made in the reports as a preliminary guide to the lessons learnt together with opportunities to enhance the delivery of elections.

2. What are the key achievements of the Electoral Commission in 2019?

There were two (2) significant achievements for the Electoral Commission in 2019. They included the review of the 2018 General Election and the approval of the Fijian Elections Office four (4) year Strategic Plan.

The Electoral Commission will continue to focus on improving the processes that guide our service delivery, monitoring our performance, ensuring acceptability of the election processes.

3. In reference to page 7 regarding the meetings of the Electoral Commission, it was noted from paragraphs under 4.1 that the Commission held 3 meetings from January 2019 to December 2019, however it was also mentioned that these meetings were the monthly meetings of the Commission. These statements are ambiguous. Therefore, clarification is sought on the number of meetings that the Commission had during the reported year?

Meetings are usually scheduled for every month, however, decisions were made to postpone meetings to accommodate post-election reports and responsibilities of the Electoral Commission and the Fijian Elections Office. Meetings were also rescheduled to accommodate availability of the Commissioners and to ensure the prudent expenditure of public funds.

Questions relating to the 2018 and 2019 Annual Report

1. In reference to the Budget of the Commission, clarification is sought on what "Marketing Costs" entail, as noted in page 13 of the 2018 Annual Report and Page 6 of the 2019 Annual Report?

Marketing costs include publications and advertising expenses that was carried out via all forms of Media. Pursuant to section 5 (4) (a) of the Electoral Act 2014, the Electoral Commission must within 5 days of its meeting, publish a copy of the decisions taken by the Commission at the Meeting.

- 2. In reference to the Budget of the Commission, it is noted that in 2018, there was no mention of “Staff Salaries” in the budget and expenditure table, however this particular activity (Staff salaries) is referenced in the budget and expenditure table in the 2019 Annual Report. Clarification is sought on the mentioned issue?**

The EC Budget was initially sourced from the FEO budget. However, this has been changed. (EC to have a separate budget to include staff that are working for the Commission). This is to ensure that EC is an independent body who controls its own budget. This was also recommended by the Multinational Observer Group as it would bolster the independence of the Commission.

- 3. Furthermore, to Question No. 2, 2018 AR shows FNPF being paid without having staff salaries, whereas in 2019 AR is showing staff salaries without any FNPF deductions appearing in the budget. Clarification is sought on the mentioned issue.**

The Electoral Commission budget for 2018 was prepared under Fijian Elections Office budget and staffing was budgeted under the Fijian Elections Office staffing structure. The allowance paid to the Electoral Commission had FNPF deduction of 10% for each sitting allowance paid for voluntary and compulsory members of FNPF. The Commission had some members who were retirees and FNPF was not deducted, thus there was allocation for FNPF expenses. The 2018-2019 Electoral Commission budget was under separate budget head which was separate from Fijian Elections Office budget which is now under head 13(Ministry of Economy).

The staffing budget was separated from the Fijian Elections Office budget and all staffing expenses including the FNPF contributions and FNU levy was budgeted under one item as staffing expense. The staffing for the Electoral Commission had one administrative secretary and one executive secretary which is part of the staffing expenses. The staffing expenses allocation consist of salary for EC staff,10%FNPF contribution,10% contribution from the EC allowances paid and the FNU levy contribution whereas in 2018 budget these items were under Fijian Elections Office Personnel Emoluments Expenses(except 10% EC allowance FNPF contribution).

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