

SUBMISSION TO THE PARLIAMENTARY STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

TO: The Parliamentary Standing Committee on Justice, Law and Human Rights

SUBJECT: Submission on the Electoral (Registration of Voters) (Amendment) Bill 2026 (Bill No. 30 of 2026)

DATE: September 4, 2026

STATUS: For Committee Consideration and Review

1.0 INTRODUCTION

- Good afternoon, Chairperson and Honorable Members of the Committee. Thank you for the opportunity to present the submission of the Pacific Disability Forum's views on the Electoral (Registration of Voters) (Amendment) Bill 2026 (Bill No. 30 of 2026).
- Let me begin by saying that Fiji has demonstrated strong leadership in the area of disability inclusion through progressive policies and initiatives, making it a model of good practice across the Pacific region. Fiji is a proud State Party to the United Nations Convention on the Rights of Persons with Disabilities (CRPD). Because of this, our parliament has an explicit, binding international legal obligation to ensure that all domestic electoral frameworks protect and promote the political rights of persons with disabilities without discrimination.
- Our submission focuses on how the Electoral Registration Bill impacts fundamental human rights. Specifically, we look at how the proposed changes affect individual dignity, equal recognition before the law, and full political participation of persons with disabilities.

2.0 EVALUATION AGAINST THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

A direct textual review of the Bill reveals a critical area of alignment and structural issues that require legislative remedies to achieve authentic CRPD compliance:

2.1 Shift in Terminology (Clauses 3 and 5)

Clauses 3 and 5 of the Bill amend Section 3(2)(b) and Section 12(1)(c)(iii) of the Principal Act by deleting the phrase "have a mental disorder" and substituting it with "be of unsound mind". From a human rights and legal framework perspective, this substitution fails to align with modern rights-based paradigms for the following reasons:

- **Incompatibility with CRPD Article 12:** Article 12 of the CRPD explicitly recognizes that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. The phrase "of unsound mind" relies on a medicalized, exclusionary model that historically strips individuals with psychosocial or intellectual disabilities of their legal capacity, including their right to register and vote.

- **Violation of Article 29 (Political Participation):** Article 29 guarantees that State Parties shall ensure persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, including the right and opportunity to vote and be elected. Disqualifying individuals based on subjective, archaic labels of mental status directly contradicts this mandate.
- **Archaic and Stigmatizing Language:** While the amendment attempts alignment with other domestic legal texts, the terminologies "of unsound mind" and mental disorder are stigmatizing and runs counter to the dignity-first principles established under Article 3 of the CRPD.

3.0 ACCESSIBILITY AND DISABILITY ACCESS TO REGISTRATION VENUES

While Bill No. 30 of 2026 focuses on offence classifications and nomenclature updates, it is completely silent on the operational mechanisms required to guarantee disability access during voter registration. Under CRPD Article 9 (Accessibility) and Article 29, the state must take proactive measures to identify and eliminate barriers to accessibility. To achieve true compliance, voter registration must be supported by mandated physical, informational, and operational accessibility standards:

Accessibility Domain	Identified Barriers / Requirements	Mandated Standards & Solutions
Physical Infrastructure	Steps, narrow entryways, high registration desks, and lack of accessible parking at venues.	Mandatory step-free access via permanent or temporary ramps, wide double doors, accessible clear signage, and lowered counters for wheelchair users.
Information & Communication	Registration forms, instructions, and awareness materials published only in standard print or digital formats lacking screen-reader compatibility.	Provision of registration guidelines in Braille, large print, Easy-to-Read formats, and digital platforms meeting WCAG 2.1 AA accessibility standards.
Operational & Personnel	Lack of support for deaf citizens; registration staff unequipped or untrained to assist persons with diverse intellectual or physical needs.	Deployment of Fijian Sign Language interpreters at major centers, specialized training for registration officers, and authorized mobile registration units.

4.0 CONCRETE LEGISLATIVE AND OPERATIONAL RECOMMENDATIONS

To ensure that the Electoral (Registration of Voters) (Amendment) Bill 2026 and its parent framework comply with international human rights benchmarks, we respectfully submit the following concrete recommendations to the Standing Committee:

- **1. Re-evaluate Discriminatory Terminology:** The Committee should recommend a comprehensive legislative audit of Clauses 3 and 5. Rather than implementing the archaic

phrase "of unsound mind", the law should align with CRPD Article 12 by presumption of legal capacity. Provisions that disqualify voters based purely on mental or psychosocial disability labels should be removed, moving toward a system that provides supported decision-making rather than plenary disenfranchisement. PDF respectfully recommends terms such, "legal capacity on an equal basis with others, "No person shall be disqualified from registering to vote solely on the basis of disability, including psychosocial or intellectual disability"

- **2. Statutory Mandate for Accessible Registration Venues:** Insert an explicit statutory provision within Section 3 or Section 4 of the Principal Act requiring the Fijian Elections Office (FEO) to ensure that all designated voter registration venues meet defined physical accessibility standards prior to deployment.
- **3. Institutionalize Universal Design for Electoral Materials:** Enact regulations ensuring that voter registration applications, checking mechanisms, and corrupt practices notifications are distributed using Universal Design principles. This includes producing institutional materials in alternative formats such as Braille, Fijian Sign Language videos, and Easy-to-Read summaries.
- **4. Operationalize Mobile Voter Registration Units:** Provide a distinct legal mechanism within the voter registration framework that mandates the operation of mobile voter registration units. These units should be deployed to directly reach individuals who are unable to travel due to physical immobility, institutionalization, or geographic isolation.
- **5. Capacity Building and Sensitization Training:** Mandate standard human rights and disability-inclusive training for all registration supervisors, officers, and field staff. Training must focus on respectful engagement, communication strategies for individuals with diverse disabilities, and the proper administration of procedural accommodations.

5.0 CONCLUSION

True democracy relies on the unconditional inclusivity of its electoral system. By addressing the outdated terminology in Bill No. 30 of 2026 and establishing explicit statutory commitments to physical and operational accessibility, the Parliament of the Republic of Fiji will firmly reinforce its commitments under the CRPD. This proactive approach ensures that every citizen, regardless of ability, can exercise their sacred right to be registered and participate fully in the democratic governance of the nation.

We thank the Standing Committee on Justice, Law and Human Rights for the opportunity to present our submission and remain available to provide further clarifications as required.

WRITTEN SUBMISSION

Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2026 - Bill No. 31 of 2026

To: Hon. Ratu Rakuita Vakalalabure
Chairperson
Standing Committee on Justice, Law and Human Rights
Parliament of the Republic of Fiji
Government Buildings, Suva

From: Paul Waqa, Ore-Ashen Consulting, Suva

Date: 10 September 2026

Subject: Submission on Bill No. 31 of 2026 - political donations, campaign expenditure, disclosure and public value

1. Executive Position

I respectfully support Bill No. 31 in principle because Fiji should have clear campaign expenditure controls and proportionate electoral-finance enforcement. I do not, however, support the Bill passing in its present form.

The central concern is that the Bill introduces very high expenditure ceilings - FJ\$300,000 for one candidate and FJ\$3 million for one political party - while at the same time removing the existing individual donation ceiling and allowing non-Fijian individual donations without a monetary limit. The explanatory note states that the expenditure limits are intended to create a level playing field, but it does not show how either figure was calculated.

A democratic spending limit should be understandable in the economic circumstances of the people whose votes are being sought. It should also require political actors to disclose, in a reasonable and measurable way, what improvement in living standards and public services their campaign programme is intended to produce. This submission therefore recommends two expenditure limits only: approximately FJ\$50,000 for a candidate and FJ\$500,000 for a political party.

2. Recommendations at a Glance

1. Replace the FJ\$300,000 candidate expenditure ceiling with approximately FJ\$50,000.
2. Replace the FJ\$3,000,000 political-party expenditure ceiling with approximately FJ\$500,000.
3. Retain only those two ceilings; use clear attribution and anti-avoidance rules for candidate-specific and party-wide expenditure.
4. Use an ordinary-worker FNPF savings benchmark to justify and periodically review the two limits.
5. Retain the existing FJ\$10,000 domestic individual donation ceiling pending evidence-based review rather than abolishing it outright.

6. Allow non-Fijian individual donations only on a de minimis basis, recommended at FJ\$50 aggregate per donor in an election year.
7. Require foreign donors to declare the beneficial source of funds, material interests in Fiji and any expected private return or benefit; a donation linked to a specific private quid pro quo should not be retained.
8. Require a Campaign Expenditure and Public Value Statement linking campaign spending to measurable expected changes in cost of living, real household income, employment, wages, housing, public services, rural livelihoods and retirement security.
9. Retain material asset, liability and conflict-of-interest disclosures for candidates and senior party office holders, while protecting unnecessary private family information.
10. Strengthen candidate and party reporting by requiring publication, statutory certification and consistent reporting through the 60th day after polling.
11. Retain recognition of genuine customary village/community protocol but narrow the exemption to modest, customary, documented protocol that is not tied to electoral support.

3. Why the FJ\$300,000 and FJ\$3 Million Limits Require Reconsideration

Proposed section 24 would allow a candidate to spend up to FJ\$300,000 and a political party up to FJ\$3 million from the beginning of the campaign period until the 60th day after polling. The Bill gives no transparent economic methodology for these numbers.

Formal equality is not enough. A law can give every candidate the same FJ\$300,000 ceiling, yet still create an electoral environment in which only candidates with substantial private wealth or access to wealthy donors can realistically operate near the permitted scale. The 'level playing field' should therefore be assessed against both equality among competitors and accessibility to ordinary citizens.

The Committee should ask a simple question: why should one individual seeking public office be permitted to spend an amount that is equivalent to many decades of an ordinary worker's gross income or retirement savings, unless Parliament can demonstrate that such spending is reasonably necessary for democratic communication in Fiji?

4. A Common-Worker FNPF Benchmark

Fiji's national minimum wage is FJ\$5.00 per hour. The National Minimum Wage Regulations recognise normal hours of either nine hours per day over five days or eight hours per day over six days. To make the comparison conservative, this submission uses the higher 48-hour weekly option.

At FJ\$5.00 per hour for 48 hours each week over 52 weeks, the illustrative gross annual wage is FJ\$12,480. From 1 August 2026 the employee FNPF contribution rate is 8 per cent and the employer contribution rate is 8 per cent. Combined annual statutory contributions attributable to the reference worker are therefore about FJ\$1,996.80.

This is not an argument that campaign money is the same as retirement money. It is a proportionality benchmark. FNPF savings represent disciplined, long-term accumulation from ordinary work. If Parliament is to permit very large short-term political expenditure, it should be able to explain that amount in terms citizens can readily understand.

Measure	Amount	Worker comparison
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Measure	Amount	Worker comparison
Annual gross wage at FJ\$5 x 48 hours x 52 weeks	FJ\$12,480	Reference-worker earnings
Combined FNPF contributions at 8% + 8%	FJ\$1,996.80	Annual worker-linked retirement saving
Bill candidate ceiling	FJ\$300,000	≈150 years of combined reference-worker FNPF saving
Recommended candidate ceiling	FJ\$50,000	≈25 years of combined reference-worker FNPF saving
Bill party ceiling	FJ\$3,000,000	≈1,502 years of combined reference-worker FNPF saving
Recommended party ceiling	FJ\$500,000	≈250 years of combined reference-worker FNPF saving

5. Recommended Two-Limit Model

I recommend that Parliament retain only two campaign expenditure ceilings. The figures below are proposed starting points based on the reference-worker calculation and can be reviewed transparently before future elections.

Political actor	Recommended limit	Rationale
Candidate	FJ\$50,000	Approximately 25 times the annual combined FNPF contribution attributable to the reference worker.
Political party	FJ\$500,000	Approximately 250 times the annual combined FNPF contribution attributable to the reference worker.

The legislation should specify how expenses are attributed. Expenditure specifically authorised or incurred to promote an individual candidate should count toward the candidate limit. Centralised expenditure promoting the party, its national programme or multiple candidates should count toward the party limit.

The Act should also prevent artificial splitting of invoices, reimbursements, expenditure through controlled intermediaries, undisclosed in-kind services and below-market transactions. These rules are sufficient to support the two-limit model without creating a third expenditure ceiling.

For future elections, the Registrar could publish the worker-benchmark calculation well in advance using the national minimum wage and statutory FNPF rates on a specified reference date. Once published, the cash limits should remain fixed for that election so parties and candidates can plan.

6. Foreign Donations - Permit Only a De Minimis Amount

Clause 8 should not allow an unlimited donation by a person who is neither a Fijian citizen nor a former Fijian citizen. I recommend a de minimis rule instead.

New Zealand permits an overseas person to donate only up to NZ\$50 to a party or candidate. Fiji can adopt the same principle in its own currency by permitting no more than FJ\$50 in aggregate from a non-Fijian individual during an election year. This recognises a nominal expression of political support while ensuring that foreign wealth cannot materially finance a Fiji election campaign.

Any amount above the statutory threshold should be returned. If return is not practicable, it should be transferred to the Registrar or otherwise dealt with under a clear statutory procedure.

7. Require an Expected Benefit / Expected Return Declaration

The present proposal requires a foreign donor to declare the donation within 60 days after polling. That is too late for voters to evaluate the source and possible purpose of the money. The declaration should occur when the donation is received, with accelerated disclosure for donations received shortly before polling.

For every permitted foreign donation, the donor should disclose identity, citizenship, ordinary residence, beneficial source of the funds, material economic or legal interests in Fiji and whether the donor expects, seeks or has been promised any direct or indirect private benefit from the recipient party, candidate or a future government.

- a government contract or procurement advantage;
- a licence, permit or regulatory concession;
- a tax, customs or other fiscal concession;
- a land, lease or property advantage;
- an immigration or residency advantage;
- a public appointment or preferential access to decision-makers; or
- any other selective commercial or private governmental return.

A donor may legitimately state a general policy preference. Supporting a public policy that applies generally is not the same as seeking a private return. However, where a specific private quid pro quo is expected, promised or sought, the donation should not be retained. The declaration should therefore operate as an anti-influence safeguard rather than a means of legitimising private political bargains.

8. Retain a Domestic Donation Limit

The FJ\$10,000 individual donation ceiling and the proposed campaign expenditure ceilings regulate different risks. The expenditure limit controls total spending; the contribution limit reduces financial dependence on a small number of wealthy donors.

The 2018 Multinational Observer Group commended Fiji's FJ\$10,000 cap and donor transparency. International IDEA later recommended reviewing the contribution ceiling and noted that such limits can reduce excessive donor influence. I therefore recommend retaining the existing FJ\$10,000 ceiling until Parliament completes an evidence-based review. If the amount is changed, it should be indexed or linked to an objective earnings benchmark rather than abolished.

9. Link Campaign Spending to Public Return for Voters

The purpose of campaign expenditure is to persuade citizens to grant political authority. It is reasonable, therefore, for the law to require political actors to state what measurable public improvement the expenditure is intended to support.

This should not be described as a financial payout to voters. Direct payments or gifts intended to influence voting would raise bribery concerns. The relevant return is the expected public-policy return: better living standards, stronger incomes, more employment, improved services and other measurable outcomes.

I recommend a short, standardised Campaign Expenditure and Public Value Statement. A political party would publish the statement with its campaign-finance information. A party candidate could adopt the party statement by reference and add any candidate-specific emphasis. An independent candidate would publish a proportionate statement of the outcomes he or she proposes to advance.

Public-value area	What should be stated
Cost of living	Expected effect on food, transport, electricity/utilities, rent and other essentials.
Real household income	Expected change in purchasing power and disposable income.
Employment and wages	Expected jobs, wage and productivity outcomes.
Housing	Expected change in affordability, supply or access.
Public services	Measurable health, education, water, transport or social-service improvements.
Rural and maritime livelihoods	Expected effect on rural income, market access and service reach.
FNPF / retirement security	Expected implications for employment, contributions and retirement adequacy.
Fiscal cost	Estimated public cost and how the policy is proposed to be financed.

The statement should include a baseline, a target, a timeframe and the principal assumptions. It should not make political forecasts legally enforceable. Its value is democratic: voters can compare the cost of campaigning with the quality and measurability of the programme being promoted.

Where an incumbent party seeks re-election, it should also publish a simple retrospective table showing what happened to the principal indicators it previously presented, while explaining external shocks or policy changes. The accountability is ultimately electoral rather than contractual.

10. Do Not Abolish Material Asset and Liability Disclosure

Bill No. 31 replaces existing section 24 and therefore removes the present financial-interest declaration regime for office holders and candidates. I recommend reforming that regime rather than abolishing it.

Candidates and senior party office holders should continue to disclose material assets, liabilities, significant income sources, business interests and directorships relevant to conflicts of interest. Privacy concerns can

be addressed by withholding bank account numbers, detailed residential information, minor children's personal information and other data that does not assist public accountability.

The 2018 observer report treated Fiji's asset and liability disclosure requirements as a transparency strength. Campaign expenditure reporting should be added to that strength, not used as a reason to remove it.

11. Customary Protocol

I support recognition that genuine village and community protocol should not automatically be treated as electoral bribery. Political candidates should be able to observe accepted customary requirements for respectful entry into a community.

However, the phrase 'any gift' is too wide. The exemption should apply only to genuine customary protocol that is modest in value, given to the recognised community or customary authority rather than individual voters, recorded at reasonable market value, publicly declared and not conditional on political support.

12. Reporting and Drafting Amendments

Issue	Proposed amendment
Candidate return publication	Amend s 25(3) so that information filed under new s 25(1B) is expressly published online.
Certification	Require candidate and party financial returns to be accompanied by a statutory declaration or equivalent certification of completeness and accuracy.
Reporting period	Align party reporting with the campaign expenditure period through the 60th day after polling; existing s 25(1A) presently describes income and expenditure only to the 30th day after polling.
Foreign donation disclosure	Replace post-election-only disclosure with contemporaneous reporting and online publication.
In-kind/discounted support	Require reasonable market valuation and disclosure so expenditure limits cannot be avoided by free or below-market goods and services.

13. Position on the Bill

My recommendation is that the Committee support Bill No. 31 in principle but recommend substantial amendments before enactment. The Bill's strongest feature is its recognition that campaign expenditure should be regulated. Its weakness is that the proposed limits are not economically explained and are introduced alongside the removal of safeguards that regulate donor concentration and financial transparency.

A more balanced Bill would retain contribution controls, permit only nominal foreign donations, preserve proportionate financial-interest disclosure, use two economically intelligible campaign expenditure ceilings, and require voters to be shown both the cost of campaigning and the measurable public outcomes for which political authority is being sought.

14. Proposed Committee Recommendations

1. Amend proposed s 24(1)(a) by substituting FJ\$50,000 for FJ\$300,000.
2. Amend proposed s 24(1)(b) by substituting FJ\$500,000 for FJ\$3,000,000.
3. Require the Registrar to publish, before each general election, the reference-worker calculation used to review those limits.
4. Retain the existing FJ\$10,000 domestic individual donation ceiling pending a separate evidence-based review.
5. Amend clause 8 so a non-Fijian individual may contribute no more than FJ\$50 in aggregate in an election year, with contemporaneous public disclosure.
6. Add an Expected Benefit / Expected Return Declaration and prohibit retention of a foreign donation associated with a specific promised or sought private benefit.
7. Require a standardised Campaign Expenditure and Public Value Statement from political parties and independent candidates; allow party candidates to adopt the party statement by reference.
8. Retain a narrowed and privacy-sensitive financial-interest disclosure framework for candidates and senior political-party office holders.
9. Narrow the customary-protocol exemption to genuine, modest, documented protocol that is not linked to electoral support.
10. Amend section 25 to ensure candidate return publication, statutory certification and consistent 60-day post-polling reporting.

15. Conclusion

Political finance rules should make democratic participation possible without allowing money to become the main measure of political competitiveness. Fiji can regulate campaign expenditure while still preserving transparency, reasonable contribution limits and national control over the sources of political influence.

The proposed FJ\$50,000 candidate limit and FJ\$500,000 party limit are intentionally modest when compared with Bill No. 31, but they remain substantial in the context of ordinary Fijian earnings and FNPF savings. They provide sufficient room for organised political communication while placing the scale of campaigning closer to the economic reality of citizens.

The Committee is respectfully invited to treat political finance not only as an accounting question, but as a question of democratic proportionality: how much may be spent, who may fund it, what private return is expected, and what measurable public return is being offered to the people whose votes confer authority.

Respectfully submitted,

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Suva, Fiji
10 September 2026

Selected Authorities

Parliament of the Republic of Fiji, Bill No. 31 of 2026. <https://www.parliament.gov.fj/wp-content/uploads/2026/08/Bill-No.-31-Political-Parties-Registration-Conduct-Funding-and-Disclosures-Amendment-Act-2026.pdf>

Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013, ss 22-25.
<https://laws.gov.fj/Acts/DisplayAct/3074>

International IDEA, Political Finance Assessment of Fiji (2021).
https://www.idea.int/sites/default/files/publications/political-finance-assessment-of-fiji_revised.pdf

Multinational Observer Group, 2018 General Election Final Report. <https://www.parliament.gov.fj/wp-content/uploads/2019/09/2018-General-Election-Joint-Report-by-the-Electoral-Commission-Supervisor-of-Elections.pdf>

Multinational Observer Group, 2022 Fiji General Election Final Report.
<https://www.feo.org.fj/storage/2023/04/Multinational-Observer-Group-2022-Fiji-Election-Final-Report-.pdf>

Fiji National Provident Fund, Employer Contribution Rate Change (15 July 2026).
<https://myfnpf.com.fj/2026/07/15/employer-contribution-rate-change/>

Fiji Government, 2024-2025 National Budget Address (minimum wage). <https://www.fiji.gov.fj/2024-2025-national-budget-address/>

Electoral Commission New Zealand, Overseas donations and current spending limits.
<https://elections.nz/guidance-and-rules/donations-and-loans/how-to-donate>

United Nations Convention against Corruption, art 7(3).
https://www.unodc.org/pdf/corruption/publications_unodc_convention-e.pdf

Submission to Standing Committee on Justice, Law and Human Rights, Parliament of Fiji

by Dr Mosmi Bhim (PhD UNE)

Disclaimer: I make this submission as an academic and researcher on Fiji's elections, democracy and human rights, and as a citizen of Fiji. The views in this submission are my own and do not represent the views of the organisation where I am employed.

BILL NO. 29 OF 2026 - TO AMEND THE ELECTORAL ACT 2014

BILL NO. 30 OF 2026 - TO AMEND THE ELECTORAL (REGISTRATION OF VOTERS) ACT 2012

BILL NO. 31 OF 2026 - TO AMEND THE POLITICAL PARTIES (REGISTRATION, CONDUCT, FUNDING AND DISCLOSURES) ACT 2013

I acknowledge the conduct of the review process by the Electoral Review Commission in 2025, and note that some recommendations from submissions are reflected in the revised bills to amend the electoral acts. However, some sections of the proposed bills pose serious concerns. Highlighted below are some features of the proposed bills that are positive, some that are negative, and also recommendations for amendments or improvements to negative propositions in the proposed bills.

The following amendments are welcomed as they would make the process of contesting elections and reporting on elections a less stressful experience for election candidates and voters:-

- removal of media blackout of 48 hours. The removal of the blackout means that all media will feel free to report in the final two days prior to elections and thus be able to convey information to the public to keep them informed and also hold accountable the government, election administrators and other stakeholders.
- increase in limits for donations to political parties, easing on elections fundraising reporting requirements, and reducing the extensive declarations required from election candidates. These are positive as it creates a level playing field for fundraising for the same limit of expenditure for all political parties. It will encourage more citizens to consider contesting in the upcoming elections.
- allowing transportation and provision of refreshments by political parties to voters; reducing the radius between polling venues and campaign/political party activities from 300 metres to 100 metres. The evidence from several countries indicates that providing refreshments and transportation does not affect voters' choice. In fact, examples from countries such as Maldives and Seychelles show that voters are clever and are likely to enjoy the assistance provided by one political party, and still go inside the polling booth and vote for the opposing political party. It will increase the incentive on political parties to be accountable as they will make more effort to be credible candidates due to their desire to win trust of voters by expenditure on showing hospitality to voters by providing refreshments.
- reducing to four years the number of years that persons with convictions of more than a year are barred from contesting in elections. The previous barring of eight years was too high and was discriminatory of former prisoners who have completed their punishments by serving their sentences.

It is regretted that the bill did not make recommendations to have multiple constituencies, have reserved seats for women and Rotumans, and to limit the Prime Minister position to two election terms. It is also regretted that the bill does not recommend barring coup makers who are immune from prosecution from contesting elections. I reiterate that in order to end the coup culture in Fiji, it is important to ban coup perpetrators who are immune from prosecution from contesting elections. It is also regretted that the bill does not recommend that the 5% votes threshold to enter parliament needs to be removed. The threshold should be 0% as even a 1% threshold is too high as it would require about 7,000 votes. Fiji's election results show that very few candidates get over 5,000 votes. Therefore, there should be no thresholds. Instead, there should be electoral constituencies or districts. All fines, penalties and convictions should be challengeable in a court, tribunal or other designated forum to ensure that people's Right to Justice is

safeguarded. It is hoped that in the absence of these changes in the proposed electoral bill amendments, the Constitution Amendment Bill may include the recommendations in this paragraph.

Below are specific recommendations on Bills 29, 30, and 31 of 2026.

Recommendation One – remove harsh penalties

The high penalties of excessive fines and high jail terms are atrocious. The coalition government in its electoral promises had pledged to remove draconian laws. However, the fines and penalties proposed under this Electoral Amendment Bill are extremely high and are draconian in a similar manner to the Electoral Act 2014.

For justice to be fair, the penalty must not only be in proportion to the crime, but the penalty must also reflect the economic circumstances of the majority of the target group for the offence. The target group for the fines are over 700,000 eligible voters of Fiji, and those among them who choose to join political parties and stand in elections.

Legislators need to consider that Fiji's minimum wage is only \$5.00 an hour. A person on this minimum wage working full-time will likely earn \$200 a week, and have an annual income of \$10,400. If the starting level for penalties is \$20,000 or \$40,000 for a political candidate, this is about two and four times the annual income of the minimum wage earner in Fiji. The majority of Fiji's population earn between \$10,000 to \$30,000 in annual income and this excessive penalty will discourage the low-income earners from contesting elections, which means that only those who are well-off economically will be more likely to contest in elections. The penalty of \$5,000 to \$10,000 for ordinary voters who are not political candidates is too high because it is equivalent to six months or one-year salary of the minimum wage earner in Fiji. The high penalties for corrupt electoral practices and illegal electoral practices should be re-examined to make them fairer for Fiji's economic base of a majority of low-income earners. Fiji needs to compare other systems in the Commonwealth countries to set fines.

If the penalty is too severe, then Fiji will be viewed as having an unjust system. A fairer system maybe adopting penalty units for offences. For example, in New South Wales (NSW) in Australia in 2024, one penalty unit was AU\$330.¹ In Tasmania in Australia, the value of the penalty unit is adjusted every year based on the consumer price index (CPI).²

Fiji's minimum wage is too low and is about one third of the tax threshold whereby only those earning above \$30,000 annually pay income tax. This tax threshold reflects the government's recognition that those earning below \$30,000 are considered earning insufficient wages to be taxed.

Fiji should set a penalty unit of FJ\$200, which is the minimum weekly wage in Fiji. It is recommended that the minimum fine for voters and political candidates should be \$200, and the maximum fine should be \$10,400 which is the annual income for the minimum wage earner in Fiji.

Fiji's Fiscal Review Committee chairman Richard Naidu revealed in 2023, that only 20,000 people in Fiji pay income tax³ as only that amount of workers earn above \$30,000 annually. This means a maximum penalty should not exceed \$30,000.

It will be a travesty of justice if harsh fines are imposed on persons who do not have means to pay them. For justice to be fair, a fine cannot be imposed that is disproportionate to the income of the person. As a

¹ See <https://www.judcom.nsw.gov.au/publications/benchbks/sentencing/fines.html>

² See <https://www.gotocourt.com.au/criminal-law/penalty-units>

³ See <https://www.fijitimes.com.fj/only-20000-workers-pay-income-tax-lawyer/>

comparison, in NSW, when imposing penalties such as fines, the court is required to consider constraints such as the offenders means to pay.⁴

Electoral laws must create an enabling environment for voters and citizens that encourages them to actively participate in politics by expressing political views as an independent or as a group, supporting political parties and standing for elections as a political candidate. Harsh penalties and sentences can instil fear in the large section of Fiji's population that are the low-income earners of our society and can deter them from taking part in politics.

Recommendation Two – Remove Restrictions on Opinions Polls, Surveys or Research

The coalition government had pledged to remove draconian restrictions and censorship that were effective through various legislations under the previous government. Therefore, it is concerning that the only restriction the Coalition government has removed is the repeal of the Media Industry Development Act (MIDA) in 2023. It is concerning that all other restrictions on opinion polls, surveys and research that were present under Electoral Act 2014, have been retained under the proposed electoral bills under sections 110 (1) which states that: "It shall be unlawful for any person to publish the results of any election-related opinion on the polls on any day during the 7 days prior to the polling day and on the polling day until the close of polling at all polling stations."

It is concerning that restrictions under section 110A. (1) have also been retained which states: "the Electoral Commission must adopt and publish guidelines on opinion polls, surveys or research related to elections as it deems fit for the orderly conduct of free and fair elections. (2) Any person who publishes an opinion poll, survey or research on elections must comply with the guidelines adopted by the Electoral Commission under subsection (1)."

The restrictions under Sections 110 and 110A effectively censor the media organisations, as well as academics and researchers and are not compatible with democratic values of Freedom of Opinion and Expression which are expressed through media and academic research. Media organisations and universities already have ethical guidelines and approval processes for these activities, and should not face these additional restrictions.

Recommendation 3 – Restrictions on Voting and Elections educational activities after the Writ of Elections is issued should be removed

An educational activity by a tertiary institute or non-government organisation is not a campaign activity. Such educational activities are classified as campaign and restricted if they received foreign funding under Section 115 (1) which states: "Following the announcement of the date of the election, it shall be unlawful for any person, entity or organisation (including any person employed or engaged by any such person, entity or organisation) that receives any funding or assistance from a foreign government, inter-governmental or non-governmental organisation or multilateral agency to engage in, participate in or conduct any campaign (including organising debates, public forum, meetings, interviews, panel discussions, or publishing any material) that is related to the election or any election issue or matter."

The Fiji government receives donor funding and educational assistance from foreign governments and foreign donor agencies for each national election, and those foreign funds are not deemed to have had any negative effect on Fiji's electoral integrity and election outcomes. The foreign agencies that give aid to assist Fiji's government and independent institutions in conducting elections also tend to provide aid to NGOs and tertiary institutions to conduct elections-related educational activities. Therefore, these

⁴ See <https://www.judcom.nsw.gov.au/publications/benchbks/sentencing/fines.html>

restrictions on educational activities by NGOs and tertiary institutions after the Writ of Elections is issued, should be removed.

Recommendation 4 – reinstate requirement for budget or realistic plan for achieving election campaign pledges

It is not in the interests of accountability and transparency to remove Section 116 (b) subsections (4C) and (4D). In these subsections, if a campaign commitment has financial implications, an explanation for revenue generation and expenditure process by agencies has to be provided.

It is important to retain Section 116 (b) subsections (4C) and (4D) in a realistic format to prevent political parties and election candidate from making unrealistic and false election promises that cannot be achieved financially or by other means within the government's 4-year term.

Recommendation 5 – remove the new extra restrictions on people with mental disorder or unsound mind in Amendment to ELECTORAL (REGISTRATION OF VOTERS) ACT

It is discriminatory if this section is amended by substituting "have a mental disorder" and substituting it with "be of unsound mind".

This amendment is dangerous as "unsound mind" is determined by judgement and does not reflect having a mental disability that makes a person incapable of making their own decisions. A person who has temporarily become angry or is sad due to emotional loss can also be judged to be of unsound mind. This proposed amendment can be abused by misjudging people as being of "unsound mind" which will deprive them of their right to vote.

This amendment should be removed as it deprives taxpaying citizens of the right to vote. Restrictions on people with mental disorders also should be removed and they should be allowed to vote if they are capable of living normal lives in their communities and homes.

Recommendation 6 – Remove new amendment that allows gifts to villages and communities by political parties, candidates and government officials under the POLITICAL PARTIES ACT.

The following amendment can encourage abuse of government office and result in corruption and bribery as had happened during the agriculture scam of 2001 when over FJ\$16million of taxpayers funds were lost in the corruption scandal where agricultural implements were distributed during the election campaign period of 2001.

The amendment of Section 24 that is worrying states that: "(2) and (b) any gift given by a candidate (whether an independent candidate or a political party candidate) or political party during the campaign period to a village or community group as a protocol (or similar) solely to obtain permission to enter the territory of a village or community group, and such gift must be included in the declarations made under section 25.

(3) Any gift that is given to a village or community group and declared in accordance with section 25 is not bribery within the meaning of section 140 of the Electoral Act 2014."

This section should instead be strengthened to prevent gift giving and bribery by penalising such actions in order to ensure that corrupt activities such as the agriculture scam of 2001 do not occur again in Fiji.



Fiji Labour Party

Submission to the Parliamentary Standing Committee On Justice, Law and Human Rights

Bill No. 31 of 2026

Political Parties (Registration, Conduct, Funding and Disclosures)

1. POSITION AND PRINCIPAL RECOMMENDATIONS

The Fiji Labour Party submits that Bill No. 31 of 2026 should not proceed in its present form. We support enforceable campaign expenditure limits and clearer financial reporting. Removing the annual \$10,000 donation ceiling while repealing personal financial disclosures would weaken safeguards against concentrated private influence over political parties and government decisions. Expenditure controls should supplement these safeguards, not displace them.

Political parties need adequate resources to organise, communicate and contest elections. Yet the ability to supply those resources must not confer disproportionate influence over candidate selection, public policy, government contracts or the appropriation of public money. The relevant test is whether the law protects representative government while allowing citizens, including those challenging established interests, to participate effectively.

We ask the Committee to recommend the following changes:

- Retain the \$10,000 annual aggregate limit per eligible individual donor across all parties and candidates; close the founding-member exception and strengthen rules against concealed or reimbursed donations.
- Retain the prohibition on company and entity donations, and reconsider the proposal to permit donations by individuals who are neither Fijian citizens nor former Fijian citizens.
- Preserve a proportionate register of assets and financial interests, alongside campaign accounts, with timely and freely accessible public disclosure.
- Introduce clear rules combining party and candidate expenditure, allocating shared costs and preventing coordinated spending through intermediaries. Narrow the proposed exemption for customary gifts so that disclosure cannot legalise an inducement to vote.
- Apply proportionate sanctions and independent review, and remove unjustified restrictions on lawful participation by trade-union and employer-organisation office holders.

2. WHAT THE BILL CHANGES

Clause 8 deletes section 22(2), (4), (5) and (6) of the existing Act. Section 22(2) limits an eligible donor to an aggregate of \$10,000 in any one year across all parties and candidates; it does not provide a separate \$10,000 allowance for each recipient. Section 22(6) creates a lawful exemption for a founding member's contribution to a party's initial assets during its first year.

The FLP recommends repealing that special exemption so that founders are subject to the same annual ceiling. Legitimate start-up needs should be addressed through transparent and equally available support, rather than exceptional access for wealthy founders. We oppose removing the general ceiling and its associated enforcement provisions. See [1], clause 8; and [2], section 22.

Clause 8 does not repeal section 22(7) to (11). Those provisions require donations to be made by individuals, prohibit company and entity donations, prohibit companies from reimbursing individuals for political donations, and restrict company-funded advertising for parties and candidates. The Bill therefore does not legalise direct business donations. The concern is that unlimited personal donations by wealthy business owners and other individuals may create financial dependence, while concealed reimbursement or intermediary funding may disguise the true source. See [2], section 22(7) to (11).

Clause 8 also changes section 22(3) from a prohibition to permission for individuals who are neither Fijian citizens nor former Fijian citizens to donate, subject to a declaration within 60 days after polling and publication on the Registrar's website. The explanatory note describes the citizenship categories differently. The operative provision should be clarified because the existing Act already permits donations by former citizens. The Bill does not expressly repeal the prohibitions on institutional sources under sections 21 and 22(1). See [1], clause 8 and explanatory note 2.8; and [2], sections 21 and 22.

Clause 9 replaces section 24 in its entirety. This removes the existing personal asset, income and interest declaration regime for the persons covered by that section, including specified information concerning spouses and children. In its place, the Bill sets campaign spending limits of \$300,000 per candidate and \$3 million per party, from the start of the statutory campaign period until 60 days after polling.

This is a substantive repeal of one form of accountability, not merely a change in reporting format. See [1], clause 9 of the Bill; [2], section 24 of the existing Act; and [3], section 10 of the 2021 Amendment Act.

Clause 10 relocates and revises an existing candidate financial reporting duty. It retains a 60-day post-polling deadline but changes the reporting period and the information required. These campaign returns do not replace the personal asset and interest declarations removed by clause 9.

The Bill retains the duty under section 21(3) to disclose sources of party funding to the Registrar. It also retains the separate requirements under sections 17 and 26 to maintain party records and accounts and to obtain annual audits. Our concern is that the Bill removes important safeguards without providing adequate replacements, particularly for timely public disclosure and the declaration of personal financial interests.

3. WHY THE DONATION CEILING SHOULD REMAIN

A donation ceiling limits dependence on any one financier. A party may formally retain control of its decisions while becoming practically dependent on a donor to fund staff, offices, advertising or future campaigns. A threat to withdraw support can influence which policies are considered, which candidates are promoted and which interests receive access. Such influence need not involve an express bargain or a prosecutable bribe. Preventive rules are necessary precisely because the resulting policy distortion can be difficult to prove afterwards.

The following arithmetic illustrates the concentration risk. It is not evidence of actual donations to any Fijian party. The \$3 million benchmark is the party expenditure ceiling proposed by clause 9; the calculation assumes new donations raised in one year, no accumulated reserves and no founding-member exception.

The table (Table 1) is a hypothetical fundraising example. With a \$10,000 annual cap, at least 300 equal-sized donations would be needed to provide \$3 million in one year, assuming no exemptions or funds from other sources. This does not establish that the 300 donors would represent 300 unrelated economic interests. Without a cap, one wealthy individual could provide the full amount, increasing the risk of financial dependence and disproportionate influence.

Table 1. Number and concentration of equal-sized donations required to provide \$3 million

Donation per person	Donors to provide \$3 million	Share supplied by a single donor
\$10,000	300	0.333%
\$100,000	30	3.333%
\$1,000,000	3	33.333%
\$3,000,000	1	100%

Calculations: donor count = \$3,000,000 ÷ donation; share = donation ÷ \$3,000,000 × 100. Percentages rounded to three decimal places where needed.

At the proposed \$300,000 candidate ceiling, a \$10,000 donation represents 3.333% of spending at that ceiling. Without a contribution limit, one donor could finance the whole amount.

A spending ceiling restricts the total campaign budget, but it does not stop a single financier from supplying that budget. Nor does a ceiling confined to campaign expenditure necessarily control the funding of ordinary party operations between elections.

The \$10,000 limit is not a complete guarantee of independence. Wealthy donors can still have greater access than ordinary members; parties can accumulate donations over successive years; and related people may share commercial interests. Nevertheless, the limit restrains the size of any individual financial lever and encourages parties to secure support from a broader base. Disclosure and effective anti-evasion rules must operate alongside it.

We recognise the argument that inflation and legitimate campaign costs may justify reviewing a limit established years earlier. But the case for a review is not a case for unlimited contributions. Before any increase, the Committee should require audited evidence on fundraising, campaign costs and donor concentration, together with an assessment of how the change affects less-resourced parties.

The \$10,000 ceiling should remain unless a transparent, evidence-based parliamentary review justifies a specified replacement.

International IDEA's comparative framework treats donor restrictions, expenditure controls, public funding and disclosure as distinct components of political-finance regulation. That supports considering them together rather than treating a spending ceiling as a substitute for every other safeguard.

However, it does not establish that \$10,000 is an internationally prescribed figure. See [4].

4. PROTECTING GOVERNANCE AND PUBLIC MONEY

Private influence becomes a public-finance concern when donors have interests in contracts, tax concessions, licences, leases, subsidies or regulatory decisions. The risk is not confined to unlawful procurement. A budget may legally allocate resources to projects favoured by influential supporters while more urgent public needs receive less attention. Political-finance safeguards should protect the process by which priorities are selected as well as the final expenditure transaction.

For illustration only, a \$100,000 contribution is 1% of a hypothetical \$10 million contract. A 1% unnecessary increase in that contract's price would also cost the public \$100,000. This does not allege a transaction or establish a return on donations. It shows why comparatively small political payments can warrant scrutiny where much larger public decisions are involved.

Benefits such as favourable tax treatment may also impose costs through revenue forgone rather than direct spending.

RETAIN MEANINGFUL DECLARATION OF INTERESTS

Campaign accounts show resources entering and leaving an election campaign. They do not necessarily identify a candidate's shareholdings, directorships, debts or beneficial interests that may affect later decisions in office.

Clause 9 should therefore place expenditure controls in a separate provision and retain, or simultaneously replace, the existing interest-disclosure regime. The Committee should identify any other operative conflict-of-interest or integrity requirements and compare their coverage, timing, public access and enforcement before section 24 is repealed.

The replacement should require relevant assets, liabilities, income sources, directorships and beneficial ownership to be declared on entry, annually and after material changes.

Requirements should reflect the person's role: candidates and party financial decision-makers need appropriate scrutiny, while ministers and elected decision-makers require a comprehensive and coordinated public-interest regime. Declarations should identify relevant interests held through trusts or nominees. Duplicate filings may be consolidated if all necessary information remains available.

Section 24(6) of the existing Act already limits the meaning of "children" to children, stepchildren or adopted children who are under 18 years of age, or adult children who remain dependent on their parents for support. Independent adult children are therefore already excluded. Spouses remain expressly covered by the disclosure requirements.

Any replacement regime should preserve this limitation and focus family disclosures on financial interests relevant to possible conflicts, including shared ownership, financial dependence and possible concealed beneficial ownership. Sensitive identifying information, such as residential addresses and bank-account numbers, should remain confidential.

However, information reasonably necessary to identify a conflict of interest should remain available for public scrutiny. Under section 24(4), the existing personal declarations are available for inspection at the Registrar's office in Suva upon payment of the prescribed fee; the Act does not require all such information to be published online. See [2], sections 24(4) and 24(6).

This makes scrutiny more relevant while reducing unnecessary burdens on participation.

CONNECT DISCLOSURE TO DECISIONS

Require significant donors to identify relevant business affiliations and beneficial interests. Publish these alongside donation information so that citizens can identify connections with public decisions. For procurement and concessions, require decision-makers to disclose relevant relationships, record recusals where warranted and publish reasons for awards or departures from competitive procedures. Donation records should be capable of comparison with contract-award and concession registers.

A lawful donation, by itself, is not sufficient evidence to establish corruption or to justify arbitrary action against a donor or supplier. A disclosed connection should instead trigger an objective conflict-of-interest assessment, recusal where warranted, and transparent reasons for the public decision.

This protects legitimate enterprise as well as public resources. Unlimited funding combined with weak disclosure would instead make both favouritism and unfounded suspicion harder to resolve.

5. DISCLOSURE THAT IS TIMELY AND ENFORCEABLE

Disclosure must reach voters while they can still use it. A return filed only after polling cannot inform the vote just cast. The proposed reporting obligation for individuals who are neither Fijian citizens nor former Fijian citizens is weak as a preventive mechanism: publication follows the donor's declaration, no short publication deadline is specified, and the donation may have been made well before polling.

The Act should strengthen the continuing duty of recipients under section 21(3) by adding clear deadlines and reasonable source-verification requirements, rather than relying principally on declarations made by those donors. See [1], clause 8; and [2], section 21(3).

We recommend retaining the present citizenship-based donor-eligibility rule pending a separate, evidence-based review. If Parliament nevertheless permits donations by individuals who are neither Fijian citizens nor former Fijian citizens, the same contribution ceiling, source verification and pre-election reporting requirements should apply.

Donations should pass through traceable accounts, be valued in Fiji dollars on receipt, and be rejected or returned where the beneficial source cannot be established.

Foreign-government and prohibited entity funds must remain excluded, including funds routed through individuals.

A PRACTICAL REPORTING SCHEDULE

As a proposed policy measure, the Act should require political parties to file six monthly itemised returns outside the campaign period, recording all donations received, their amounts and dates, and the information necessary to identify their sources.

During the campaign period, parties and candidates should report donations to the Registrar within fourteen (14) days of receipt.

During the final 14 days before voting begins, a donation that, individually or cumulatively, causes a donor's contributions to reach the proposed \$5000 public-disclosure threshold should be reported within 72 hours. Donations below that threshold should remain subject to the ordinary 14 days reporting period.

The Registrar should maintain a central register that aggregates each donor's contributions across all parties and candidates for the calendar year, because an individual recipient cannot know what that donor has contributed elsewhere.

All donations should be reported to the Registrar, but the donor's identity should ordinarily become public only when cumulative contributions reach the proposed \$5000 threshold. These deadlines and the threshold are recommendations for consultation; they are not requirements under the existing Act or Bill.

Once the \$5000 threshold is reached, the Registrar should promptly publish, free of charge on its website, the donations contributing to that cumulative amount and all subsequent donations made during the year. The published information should identify the donor and recipient and show the date, amount, whether the donation was made in cash or in kind, and the cumulative total.

Even the accelerated campaign filing periods proposed above may allow a donation made shortly before voting to remain undisclosed until pre-poll or polling has begun. Parliament should therefore require disclosure before voting begins or restrict the acceptance of late reportable donations. Assisted paper filing should remain available, and publication of annual audited accounts under section 26(2A) should be retained. See [2], section 26; and [3], section 12.

Clause 10 makes the last day of the reporting period the same day on which the return is due. A workable system would require an initial return within 60 days after polling covering activity through day 30, followed by a final reconciliation by day 90 covering the whole regulated period through day 60. Returns should include unpaid liabilities and later adjustments.

The Bill should expressly extend public access under section 25 to the proposed candidate returns, require a signed declaration of accuracy, and provide a correction procedure. It should also clarify that a candidate's breach does not automatically justify deregistration of the party without proof of the party's own responsibility. See [1], clause 10; [2], sections 24 and 25; and [3], section 10.

CLOSE ROUTES AROUND THE CAP

Retain section 22(7) to (11). Section 22(10) already prohibits company reimbursement of individual donations, while section 22(12) already covers money, goods, services, loans and specified financial instruments supplied without charge and excludes personally supplied unpaid labour.

The Act should clarify fair valuation, preferential finance, debt forgiveness, guarantees, nominee payments and reimbursed labour, and should attribute funds to their true source. Relatives should be aggregated only where there is common funding, reimbursement or an arrangement to evade the law. See [2], section 22(7) to (12).

Ordinary unpaid personal volunteering should remain excluded, while employer-paid campaign services and other reimbursed labour should be valued and reported.

Give the regulator adequate audit resources, consistent risk-based selection criteria and power to compare records across recipients. Publish enforcement statistics and reasoned outcomes.

Stringent rules without the capacity or independence to enforce them will not reliably protect public confidence.

6. FAIR COMPETITION AND PROPORTIONATE ENFORCEMENT

Clause 9 provides separate ceilings of \$3 million for a party and \$300,000 for each candidate, without an express combined overall limit. If those ceilings operate independently, a party with 50 candidates could have aggregate party-and-candidate expenditure of \$18 million: $\$3 \text{ million} + (50 \times \$300,000)$. This is a drafting-risk illustration, not a claim about actual spending.

The FLP recommends an evidence-based inclusive overall ceiling, with individual candidate sub-limits and clear treatment of independent candidates. A shared expense should be recorded once in consolidated accounts but attributed to every ceiling or sublimit to which the legislation makes it relevant. See [1], clause 9.

Campaign expenditure should include authorised third-party spending and coordinated campaigning, using clear tests of control, agreement or direction. Expenditure arranged on a party's behalf should be attributed under the spending rules, but that attribution must not authorise a contribution or advertising payment already prohibited by section 22.

Independent journalism, research, ordinary issue advocacy and unpaid citizen expression should not become party expenditure merely because they criticise the government or support reform. See [2], section 22(11).

Clause 9's customary-gift provisions require narrower drafting. Proposed section 24(2)(b) refers to protocol gifts made solely to obtain entry to a village or community, while proposed subsection (3) uses broader language concerning any gift declared under section 25. Although a court may read the provisions together, subsection (3) risks being interpreted as protecting gifts beyond the modest entry gifts described in subsection (2)(b).

Proposed section 24(3) should expressly confine the exemption to modest customary entry gifts. Disclosure should not protect a gift intended to influence voting. A published value limit, aggregation of repeated gifts and clear recipient records would make the exception easier to enforce fairly. See [1], clause 9.

DO NOT PRIVILEGE WEALTH OVER CIVIC PARTICIPATION

Section 14 treats office holders in trade unions and employer federations as public officers for its political restrictions, while excluding specified national political office holders from that definition. Clause 5 changes offence classification without resolving that substantive issue.

Trade-union and employer organisations are not interchangeable with the civil service. The Committee should recommend removing section 14(2)(d), or making an equivalent targeted amendment, while preserving justified political-neutrality requirements for genuine public offices. The reform should apply equally to representatives of workers and employers. See [1], clause 5; and [2], section 14.

This amendment would address the restrictions imposed by section 14 on party membership, party office and political activity. It must be distinguished from section 57(1) and section 57(3)(f) to (h) of the Constitution, which separately govern the vacation of specified trade-union and employer-federation offices when a person is nominated for Parliament. Removing section 14(2)(d) would not override that constitutional rule. See [7], section 57.

Supporting lawful participation does not require permitting institutional donations. Individual union members, business owners and community advocates should participate on equal terms using their own lawful funds. No authority should decide that a group deserves special treatment because it is an “agent of change”.

The law should protect open competition and public-interest advocacy through objective, general rules.

SEPARATE DISHONESTY FROM CORRECTABLE ERROR

Clause 10 classifies every breach of the candidate-return duty as a corrupt electoral practice. The existing Act nevertheless contains safeguards that should be retained and clarified. Section 19(2) provides notice and an opportunity to remedy or show cause in the circumstances it covers; section 27(4) provides a due-diligence defence for specified provisions; and section 30 provides an appeal to the Electoral Commission.

The Committee should clarify how these safeguards apply to mandatory deregistration under sections 23 and 25 and to the new reporting offences. Notices and proportionate administrative penalties should address minor or promptly corrected failures, while criminal sanctions should be reserved for sufficiently culpable conduct. See [1], clause 10; [2], sections 19, 23, 25, 27 and 30; and [3], section 13.

The Committee should examine Bills No. 29 and 30 of 2026 together with the following provisions of Bill No. 31:

Clause 2 imports the definitions of “corrupt electoral practice” and “illegal electoral practice” from the Electoral Act.

Clause 3 classifies the offence relating to the activities of an unregistered political party as a corrupt electoral practice. It classifies the related media offence as an illegal electoral practice. The law should protect accurate reporting that an organisation has applied, or proposes to apply, for registration while continuing to prohibit misleading claims that registration has been completed.

Clause 4 changes the eligibility requirements in section 5(2) and (3) of the existing Act. At present, the relevant ground applies where a person was convicted of an offence and sentenced to at least six months’ imprisonment during the preceding five years. Clause 4 would substitute conviction for a corrupt electoral practice while retaining the five-year period.

A fine-only conviction in that category could therefore affect eligibility, while another conviction would no longer satisfy this particular ground merely because it resulted in six months’ imprisonment. Bankruptcy and voter-registration requirements remain separate.

Clauses 5 to 7 classify specified offences concerning public officers, party records and information supplied to the Registrar as illegal electoral practices.

Clause 9 makes expenditure above the proposed party or candidate campaign ceiling a corrupt electoral practice.

Clause 10 classifies a breach of the candidate campaign-return requirement as a corrupt electoral practice.

Clauses 11 and 12 classify offences involving falsely audited accounts and failure to provide required information or documents to the Registrar as corrupt electoral practices.

Clause 13 classifies the general reporting offences under section 27(1) as illegal electoral practices.

The retained corporate-donation offences in section 22(7) to (11) continue to carry the separate penalty in section 22(13). The new classifications should therefore not be described as applying to every offence under the Act. See [1], clauses 2 to 13; and [2], section 22(13).

Bill No. 29 proposes maximum fines for corrupt electoral practices of \$100,000 for a political party, \$40,000 for a candidate or polling agent, and \$10,000 in other cases. It also provides for imprisonment for up to two years and four years’ disqualification from voter registration.

For illegal electoral practices, the proposed maximum fines are \$40,000, \$20,000 and \$5,000 respectively, without imprisonment under that provision. These are maximum penalties, not automatic fines.

The Committee should distinguish deliberate misconduct from minor reporting failures before attaching these consequences. See [5], clause 30 and proposed section 135A.

The proposed four-year voter-registration restriction is not a complete account of possible candidacy consequences. Section 56(2)(g) of the Constitution separately imposes an eight-year candidacy restriction following conviction for an offence carrying a maximum term of imprisonment of at least 12 months.

Section 56(2)(h) separately addresses guilt under laws relating to elections or the registration of political parties or voters, without stating an express time limit. Because a corrupt electoral practice would carry a maximum imprisonment term of two years, the interaction between the Bills and these constitutional provisions requires careful legal examination. The Committee should not assume that all electoral rights return after four years. See [5], clause 30; and [7], section 56.

Bill No. 30 proposes machinery for a Corrupt Electoral Practices List, including entry following qualifying convictions or findings by the Court of Disputed Returns and removal from the voter register. It should be examined together with Bills No. 29 and 31 before the new offence classifications are enacted. See [6], clauses 5 and 8.

Further cross-statute drafting issues, including commencement, village gifts, election validity, reporting periods and disqualification, are set out in Appendix A.

Before the new rules take effect, all parties and candidates should receive clear written guidance, standard forms, free electronic filing, practical training and affordable paper-filing assistance. Support should be available on objective and equal terms to established parties, new parties and independent candidates.

7. REQUESTED AMENDMENTS AND CONCLUDING POSITION

We ask the Committee to report that the Bill requires the following substantive revisions before passage. The recommendations below consolidate the arguments developed in this submission.

Clause 8: retain section 22(2), including the annual aggregate \$10,000 limit; retain and modernise the associated donor and recipient enforcement provisions in subsections (4) and (5); and repeal the special founding-member exemption in subsection (6).

Preserve subsection (3)'s eligibility restriction pending separate review, and retain subsections (7) to (11).

Clause 9: place spending controls in a new provision while preserving a proportionate assets and interests regime. Establish an inclusive overall party-and-candidate limit, candidate sub-limits, shared-cost rules and controls on coordinated expenditure. Narrow the customary-gift exception so that it cannot protect electoral inducements.

Clause 10 and section 25: provide workable initial and final reporting periods, signed declarations of accuracy, correction procedures and timely public access to candidate returns. Add pre-election donation reporting and reasonable verification duties for recipients.

Clauses 2 to 7 and 9 to 13: examine the complete offence, penalty and eligibility scheme before enactment, including the eligibility changes in clause 4 and the expenditure offence in clause 9. Distinguish deliberate misconduct from correctable administrative breaches and provide proportionate penalties, correction procedures, due process and effective review.

Consequential amendments: address section 14's restrictions on representative organisations while acknowledging section 57 of the Constitution; protect accurate media reporting about registration applications; review mandatory deregistration under sections 23 and 25; and provide objective enforcement standards and equal compliance assistance. Before settling the financial limits, the Committee should request from the Registrar a consistent series of audited party receipts and expenditure, donor concentration measures and compliance outcomes for recent elections.

It should also request a clause-by-clause explanation identifying the observer recommendations relied upon and why each amendment follows from them. The Bill's general reference to international best practice is not sufficient evidence for abandoning contribution controls. See [1], explanatory note 1.1.

The FLP's central submission is that democratic accountability requires limits on financial dependence, meaningful disclosure and fair participation together. Retaining the \$10,000 cap while improving transparency and enforcement is a defensible response to the risk of concentrated private influence.

Parliament should enable parties to raise lawful funds without making access to great wealth a prerequisite for political relevance or a route to privileged influence over public money.



Mahendra P. Chaudhry

Leader

22 September 2026

Annexure:

References and Calculation Notes

- [1] Parliament of Fiji, Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2026, Bill No. 31, August 2026; operative clauses 1–13 and explanatory note. Copy provided for this submission.
- [2] Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013, supplied compilation incorporating later amendments; especially sections 3, 5, 14, 17, 19 and 21 to 30.
- [3] Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Act 2021, Act No. 11, assented to 7 June 2021; especially sections 8 to 12. Copy provided for this submission.
- [4] International IDEA, Political Finance Database, overview and questions framework, accessed 10 September 2026. <https://www.idea.int/data-tools/data/political-finance-database>
- [5] Parliament of Fiji, Electoral (Amendment) Bill 2026, Bill No. 29 of 2026; especially clause 30 and proposed section 135A. <https://www.parliament.gov.fj/wp-content/uploads/2026/08/Bill-No.-29-Electoral-Amendment-Bill-2026.pdf>
- [6] Parliament of Fiji, Electoral (Registration of Voters) (Amendment) Bill 2026, Bill No. 30 of 2026; especially clauses 5 and 8. <https://www.parliament.gov.fj/wp-content/uploads/2026/08/Bill-No.-30-Electoral-Registration-of-Voters-Amendment-Bill-2026.pdf>
- [7] Constitution of the Republic of Fiji 2013; especially sections 56 and 57. <https://www.parliament.gov.fj/wp-content/uploads/2017/02/Decree-24-Constitution-of-the-Republic-of-Fiji-Promulgation-Decree.pdf>

Note: The numerical illustrations in sections 3, 4 and 6 are transparent arithmetic scenarios, not observed donation, expenditure or procurement data. The reporting deadlines and thresholds recommended in section 5 are policy proposals. The legislative analysis addresses Bill No. 31 and the related legislation identified above.

Faigaz Roy

**Submission on the Proposed Electoral Reform Bills 2026
By The Fiji Women's Rights Movement (FWRM)**

1. INTRODUCTION

The Fiji Women's Rights Movement (FWRM) is a feminist organisation that has been working in Fiji since 1986 to promote and protect the human rights of women and girls. FWRM works to address discrimination and inequality and to support women and girls to participate fully and equally in society. Its work includes advocacy, legal and policy analysis, research, public education and engagement on issues that affect women's rights and equality.

FWRM therefore provides this submission to the Standing Committee on Justice, Law and Human Rights on the proposed Bills. **Bill No. 29 amends the Electoral Act 2014** and covers matters including candidate eligibility, accessible voting, campaigning, postal and pre-poll voting, recounts, transportation and electoral offences. **Bill No. 30 amends the Electoral (Registration of Voters) Act 2012**, including provisions on voter registration, disqualification and the proposed Corrupt Electoral Practices List. **Bill No. 31 amends the Political Parties Act 2013** and proposes changes relating to political donations, campaign expenditure and financial disclosures.

The assessment is guided by the **Constitution of the Republic of Fiji 2013**, particularly the constitutional rights relating to political participation, equality, non-discrimination, privacy, disability and voter registration. It also considers Fiji's obligations under **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** and the **Convention on the Rights of Persons with Disabilities (CRPD)**, as well as the **Rights of Persons with Disabilities Act 2018**.

A key consideration for FWRM is that having the same legal right does not always mean that everyone can exercise that right in the same way. Women and vulnerable groups may experience practical barriers because of factors such as disability, location, family and care responsibilities, economic circumstances or exposure to discrimination and violence.

The submission therefore applies a gender and equality lens where it is relevant to the proposed amendments. The submission is structured around the proposed amendments themselves. For each significant issue, FWRM considers the **current law, the proposed change, its practical and legal implications, the relevant rights and equality standards, and the safeguards or changes that FWRM recommends**. Technical amendments that do not raise significant rights or equality concerns are addressed more briefly.

FWRM's position is that electoral reform should do more than make elections administratively effective. It should help create an electoral system where every eligible citizen can participate **freely, safely, equally and meaningfully**, and where barriers to political participation are identified and addressed.

Temporary Special Measure. / Specific?

why can't people pronounce "eligibility" properly!!

*"illegibility" means something completely different.
means "can't be read"*

2. BILL NO. 29 OF 2026 – ELECTORAL (AMENDMENT) BILL 2026

Bill No. 29 proposes amendments to the Electoral Act 2014. The amendments cover candidate eligibility, voting procedures, campaigning, postal and pre-poll voting, recounts, transportation, media campaigning and electoral offences. The Bill should therefore be considered not only as an administrative reform but also in terms of how these changes affect the ability of citizens and candidates to participate in elections.

2.1 Continuing eligibility of candidates – Clause 5

Current law

- *Section 23 of the Electoral Act establishes eligibility requirements for candidates standing for election.*

Proposed wording

Clause 5 inserts subsection 23(8)

- *“A person nominated as a candidate must continue to meet the eligibility criteria under this section after he or she has been nominated.”*

Why is FWRM raising this?

FWRM supports the principle that candidates should remain eligible throughout the electoral process. A person should not be able to become a candidate and then cease to satisfy the legal requirements for holding elected office.

However, the amendment also raises an important question about **how and when continuing eligibility will be assessed**. The law should provide a process that is transparent, consistent and capable of being challenged where necessary.

The issue is particularly important where decisions about eligibility may affect individual candidates' reputations and political participation. Any assessment should be based on clear legal criteria and reliable information rather than arbitrary or selective decision-making.

Equality and participation

The constitutional right to stand for public office should be understood together with the principle of equality before the law. Women, LGBTQI+ persons, persons with disabilities and other candidates who may experience discrimination should not face selective scrutiny or unequal treatment.

FWRM therefore recommends that:

1. the application of the continuing eligibility requirement be supported by clear procedures;
2. candidates be notified where an eligibility concern arises;
3. candidates have a reasonable opportunity to respond;
4. decisions be recorded with reasons; and
5. there be an appropriate avenue for review or appeal.

2.2 Use of assistive learning or speaking devices – Clause 9

Current law

Section 53(9) of the Electoral Act currently provides:

- *"It is prohibited for any person to use a mobile phone, camera or any other electronic device while in the polling station with the exception of the presiding officer or a person authorised by the Supervisor."*

Proposed change

Clause 9 expressly provides an exception for:

- *"assistive learning or speaking devices"*

Why is FWRM raising this?

This is a positive and important amendment because an electoral rule designed to protect the integrity of voting should not unintentionally prevent a person with a disability from communicating or participating independently.

The right to vote must be meaningful in practice, not merely available in law.

This amendment is consistent with section 42 of the Constitution, which recognises the right of persons with disabilities to reasonable access to information, appropriate means of communication and necessary devices. It is also consistent with section 47 of the Rights of Persons with Disabilities Act 2018 and Article 29 of the CRPD, which require accessible voting procedures, facilities and materials and support the use of assistive technologies.

Broader equality consideration

The issue should not be treated only as a disability issue. It illustrates a broader principle: **electoral rules should be designed around actual barriers experienced by voters.**

Recommendation

FWRM recommends that:

- the amendment be retained;
- polling officials receive clear guidance on permitted assistive devices;
- the use of assistive technology should not compromise ballot secrecy;
- voters should not be required to repeatedly justify a recognised accessibility need; and
- accessibility measures should be communicated publicly before polling day.

2.3 Campaigning restrictions and the reduction from 300 metres to 100 metres – Clause 12

Current law

Section 63(2) currently provides:

- *“In the 48 hour period prior to polling day and on the polling day until the close of polling at all polling stations, it is strictly prohibited for any person to—”*

The existing provision also establishes a 300-metre boundary around polling venues.

Proposed change

- *Clause 12 reduces the boundary from 300 metres to 100 metres and removes the 48-hour campaign blackout.*

It also provides that the use of a political party or candidate's name, logo, symbol or acronym alone does not constitute campaigning.

Why is FWRM raising this?

FWRM says that regardless of what the distance is, there should be clear safeguards to ensure that voters can exercise their right to vote freely and secretly, without intimidation, harassment or coercion.

A polling station should remain a space where voters can enter, vote and leave without pressure, intimidation or unwanted political influence.

Gender and broader safety considerations

Women candidates and political participants can experience gender-based harassment, intimidation and abuse during political activity. LGBTQI+ persons and other people who may face discrimination can also be particularly exposed to harassment in public political spaces.

Recommendation

FWRM recommends that the Committee:

- ensure there are clear restrictions on intimidation, harassment and coercion around polling places;
- require polling officials to monitor the 100-metre area effectively;
- ensure that campaign activity does not obstruct access to polling stations;
- ensure that voters can enter and leave polling places safely;
- provide clear guidance distinguishing legitimate political expression from conduct intended to influence or intimidate voters; and
- consider whether additional safeguards are necessary for voters who may be particularly vulnerable to intimidation.

A safe electoral environment requires more than a numerical boundary.

2.4 Postal voting – Clause 13

Current law

Section 67(8) currently provides:

- *“An application under this section must be accompanied by a statutory declaration by the applicant.”*

Proposed change

The Bill expands eligibility for postal voting to include:

- family commitments;
- other significant work commitments; and
- other grounds approved by the Electoral Commission.

It also replaces the statutory declaration with a declaration of truth.

Why is FWRM raising this?

FWRM supports measures that make voting accessible to people whose circumstances prevent them from attending a polling station.

This is particularly relevant to people whose participation may be affected by:

- care responsibilities;
- employment requirements;
- geographical distance;
- disability;
- mobility limitations;
- family circumstances; or
- other significant practical barriers.

Women continue to carry disproportionate responsibility for unpaid care work in many communities. A voting system that recognises genuine family and care responsibilities can therefore remove a practical barrier to women's participation.

However, broad eligibility also requires safeguards against misuse.

Recommendation

FWRM recommends:

- clear and publicly available criteria for postal voting;

- simple application procedures;
- accessible application information;
- appropriate verification without creating unnecessary barriers;
- privacy protections for applicants; and
- monitoring of the grounds on which postal voting is granted.

2.5 Pre-poll voting and changes to the schedule – Clause 14

Proposed change

New section 82A allows the Supervisor to provide notice of pre-poll arrangements through the website, social media and radio.

It also allows the Supervisor to depart from the scheduled arrangements in an “interrupting event” and other circumstances approved by the Commission, with notification required.

Why is FWRM raising this?

FWRM supports flexibility where unexpected circumstances affect electoral operations. However, flexibility must be accompanied by transparency.

The issue is not simply whether the Supervisor should have flexibility, but **how that discretion is exercised and how voters are protected when the published schedule changes.**

People with limited internet access, people in rural and remote communities, older people and people with disabilities may not receive a social-media announcement in the same way as other voters.

Recommendation

FWRM recommends that:

- changes to pre-poll arrangements be communicated through multiple accessible channels;
- information be available through radio and other community-based methods, not only online;
- changes be communicated as early as reasonably possible;
- accessible formats be provided; and
- records be maintained explaining why a schedule was changed.

2.6 Recounts and “quality assurance” – Clause 16

Proposed change

Clause 16 permits the Supervisor to instruct or conduct a recount for “quality assurance” and allows a recount to overturn a previous decision of a presiding officer.

Why is FWRM raising this?

FWRM recognises that recounts are an important electoral safeguard. Accuracy in counting is fundamental to public confidence.

However, because a recount can change an electoral result, the process should be clearly governed.

The stronger the power to alter a result, the stronger the need for procedural safeguards.

Recommendation

FWRM recommends that recount procedures clearly address:

- when a recount may be ordered;
- who may request or initiate it;
- notice to affected candidates;
- observation by authorised representatives;
- documentation of the recount;
- preservation of ballot materials; and
- publication or communication of the reasons for the recount and its outcome.

These safeguards protect all candidates equally and reduce the possibility of selective or inconsistent application.

2.7 Discarded ballot papers and technical terminology – Clauses 17–20

Clauses 17–20 make technical amendments concerning discarded ballot papers, terminology and the Final National Results Tally.

FWRM does not identify a significant gender, equality or accessibility concern with these amendments on their face.

However, FWRM recommends that the terminology used in electoral procedures remain clear and understandable to election officials, candidates, observers and voters.

Technical clarity is particularly important because mistakes in classification or counting can have consequences for the integrity of the electoral result.

2.8 Transportation and refreshments for voters – Clause 26

Proposed wording

The amendment permits a political party, candidate or representative to provide:

- *“free transportation directly to or from the polling venue to which the voter is assigned”*

and:

- *"free refreshments for immediate consumption during the journey or outside the 100 metre radius at the polling venue."*

The Bill also requires that the transportation or refreshments not be used to influence or attempt to influence the voter's vote.

Why is FWRM raising this?

FWRM recognises that transport can be a genuine barrier to voting, particularly for people in rural and remote communities, older people, persons with disabilities and people with limited access to private transport.

However, allowing candidates or political parties to provide transport creates a potential conflict between **access to voting and political influence**.

A voter should never feel that accepting transportation creates an obligation to support a particular candidate.

Gender and safety considerations

Transport can also have a gender dimension. Women may face safety concerns when travelling, have care responsibilities or have less independent access to transport.

At the same time, women and other voters may be vulnerable to pressure where transport is controlled by candidates, political parties or influential individuals.

Recommendation

FWRM recommends that the legislation or accompanying regulations establish:

- clear rules against political persuasion during transportation;
- no requirement for passengers to identify their voting preference;
- no collection of voter information through transport arrangements;
- equal access principles where transportation is provided;
- safeguards against intimidation or inducement; and
- clear enforcement mechanisms.

The distinction between access assistance and political inducement must remain clear.

2.9 Directions concerning campaign activity – Clause 27

Proposed change

The Supervisor may direct campaign activity to be amended or cancelled where it does not comply with the law. A person affected may appeal to the Commission within three days.

Why is FWRM raising this?

FWRM supports effective enforcement. However, the power should be exercised consistently and transparently.

The appearance of impartiality matters. Candidates must have confidence that campaign rules are being applied equally, regardless of political affiliation, gender, popularity or other characteristics.

Recommendation

FWRM recommends:

- written reasons for directions;
- consistent criteria for enforcement;
- accessible appeal procedures;
- sufficient information for an affected person to understand the allegation;
- consideration of accessibility needs in the appeal process; and
- publication of general enforcement guidance.

2.10 Removal of the 48-hour media restriction – Clause 29

Current law

Section 118 currently provides:

- *"During the 48 hour period prior to the polling day and on the polling day until the close of polling at all polling stations, it is prohibited for any media organisation to publish, print or broadcast any campaign advertisement, debate, opinion or interview on any election issue or on any political party or candidate."*

Proposed change

Clause 29 removes the 48-hour restriction.

Why is FWRM raising this?

Removing the restriction may increase political communication and freedom of expression. However, it also changes the information environment immediately before voting.

This is particularly significant in an environment where digital platforms can rapidly spread misinformation, manipulated content, harassment and targeted political messaging.

Women politicians and candidates can face gendered abuse, character attacks and online harassment. LGBTQI+ candidates and other groups facing social stigma may also be disproportionately exposed to targeted abuse.

FWRM is not suggesting that legitimate political expression should be restricted because it is controversial. Rather, the concern is whether voters and candidates have adequate protection against **harassment, intimidation, misinformation and discriminatory political abuse.**

Recommendation

FWRM does not support the removal of the 48 hour black out period unless mechanisms are strengthened for:

- reporting electoral misinformation and harassment;
- rapid responses to unlawful threats and intimidation;
- protection of candidates from gender-based and discriminatory abuse;
- voter education on identifying misleading electoral information; and
- accessible and transparent information from electoral authorities.

2.11 Electoral offences and penalties – Clause 30

Proposed change

New section 135A establishes penalties for corrupt and illegal electoral practices, including:

- up to two years' imprisonment for corrupt electoral practice;
- fines of up to \$100,000 for a political party;
- fines of up to \$40,000 for a candidate or polling agent;
- fines of up to \$10,000 for other persons;
- four-year voter registration disqualification for specified corrupt electoral practices.

Why is FWRM raising this?

FWRM supports strong enforcement where electoral integrity is threatened.

However, electoral offences can have serious consequences for an individual's political rights. A four-year disqualification from voter registration is particularly significant because it directly affects the constitutional right to vote.

The stronger the penalty, the stronger the need for due process.

Recommendation

FWRM recommends that:

- offences be clearly defined;
- the distinction between corrupt and illegal electoral practices be understandable;
- due process protections be maintained;

- individuals have access to a fair hearing;
- disqualification only follow a properly established legal finding; and
- enforcement be applied consistently without discrimination.

3.1 “Mental disorder” and “unsound mind” – Clauses 3 and 5

Current law

The current Electoral (Registration of Voters) Act uses the term “mental disorder” and links it to the Mental Health Act 2010.

Proposed change

The Bill replaces “have a mental disorder” with:

- *“be of unsound mind”*.

Why is FWRM raising this?

The term **“unsound mind”** should be reconsidered because it is not consistent with the rights-based language of the CRPD. Article 1 of the CRPD uses the term **“persons with disabilities”** and recognises persons with **“long-term physical, mental, intellectual or sensory impairments.”** ✓

The **CRPD Committee** has also used the term **“persons with psychosocial disabilities”** in its work when referring to people with mental health-related disabilities. This terminology appears in the Committee’s work from **2014 onwards**, including its General Comment No. 1 (2014) on equal recognition before the law and later country reviews.

Article 29 of the CRPD protects the right of **persons with disabilities to participate in political and public life, including the right to vote and be elected on an equal basis with others.**

Fiji **ratified the CRPD on 7 June 2017**. Therefore, the process under the Electoral Act should align with Fiji’s obligations under the CRPD.

Recommendation

FWRM recommends that:

1. exclusion from voter registration is based on clear and objective legal criteria;
2. disability or mental health status alone is not a reason for exclusion;
3. affected persons have an opportunity to challenge a decision; and
4. **the process aligns with Fiji’s obligations under the CRPD, particularly Articles 1 and 29.**

3.2 Removal of voters from the register – Clause 5

Current law

Section 12(1)(f) currently provides for removal of the name of a person who:

- *“has been disqualified from voting by an order of a court under this Act.”*

The Act also contains procedures relating to notification and an opportunity for a person to respond before removal.

Proposed change

The Bill expands the removal provision to include a person who:

“has been entered on the Corrupt Electoral Practices List or has otherwise been disqualified from registration as a voter under a law relating to electoral offences.”

Why is FWRM raising this?

This is a significant change because it creates a direct connection between electoral offences and the right to remain registered as a voter.

The key question is whether removal from the register occurs only after a **properly established legal basis** exists.

The distinction between an allegation, an investigation, a finding of guilt and a conviction is fundamental.

FWRM therefore recommends that no person should lose their registration merely because they have been accused of an electoral offence.

Privacy and correction

The Constitution protects personal privacy and provides a right to the correction or deletion of false or misleading information affecting a person.

Accordingly, voter registration systems must have mechanisms to:

- correct inaccurate information;
- notify affected individuals;
- protect personal information;
- prevent mistaken identity; and
- provide a meaningful avenue for review.

This is important for all voters, but particularly for people who may face higher risks of discrimination or administrative exclusion.

3.3 Corrupt Electoral Practices List – Clause 8

Proposed wording

New section 19G provides for a **Corrupt Electoral Practices List**.

It applies where the Supervisor is satisfied that a registered voter or applicant has, within the preceding four years:

- *“been convicted of a corrupt electoral practice”*

or:

- *“been reported by the Court of Disputed Returns on the trial of an election petition as guilty of a corrupt electoral practice”.*

The person's name, voter number, residence and other particulars may be entered on the list, and the name is to be removed after four years.

Why is FWRM raising this?

FWRM understands the purpose of preventing people who have been found guilty of serious electoral misconduct from immediately re-entering the electoral process.

However, the creation of a formal list containing identifying information raises questions about:

- accuracy;
- privacy;
- access;
- correction;
- retention;
- publication; and
- due process.

A public or widely accessible list can have consequences beyond voter registration, including reputational consequences.

Recommendation

FWRM recommends:

- clear statutory criteria for inclusion;
- inclusion only after a legally established conviction or finding;
- written notice to the affected person;
- a process for correcting inaccurate information;
- strict controls over who may access the list;
- clear rules on whether and how information may be published;
- automatic removal after the four-year period; and

- independent oversight of the list.

The objective should be electoral integrity **without creating unnecessary or disproportionate consequences for individuals.**

4. BILL NO. 31 OF 2026 – POLITICAL PARTIES (REGISTRATION, CONDUCT, FUNDING AND DISCLOSURES) (AMENDMENT) BILL 2026

Bill No. 31 proposes changes to political donations, campaign spending and financial reporting. FWRM considers these areas important because financial resources can affect who is able to participate and compete in elections.

4.1 Political Donations – Clause 8

Current law: Section 22 sets limits on political donations and controls certain sources of political funding.

Proposed change: Clause 8 removes the current **\$10,000 annual limit** on donations and changes the rules on donations from people who are neither Fijian citizens nor former Fijian citizens.

Why is FWRM raising this?

Without a donation limit, a person with significant financial resources could provide a large amount of money to a political party. This could give a small number of wealthy individuals greater influence in political decision-making.

Women candidates may not have the same access to money, business connections or political networks as others. Removing the limit could therefore make it more difficult for women to compete on an equal basis.

Recommendation:

FWRM recommends:

- keeping the existing \$10,000 annual donation limit;
- requiring the donor and amount of every significant donation to be identified;
- preventing donations from being made through others to hide the person actually providing the money;
- checking the source of political donations; and
- making donation information available to the public early enough to support informed voting.

4.2 Personal Financial Disclosure and Campaign Spending – Clause 9

Proposed change: Clause 9 removes the current personal financial disclosure requirements and introduces spending limits of **\$300,000 for candidates** and **\$3 million for political parties.**

Why is FWRM raising this?

Information about campaign spending is different from information about a candidate's own financial interests. Financial declarations can help show a candidate's assets, business interests and other financial connections that may create a conflict of interest.

Removing these declarations could therefore reduce the information available to the public.

FWRM supports limits on campaign spending. However, the rules should be clear enough to stop spending from being moved between candidates, political parties or other groups simply to get around the limits.

Women candidates can already face financial barriers when entering politics. Strong financial rules can help create a more equal environment for women and other candidates with fewer resources.

Recommendation:

FWRM recommends:

- keeping the requirements for candidates to declare their financial interests;
- clearly defining campaign spending;
- including support provided without direct payment, as well as spending by other groups on behalf of candidates or parties;
- clearly explaining how shared spending is counted; and
- putting safeguards in place to prevent the spending limits from being avoided.

4.3 Candidate Financial Reporting – Clause 10

Proposed change: Clause 10 requires candidates to report their campaign finances up to 60 days after polling day and submit their returns by that time.

Why is FWRM raising this?

Candidates need reasonable time to check their records, include final transactions and make sure their returns are complete before submitting them.

The information should also be accessible to voters. The public should be able to see who provided campaign funding and how money was used.

Greater transparency can support a fairer electoral system, particularly for women candidates who may have fewer financial resources and political connections.

Recommendation:

FWRM recommends:

- giving candidates additional time to complete and submit their final returns;

- publishing the returns online in a simple and accessible format;
- checking the information provided; and
- making a clear distinction between an honest administrative mistake and deliberately providing false or hiding financial information.

6. FWRM RESPECTFULLY SEEKS THE COMMITTEE'S INDULGENCE

FWRM respectfully raises the following broader issues for the Committee's consideration. These matters are not necessarily amendments contained in Bills 29, 30 or 31, but they are directly relevant to the objective of achieving meaningful and equal political participation in Fiji.

6.1 Temporary special measures for women's political participation

FWRM's position is that equal legal rights alone have not yet produced equal political representation.

Fiji's experience demonstrates that women continue to be significantly underrepresented among candidates and elected representatives.

The issue is therefore not simply whether women are legally permitted to contest elections. It is whether the political system provides a genuine and realistic pathway for women to enter and remain in political life.

- *Article 7 of CEDAW requires States to eliminate discrimination against women in political and public life and to ensure women's equal rights to vote, stand for election, participate in government policy and perform public functions.*
- *Article 4(1) of CEDAW also recognises temporary special measures aimed at accelerating substantive equality.*

FWRM therefore respectfully asks the Committee to consider:

- reserved seats for women;
- compulsory political party quotas;
- targets for women's representation;
- targeted campaign financing or other financial support;
- leadership development and political training; and
- measures to address barriers within political parties.

FWRM's specific recommendation of **30% representation** should be understood as FWRM's policy recommendation for accelerating meaningful participation, rather than as a claim that CEDAW itself prescribes a 30% quota.

6.2 Political parties as gateways to political participation

Political parties play a significant role in determining who is selected, supported and promoted as candidates.

FWRM therefore recommends greater attention to internal party democracy, candidate selection processes and transparency.

Political parties should consider:

- transparent candidate selection;
- gender-balanced candidate lists;
- meaningful participation of women in decision-making;
- candidate vetting;
- codes of conduct;
- mechanisms for reporting harassment and abuse;
- ethics and gender equality training; and
- internal accountability for discriminatory conduct.

This is important because formal equality in electoral law cannot overcome barriers created inside political institutions.

6.3 Violence and abuse against women and other political participants

A meaningful right to participate in politics requires freedom from intimidation, harassment and violence.

FWRM's work and previous advocacy have identified forms of violence against women in politics including psychological violence, hate speech, defamation, character assassination, threats, intimidation, harassment and verbal and physical abuse.

Digital platforms can amplify these forms of violence.

The issue should not be limited to women. LGBTQI+ political participants and other people who may be targeted because of their identity or perceived identity can also face harassment, threats and discriminatory abuse.

FWRM recommends that electoral reform be accompanied by:

- clear mechanisms for reporting political violence and harassment;
- appropriate investigation and enforcement;
- protection for candidates and political participants;
- measures addressing online abuse and threats;

- voter and candidate education; and
- accountability for political parties and candidates whose supporters engage in intimidation or abuse.

Political participation cannot be meaningful if individuals are formally free to participate but are effectively pushed out through violence or harassment.

6.4 Better gender-disaggregated and equality-sensitive electoral data

Electoral data should allow Fiji to understand who is participating and who is being left behind.

FWRM recommends systematic collection and publication of appropriately disaggregated data relating to:

- women and men;
- age;
- disability, where appropriate and lawful;
- geographic location;
- candidate participation;
- voter registration;
- voter turnout;
- political party leadership;
- elected representatives; and
- complaints and electoral offences.

Where legally and ethically appropriate, data collection should also allow analysis of other forms of inequality and exclusion without compromising privacy or safety.

Good policy requires good evidence.

7. KEY RECOMMENDATIONS

FWRM respectfully recommends that the Standing Committee:

Bill 29

1. Retain clear safeguards around continuing candidate eligibility.
2. Retain the express recognition of assistive learning and speaking devices.
3. Strengthen safeguards around the 100-metre campaign boundary.
4. Ensure safe and non-coercive access to polling stations.

5. Establish clear criteria and safeguards for postal voting.
6. Ensure pre-poll changes are communicated through accessible and multiple channels.
7. Establish transparent procedures for recounts.
8. Ensure electoral enforcement powers are exercised consistently and with reasons.
9. Develop safeguards around political transport and refreshments.
10. Strengthen protections against political intimidation, harassment and discriminatory abuse.
11. Ensure strong due process before electoral offences result in serious penalties or voter disqualification.

Bill 30

12. Ensure that terminology relating to mental health and disability is applied consistently with constitutional equality and disability rights.
13. Ensure that disability or health status is not used as an automatic basis for exclusion from political participation.
14. Ensure that removal from the voter register is based on a clear and legally established ground.
15. Provide notice and an opportunity to challenge removal.
16. Establish strong privacy, correction and data-protection safeguards for the Corrupt Electoral Practices List.
17. Ensure that no person is placed on the list merely because of an allegation.
18. Ensure automatic removal from the list after the statutory period.

Bill 31

19. Strengthen transparency if existing political donation limits are removed.
20. Require timely and accessible disclosure of political donations.
21. Regulate indirect, in-kind, coordinated and third-party campaign expenditure.
22. Ensure effective verification and auditing of campaign finance disclosures.
23. Maintain clear rules distinguishing cultural protocol from political inducement.
24. Ensure campaign expenditure limits are enforceable and cannot easily be circumvented.
25. Consider additional measures to address financial barriers faced by underrepresented candidates.

Broader electoral reform

26. Consider temporary special measures to increase women's political representation.

27. Consider FWRM's recommendation for a 30% representation target or other effective mechanism for accelerating women's participation.
28. Develop stronger measures to prevent and respond to violence and harassment in politics.
29. Improve gender-disaggregated and equality-sensitive electoral data.

8. CONCLUSION

FWRM supports electoral reforms that strengthen the administration, accessibility, transparency and integrity of Fiji's elections. However, electoral reform should be measured not only by how efficiently elections are conducted, but by whether every eligible citizen can participate **freely, safely, equally and meaningfully**.

Bills 29, 30 and 31 provide important opportunities to strengthen Fiji's electoral framework. FWRM encourages the Committee to ensure that these reforms are supported by appropriate safeguards for **equality, accessibility, due process, transparency and protection from discrimination, intimidation and political violence**.

FWRM also respectfully asks the Committee to consider the broader barriers that continue to affect political participation, including those experienced by women, persons with disabilities, LGBTQI+ persons, rural communities and others who may face structural or intersecting disadvantage. Ultimately, a strong electoral system is one that not only conducts elections effectively, but ensures that **all eligible citizens can participate on an equal basis**. FWRM respectfully submits that the proposed reforms provide an important opportunity to strengthen the fairness, inclusiveness and democratic legitimacy of Fiji's electoral system.

Ends.

If there are any further questions on the submission, we can be contacted on the following:

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SUBMISSION TO THE STANDING
COMMITTEE ON
JUSTICE, LAW & HUMAN RIGHTS

SUBMISSION TO THE STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

Electoral Bills Nos. 29, 30 and 31 of 2026

**Ensuring Equal and Accessible Electoral Participation for
Persons with Disabilities**

Submitted by: Peni Vasuturaga

Representing: National Council for Persons with Disabilities /
Organisations of Persons with Disabilities

Date: 04/09/2026

1. Introduction

- 1.0 The National Council for Persons with Disabilities welcomes the opportunity to make this submission on **Bill No. 29 – Electoral (Amendment) Bill 2026; Bill No. 30 – Electoral (Registration of Voters) (Amendment) Bill 2026; and Bill No. 31 – Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2026.**
- 1.1 The Council Secretariat recognises the importance of strengthening Fiji's electoral system and welcome measures in the proposed legislation that could improve participation, accessibility, transparency and electoral integrity.
- 1.2 In particular, we welcome the proposed recognition of the use of assistive learning and speaking devices by voters, the proposed expansion of postal voting, and measures intended to improve access to polling.
- 1.3 However, we respectfully submit that the three Bills should be strengthened to ensure that **persons with disabilities can participate in elections independently, privately, safely, meaningfully and on an equal basis with other citizens.**
- 1.4 The Fijian Elections Office has itself recognised that an inclusive election must allow persons with disabilities to participate fully and any physical or hidden disability should not prevent a person from participating in a national event including elections.

- 1.5 The FEO has also established the **Election Disability Access Working Group (EDAWG)** to support more inclusive elections and has recognised the importance of consultation with organisations of persons with disabilities.
- 1.6 We therefore recommend that the principles and recommendations below be considered into the final electoral legislation, regulations and election procedures.
-

2.0 Bill No. 29 — Electoral (Amendment) Bill 2026

Section 53 (9) -Strengthening the use of assistive-device at Polling Stations

- 2.1 ✓ This is probably the most welcome provision on clause 9 on the use of **assistive learning or speaking devices** in polling stations.
- 2.2 This could benefit, for example, voters who are visually impaired who use:
1. speech-generating devices;
 2. electronic communication devices;
 3. assistive technology for communication;
 4. learning or communication technology needed to understand or participate in voting.
- 2.3 ✓ This is consistent with **Article 29 of the UN Convention on the Rights of Persons with Disabilities (CRPD)**, which requires voting procedures, facilities and materials to be accessible and specifically recognises the use of assistive and new technologies.
- 2.4 However, the provision should be broad enough to cover current and future assistive technologies rather than limiting accessibility to particular devices.
- 2.5 The law should expressly permit a voter with a disability to use appropriate assistive technology or communication support

necessary to cast their vote, while protecting the secrecy and integrity of the ballot.

2.6 For visual impaired voter he/she must be given an opportunity to be assisted by having a family member or a trusted friend to assist the voter in the polling booth and to cast their vote which may include the use of the following devices:

1. communication devices;
2. screen readers;
3. magnification technology;
4. tactile voting aids;
5. audio assistance;
6. communication boards; and
7. other appropriate assistive technology.

2.7 Under the proposed amendment, the use of that device would be expressly recognised as legitimate and lawful.

2.8 **Recommendation:**

2.8.1 We **supported the amendment on the use of assistive-device in polling stations which the law has recognised as an accessibility tool especially for persons with disabilities.**

3.0 Bill No. 29 — Electoral (Amendment) Bill 2026

Section 114- Free transportation during election

- 3.1 Another potentially significant amendment is proposed on section 114(1A). It would allow a political party, candidate or their representative to provide a voter with:
- free transportation directly to or from the polling venue; and
 - free refreshments during the journey or outside the 100-metre restricted campaign area,
- 3.2 ✎ This amendment could have a positive impact on persons with disabilities who face transportation barriers, particularly people with mobility disabilities or those living in rural and remote communities.
- 3.3 Transportation should be available on an equal and non-discriminatory basis.
- 3.4 🗳️ A person with a disability should never feel that accepting transport creates an obligation to vote for the person or party providing it. provided that the party or candidate **does not influence or attempt to influence the person's vote**
- 3.5 However, **free transport is not necessarily accessible transport**. The regulations should therefore require reasonable accessibility for voters with disabilities, including appropriate accommodation for:
- wheelchairs;
 - walking aids; and
 - personal assistants where necessary.
- 3.6 ✔️ No voter should be required to disclose how they voted in exchange for transportation or assistance and no one should influence or attempt to influence the person's vote.

3.7 For persons with disabilities, we argue that this safeguard needs to be taken very seriously because a voter who depends on another person for transportation may be vulnerable to pressure.

3.8 ✓ **Recommendation**

1. **We supported the inclusion of free transportation to or from the polling venue however there should be a safeguarding guideline in place to prevent anyone from influence or attempt to influence person's vote, especially for persons with disabilities**
2. **The FEO could conduct awareness on (1) above.**

4.0 Bill No. 29 — Electoral (Amendment) Bill 2026
Section 118 (1) Removal of 48 hrs Campaign blackout

4.1 ✓ We feel that this provision is not a disability issue as for some voters with disabilities, the additional two days could make it easier to obtain election information in an accessible format. For example, a person who is:

- blind or visually impaired may need information in audio, Braille or screen-reader-friendly formats;
- deaf or hard of hearing may need information in Fijian Sign Language or captioned video;
- an intellectual or psychosocial disability may need information explained in easy-to-understand language;
- someone with limited mobility may rely more heavily on radio, television or online information rather than attending political events.

4.2 ✓ Removing the 48hours blackout means political parties and candidates could continue providing information during those final two days. That could give persons with disabilities who are eligible to vote more time to process information and to make informed choices before the polling day.

- 4.3 On the other hand, the 48-hour blackout provides a period in which voters can make their decision without continued campaigning and require more time to digest and process information.
- 4.4 It also provides opportunity for persons with disabilities to
- distinguish political advertising from factual election information;
 - depend on family members, caregivers or support workers to help them access information;
 - understanding candidates' profile and their parties.
- 4.7 ✓ Recommendation
- 4.7.1 **We fully supported the removal of the 48 hours blackout prior to the polling day and agree with the proposed amendments**
-

5.0 Bill No. 29 — Electoral (Amendment) Bill 2026

Section 67 (7)-Expanding postal voting eligibility

- 5.1 ✓ We agree with the amendments on the Bill as it encroaches on the grounds on which a person may apply for a postal vote. In particular, it adds being absent from one's polling station because of **"family or other significant" commitments**, and allows the Electoral Commission to approve additional grounds. It also removes the statutory-declaration requirement for postal voting applications.
- 5.2 ✓ For persons with disabilities, this could have a **positive indirect effect**. A voter with a disability who finds it

difficult to travel to, enter, or use a polling station may potentially benefit as it could reduce barriers such as:

- difficulty travelling to a polling venue;
- inaccessible transport;
- physical access problems at polling stations;
- dependence on another person to get to the polling station;
- difficulty coping with long queues or waiting periods; and
- geographical isolation, particularly where transport is limited.

5.3 However, an important qualification is that the Bill does not appear to create a specific, automatic entitlement to postal voting for person with a disability.

5.4 The wording expressly gives the Electoral Commission power to approve additional grounds. Therefore, the practical benefit to persons with disabilities will depend significantly on how the Commission exercises that power and what eligibility criteria it establishes.

5.5 • Recommendation

5.5.1 **We supported the amendment and also recommended the expansion of postal voting should include automatic entitlement to postal voting for person with a disability whose mobility is restricted.**

5.5.2 **The postal voting process should also be accessible, simple and available in formats that accommodate different disabilities. In addition, the Bill should retain and strengthen the right of persons with disabilities to use appropriate assistive devices when voting in person.**

6.0 Bill No. 29 — Electoral (Amendment) Bill 2026
Section 146 - Reducing restricted campaign area
around polling station from 300m to 100m

6.1 ✓ We view that the Bill 29 is not a disability provision. However, it could have an indirect impact on voters with disabilities for example, a voter who needs additional time, assistance or a particular route to enter a polling venue especially in villages and settlements may encounter campaign activity closer to the polling station.

6.2 ✓ This voter may lose focus on what he or she has in mind when approaching the polling station due to the distraction around the restricted area.

6.3 ✓ Recommendation

6.3.1 **We fully supported the amendment however, if the Electoral Commission through the FEO create awareness to ensure that campaign activities do not obstruct accessible entrances, ramps, pathways, parking areas or distract access for voters with disabilities.**

7.0 Bill No: 30 - Electoral (Registration of Voters)
Amendment Bill,2026
Section 19 -Corrupt Electoral Practice & Illegal
Electoral Practice

7.1 The Council fully support the amendment Bill which proposes that people convicted of **corrupt electoral practices** can be placed on a public list and prevented from registering as voters for four years.

7.2 This provision is not specifically directed at persons with disabilities. However, disability organisations should examine it from an **equality and due-process perspective**.

7.3 Suppose a person with an intellectual or psychosocial disability is accused of an electoral offence.
The law should ensure that:

1. the person understands the proceedings;
2. they have appropriate legal support;
3. communication barriers are accommodated;
4. they are not disadvantaged because of their disability;
5. any finding of guilt is made through proper legal process; and
6. the four-year electoral consequence does not operate arbitrarily.

7.4 Recommendation

We fully supported the amendments to the Bill and recommended that necessary assistance be granted should a person with disabilities is found to be in breached.

**8.0 Bill No: 30 - Electoral (Registration of Voters)
Amendment Bill, 2026**

Section 3 - Change of terminology concerning eligibility to register as a voter. In particular, it replaces the phrase "have a mental disorder" with "be of unsound mind"

8.1 - The Bill also changes terminology concerning eligibility to register as a voter. In particular, it replaces the phrase **"have a mental disorder"** with **"be of unsound**

mind", to align the Electoral (Registration of Voters) Act with the language used in the Constitution.

8.2 That particular change is **very important from a disability-rights perspective**.

8.3 There are two different issues we need to separate:

1. **Persons with disabilities generally**, and
2. **Persons with psychosocial, intellectual or cognitive disabilities**, because the proposed wording concerning being of "unsound mind" could have particular implications for them.

8.4 **Having a disability does not, by itself, disqualify a person from voter registration.**

8.5 ✓ The Council views that the legal wording around the mental-capacity eligibility provision needs further explanations.

8.6 A person who is blind, deaf, physically disabled, has a mobility impairment, uses a wheelchair, uses an AAC/speaking device, or has another physical or sensory disability should not be excluded from voter registration merely because of that disability.

8.7 The change from "mental disorder" to "unsound mind" needs careful attention

8.8 • This is potentially significant because **mental illness, psychosocial disability, intellectual disability and cognitive disability** are not the same thing as being unable to exercise one's legal rights.

8.9 The **UN Convention on the Rights of Persons with Disabilities (CRPD)**. The CRPD recognises the equal right of persons with disabilities to participate in political and public life, including the right to vote and be elected.

8.10 The replacement of "**mental disorder**" with "**unsound mind**" needs to be examined carefully to ensure that it does **not result in people with psychosocial, intellectual or cognitive disabilities being excluded**

from voting merely because of a disability or diagnosis.

8.11 Again, disability alone should not automatically remove their right to vote. This is why the wording and, more importantly, **how the provision is administered.**

8.12 ✓ Recommendation:

8.12.1 **We recommended that the terminology can be further defined so it does not deny a person the right to vote.**

9.0 Bill No: 30 - Electoral (Registration of Voters) Amendment Bill, 2026

Revising the National Register of Voters

9.1 The Bill is intended to modernise and clarify the voter-registration system and improve the accuracy of the electoral register.

9.2. A clean and accurate register benefits everyone, including persons with disabilities.

9.3 ✓ The Council Secretariat feels that this provision is a non disability matter, however we would like to ask if the registration process itself accessible.
For example, how persons with various impairments complete the registration process **without unnecessary barriers.**

9.4 ✓ The Council agrees that persons with disabilities should be involved in the initial stage of conducting the election process and must be able to understand the registration process from obtaining the necessary documents right up to the casting of votes.

9.5 There should be a clear safeguard that no person should lose the right to register or vote solely because they have a disability, including an intellectual, psychosocial or cognitive disability

9.6 ✓ Recommendation

9.6.1 **We fully supported the amendment to the Bill however if whole process of elections from registration to voting could provide reasonable accommodation for persons with disabilities**

10 - Bill 31 - Political Party (Amendment Bill) ,2026

The Council supports the following amendments on the:

- a) imposition of penalties on Corrupt Electoral Practice and Illegal Electoral Practices as proposed, and
- b) The declaration of donations gift or money from **non-Fiji citizens and former Fiji citizens** making donations to political parties or candidates

10.1 On the spending limit of **\$300,000 per candidate and \$3 million for a political-party, the Council feels that** a person with a disability runs as an independent candidate or as a political-party candidate should be granted a slightly higher amount to cater for accessible accommodations and campaign costs which may include:

- sign-language interpretation;
- accessible campaign venues;
- accessible transportation;
- personal assistance;
- accessible campaign materials;
- captioning;
- audio description

10.2 We noted that the Bill does **not appear to create a separate allowance for disability-related campaign expenses.**

10.3 We also noted that the Bill does not establish detailed requirements for parties to make their campaigning accessible to persons with disabilities.

For example, it does not specifically say that political parties must provide:

1. campaign information in accessible formats;
2. sign-language interpretation;
3. captioned videos;
4. Braille materials;
5. easy-read information;
6. audio information;
7. accessible websites;
8. accessible campaign meetings.

10.4 Recommendation

We noted that disability inclusion is largely not addressed in this particular Bill and recommended the following proposals to:

- 1) Include persons with disabilities in political participation and decision-making.**
- 2) Make party meetings and campaign events physically accessible.**
- 3) Provide political information in accessible formats.**
- 4) Provide sign-language interpretation and captioning where required.**
- 5) Ensure party websites and digital campaign material are accessible.**
- 6) Permit and support reasonable accommodation for candidates with disabilities.**
- 7) Ensure disability-related campaign expenses do not unfairly disadvantage a candidate within the \$300,000 spending ceiling.**
- 8) Consult organisations of persons with disabilities when developing electoral and political-party regulation.**

- 10.5 These measures would help bring the electoral reforms more closely into line with the principle of equal political participation for persons with disabilities.

11.0. Conclusion

- 11.1 ✓ Fiji has an important opportunity through Bills 29, 30 and 31 to strengthen its democracy and ensure that elections are genuinely inclusive.
- 11.2 ✓ The objective should not simply be that persons with disabilities are **legally permitted to vote**.
- 11.3 ✓ The objective should be that persons with disabilities can participate in elections **independently, privately, safely, accessibly, meaningfully and on an equal basis with others**.
- 11.4 ✓ We therefore respectfully request that the Standing Committee consider these recommendations and engage directly with persons with disabilities and their representative organisations before the Bills are finalised.
- 11.5 ✓ An accessible election is not a special benefit for persons with disabilities. It is a requirement of a **free, fair and inclusive democracy**.
- 11.6 ✓ We thank the Committee for considering this submission and we remain available to provide further information if need be.

Vinaka vakalevu.

Peni Vasuturaga

HR Officer

National Council for Persons with Disabilities

[Telephone]

[Email]

[Date]

FORMAL WRITTEN SUBMISSION

REVIEW OF THE 2026 ELECTORAL REFORM BILLS

Electoral (Amendment) Bill 2026 - Bill No. 29 of 2026

Electoral (Registration of Voters) (Amendment) Bill 2026 - Bill No. 30 of 2026

Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2026 - Bill No. 31 of 2026

Submitted to

**Standing Committee on Justice, Law and Human Rights
Parliament of the Republic of Fiji**

Submitted by

Eliki R. Dakuitoga
Acting General Secretary
Proposed People's Star Network

STATUS OF SUBMITTER

The People's Star Network is a proposed political party currently undertaking the statutory registration process. This submission is informed by direct experience of that process and is not presented as the final manifesto position of a registered political party.

8 September 2026

Email: peoplestarnetwork@gmail.com

1. PURPOSE AND SCOPE OF THIS SUBMISSION

This written submission expands on the oral submission of the Proposed People's Star Network and records, in formal form, the principal legal, policy and practical issues that we respectfully ask the Committee to consider before reporting on Bills Nos. 29, 30 and 31 of 2026.

The submission is deliberately balanced. We support several objectives of the reform package, including meaningful campaign expenditure limits, more proportionate treatment of electoral breaches, modernisation of election administration, improved voter access, and removal of unnecessary restrictions on legitimate participation and research. Our concern is that some provisions, especially when read together, may create new risks while trying to fix old problems.

Our central test is simple: electoral law should widen the practical power of the voter, not unnecessarily widen the power gap between wealthy political machinery and ordinary citizens or new political movements.

CORE PRINCIPLE

Make it easier for ordinary people to participate in democracy. Make it harder for money to control democracy.

1.1 Legislative context

The three Bills were listed by Parliament as Bills Nos. 29, 30 and 31 of 2026, following Gazette Notice No. 77 dated 20 August 2026, and were referred for expedited scrutiny in the lead-up to the next General Election. This submission therefore places particular emphasis on legal certainty, implementation practicality and a level playing field for all political participants.

1.2 Standing of the submitter

The submitter is the Acting General Secretary of the Proposed People's Star Network. The proposed party is presently collecting and verifying membership forms across Fiji and working to comply with the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 and FEO registration requirements. The submitter also communicates civic and public-interest issues to a substantial online audience, which reinforces the importance of laws that ordinary people can understand without specialist legal assistance.

This current registration experience is relevant because many of the reforms under review will affect parties after they enter the political system, while new parties face substantial legal and administrative barriers just to reach the starting line.

2. EXECUTIVE SUMMARY

We respectfully submit that the Bills should be amended, not rejected wholesale. The strongest parts of the reform package should be preserved, while the following safeguards should be strengthened before enactment:

- Retain an evidence-based ceiling on political donations rather than removing the principle of a donor cap altogether.
- Do not permit large foreign private donations without strong pre-acceptance verification, source-of-funds requirements and pre-election public disclosure.
- Add a distinct foreign-interference framework covering non-cash benefits, intermediaries, third-party campaigners, digital operations and covert activity on behalf of foreign principals, while protecting legitimate diplomacy, technical assistance, academic exchange and election observation.
- Retain a simplified financial-interest and asset disclosure regime instead of repealing the existing transparency baseline.
- Make the party and candidate expenditure limits operate as one coherent system, with clear aggregation, valuation and anti-avoidance rules.
- Remove or fundamentally redesign party-provided voter transport and refreshments on polling day; genuine accessibility assistance should be neutral.
- Preserve a meaningful neutral period and neutral space around the act of voting, and close the branded-vehicle and boundary-discretion gaps.
- Ensure the Corrupt Electoral Practices List is proportionate, respects privacy, provides clear due process and cannot accidentally create overlapping disqualification periods for the same conduct.

- Modernise the new-party registration process through clearer public guidance, secure electronic options, batch/pre-verification and a limited cure period for correctable membership shortfalls.
- Clarify what happens to a complete political-party registration application if a writ is issued before the Registrar has determined the application.
- Provide genuinely urgent appeal mechanisms for time-sensitive campaign decisions so a successful appeal does not arrive after the event has already passed.

3. CONSOLIDATED RECOMMENDATION MATRIX

Provision / area	Issue	PSN recommendation
Bill 31 - Clause 8	Donation ceiling	Retain a donor cap; review/index the amount rather than abolish the principle.
Bill 31 - Clause 8	Foreign private donors	Require pre-acceptance identity/source verification and public disclosure before polling for large donations.
Bill 31 - Clause 8	Connected donors	Add aggregation and anti-avoidance rules for coordinated, reimbursed or connected donations.
Bill 31 - Clause 9	Financial disclosures	Retain a simplified s 24-style financial-interest disclosure regime with privacy safeguards and proportionate penalties.
Bill 31 - spending limits	Party/candidate caps	Clarify whether candidate expenditure is inside the party ceiling; regulate shared and coordinated expenditure.
Bill 31 - spending limits	Pre-campaign assets	Specify valuation/apportionment of long-life assets, staff, databases and infrastructure used in the campaign.
Bill 29 - Clause 26	Transport/refreshments	Delete or fundamentally redesign; use neutral voter-access assistance.
Bill 29 - polling zone	Branded vehicles/logos	Prohibit party-branded voter transport and clarify what conduct remains political inside the restricted area.
Bill 29 - polling zone	Boundary discretion	Set a statutory minimum and objective criteria for any alternative boundary determined by the Electoral Commission.
Bill 29 - pre-poll	Village/venue postponement	Define who may validly request a postponement; require written reasons, recorded decisions and voter notice.
Bill 29 - appeals	Time-sensitive remedies	Create expedited review where an activity will occur before the normal appeal period can provide an effective remedy.
Bill 29 - ballots	Discarded ballots	Use language that clearly separates ballot accounting from valid vote counting.
Bill 30	Corrupt Practices List	Limit published personal data to what is necessary; clarify appeal rights and commencement of disqualification.
Bill 30	Two legal routes	Clarify evidential/procedural safeguards for Court of Disputed Returns findings and criminal convictions.
Bill 30	Four-year clock	Prevent a second overlapping four-year period arising from the same conduct unless Parliament expressly intends that result.
Registration framework	Membership verification	Create a limited cure period for correctable shortfalls after verification.
Registration framework	Technology	Allow secure electronic/scanned submission options and batch/pre-verification with consent and privacy controls.
Registration framework	Writ timing	State clearly how applications lodged before the writ are treated if still pending when the writ issues.
Cross-cutting - foreign interference	Foreign principals / non-cash benefits	Create a distinct Part covering direct and indirect electoral benefits from foreign principals, including services, data, staff, advertising and benefits provided below market value.
Cross-cutting - foreign interference	Third parties, digital activity and enforcement	Require disclosure/registration of foreign-principal relationships, regulate foreign-funded electoral campaigning and targeted political advertising, impose reporting duties, and give the Registrar/Electoral Commission clear investigative and audit powers with safeguards for legitimate activity.

4. BILL NO. 31 OF 2026 - POLITICAL FINANCE AND DISCLOSURE

4.1 Clause 8 - removing the \$10,000 donation ceiling

Current law. Section 22(2) of the Political Parties Act currently provides that, subject to the founding-member exception in section 22(6), a Fijian citizen or former Fijian citizen must not make political donations exceeding \$10,000 in any one year, whether to one or more registered political parties or candidates. Section 22(3) currently excludes a person who is neither a Fijian citizen nor a former Fijian citizen. Sections 22(7)-(10) also prohibit corporate/entity donations and prohibit a company or entity from giving money to an individual for the purpose of that individual making the political donation.

Proposed change. Clause 8 proposes to remove the individual donation ceiling and widen the class of private individuals who may donate, while introducing a post-election declaration requirement for foreign private donors.

Submission. We oppose removal of the principle of a donation cap. A spending cap and a donor cap solve different problems. A spending cap limits what a campaign may spend. A donor cap limits how financially dependent a party or candidate may become on one person.

A party can comply fully with a spending limit and still be almost entirely financed by one wealthy individual. That relationship can affect access, influence, candidate selection, policy priorities and the practical ability of political leaders to say no to a major financier, even where no explicit corrupt bargain is ever made.

VILLAGE-LEVEL EXAMPLE

If a person gives a party \$100, they are supporting it. If one person can give \$500,000 or \$1 million, the relationship is different. When that person calls after the election, the public will naturally ask: how easy is it for the party to say no?

Connected donors, beneficial owners and cartel risk

We make no allegation against any existing donor, business or political party. The law should nevertheless be designed for the difficult case. A small group of connected wealthy individuals may share the same commercial interest even though each person is legally separate. Directors, beneficial owners, family members, associates or employees may all be individuals capable of making donations.

If donation limits are removed without strong aggregation and anti-avoidance rules, the law may formally prohibit a company from donating while still allowing the people behind the same commercial interest to finance politics through multiple personal donations. The risk is particularly sensitive where donors or connected businesses later seek government tenders, licences, concessions, import approvals, tax treatment, development approvals or regulatory decisions.

Recommendation. Retain a reasonable donor ceiling. Parliament may review the current \$10,000 amount and index it to inflation if appropriate, but should not remove the principle of a cap. Add express aggregation, connected-donor, reimbursement and source-of-funds rules.

4.2 A targeted start-up exception already exists

If the policy justification for removing the donation cap is that new parties need more capital to establish themselves, the current law already recognises that problem in a targeted way. Section 22(6) exempts a founding member's contribution to the initial assets of a political party within the first year of its existence from the ordinary \$10,000 ceiling.

That means Parliament already has a narrow tool for the start-up problem. If the existing exception is too limited, it can be modernised directly. There is no need to remove the donation fence for every donor, every party and every year merely to solve a first-year start-up problem.

SIMPLE PRINCIPLE

Use a small key for a small lock. Do not knock down the whole door.

4.3 Foreign private donations - disclose before the vote, not after it

We are particularly concerned by a framework under which a person with no current or former Fijian citizenship connection could make a very large political donation and the relevant declaration would only become due within 60 days after polling.

Political finance information is most valuable when voters can use it. If a large donor has major commercial or strategic interests, a voter may reasonably consider that information when assessing a party's independence. Disclosure after polling does not assist that decision.

PRACTICAL EXAMPLE

Suppose a fictional company called Ramesh & Peni Holdings Pte Limited cannot itself donate. A wealthy owner behind it personally gives a party \$1 million. The company later has major business before Government. The voter may still decide that nothing is wrong - but the voter should know about the large funding relationship before voting, not two months later.

There is also an enforcement problem. If a foreign donor lives permanently overseas, has no property in Fiji and never returns, Fiji may have limited practical leverage if the donor simply ignores the post-election declaration obligation. The receiving party, by contrast, is within Fiji's regulatory reach.

Recommendation. Place an express legal duty on the receiving political party or candidate to verify the donor's identity, eligibility and true source of funds before accepting a major donation. Require prompt publication of large donations before polling day. Foreign political financing should be subject to stronger, not weaker, safeguards.

4.4 Clause 9 - financial-interest disclosure should be reformed, not abolished

Clause 9 proposes to repeal the existing section 24 financial disclosure regime applying to specified applicants, political party office holders and candidates. We accept that the current system may be intrusive, complex and capable of producing disproportionate consequences for honest mistakes. That justifies reform. It does not necessarily justify abolition.

Campaign finance returns and personal financial-interest declarations answer different questions. A campaign return asks what money was raised and spent during an election. A financial-interest declaration helps identify conflicts of interest and establishes a baseline against which later changes may be examined.

The current section 24 regime can be simplified by protecting home addresses and unnecessary family details, using reasonable value bands, distinguishing honest error from deliberate concealment, and applying proportionate penalties. But transparency should not decrease at the same time that the law proposes to allow larger flows of political money.

Recommendation. Do not proceed with wholesale repeal of section 24. Replace it with a simpler, privacy-protective and proportionate financial-interest disclosure system.

4.5 Campaign spending limits - support the principle, close the gaps

We support the principle of the proposed \$300,000 candidate expenditure ceiling and \$3 million political party expenditure ceiling. The final legislation, however, must state clearly whether candidate expenditure is included within the party ceiling or sits on top of it.

If 55 candidates could each spend \$300,000 separately, that equals \$16.5 million. If the party could then spend an additional \$3 million, the theoretical combined figure would be \$19.5 million. We do not say this is necessarily the intended interpretation. We submit that the legislation should make such an interpretation impossible if it is not intended.

The law also requires practical allocation rules for shared rallies, vehicles, billboards, social media promotion, influencer services, discounts, staff, third-party expenditure and other activities that benefit both a party and multiple candidates. Otherwise expenditure can simply be shifted between accounts.

The four-year political war-chest problem

A further cross-clause issue arises where major assets are acquired before the campaign period but are later used during the campaign. A wealthy donor could finance vehicles, offices, a media studio, databases, computers, full-

time organisers and digital infrastructure years before the election. Those assets may serve legitimate party activity between elections and then become the campaign machine when the election arrives.

The Bill should therefore state how long-life assets, staff, databases, leases, digital infrastructure and pre-campaign services are valued and apportioned when used during a regulated campaign. Without clear rules, the richest party can build much of the race before the official race begins.

Recommendation. Create express aggregation, valuation and apportionment rules. A campaign spending cap must be a real cap, not a collection of separate buckets.

Can one millionaire fill every bucket?

The existing section 22(2) donation ceiling is aggregate: it applies whether the person donates to one or more registered parties or candidates. If that donor-level ceiling disappears while party and candidate expenditure ceilings remain separate, Parliament should answer whether the same wealthy donor may finance the party and then separately finance every candidate on its list.

A spending cap may control what leaves each account. It does not answer how financially dependent the entire organisation may become on the person filling those accounts.

Recommendation. If unlimited donor-level funding of a party and all its candidates is not intended, insert an express donor-level aggregation and anti-avoidance provision.

5. BILL NO. 29 OF 2026 - POLLING-DAY NEUTRALITY, VOTER AUTONOMY AND ADMINISTRATION

5.1 Clause 26 - party-provided transport and refreshments

Clause 26 proposes to amend section 114 of the Electoral Act so that a political party, candidate or representative may provide free transport to and from a polling venue, together with food or refreshments, provided the person does not influence or attempt to influence the voter.

We accept the strongest argument in favour: some elderly voters, persons with disabilities and geographically isolated communities may genuinely need transport assistance. The problem is real. Our submission is that the assistance should be neutral.

The legal difficulty is practical proof. A party worker can collect a voter at home, travel with that voter, provide refreshments and deliver the voter to the polling venue. The Act may prohibit influence, but there may be no independent witness to what was said or implied during the journey.

VILLAGE-LEVEL EXAMPLE

Influence does not always sound like: "Vote for us." Sometimes the pressure is simply: "These are the people who picked me up. These are the people who fed me." Human beings naturally feel gratitude and social obligation.

This also creates a resource imbalance. A wealthy national party can operate many vehicles, boats and food points. A small or newly registered party may not. Polling-day access should not depend on which political organisation has the deepest pocket.

Recommendation. Delete Clause 26 or fundamentally redesign it. Where transport is genuinely necessary, create an FEO-administered or other properly supervised neutral voter-access arrangement available according to voter need, not political affiliation.

5.2 The branded-carrier problem

The same Bill is reported as providing that the display of a party or candidate name, logo, symbol or acronym inside the restricted polling area is not, by itself, campaigning. Read together with Clause 26, that creates a simple but serious question: may a party collect voters in a branded carrier, bus or van and drive that moving political billboard directly to the polling venue?

If party-provided transport is retained at all, the law should expressly require such transport to be politically neutral and unbranded. Better still, transport should be provided through a neutral election-access system.

THE SIMPLE QUESTION

If a party logo is political at 101 metres, why should it suddenly stop being political at 99 metres?

5.3 The 48-hour silence, 100-metre zone and transport rule must be read together

Bill No. 29 proposes removing the 48-hour campaign blackout and reducing the protected campaign area around polling places from 300 metres to 100 metres. These changes should not be evaluated one by one in isolation. Combined with party transport and refreshments, they change the character of polling day.

Political parties already have weeks and months to persuade voters through rallies, house visits, radio, television, Facebook, TikTok, manifestos and public debates. At some point the political noise should stop and the voter should be given a short neutral space in which to make the final decision.

Recommendation. Preserve a meaningful partisan campaign silence period and a meaningful neutral zone around voting. If Parliament reduces the zone, require clear evidence that the smaller zone is necessary and adequate to protect polling-place neutrality.

5.4 What does "100 metres or another boundary" mean?

The Bill is reported as permitting a 100-metre restricted area or another boundary determined by the Electoral Commission. Some flexibility may be necessary because polling venues differ physically. But the discretion needs a legal floor and objective criteria.

Can a different boundary be 150 metres, 50 metres or 10 metres? Can neighbouring polling venues operate under different rules? When and how are candidates, voters and police informed? A statutory rule is not very useful if ordinary people cannot know where the political fence actually is.

Recommendation. State a minimum statutory protection, objective factors for varying the boundary, a requirement for written reasons, and a clear public-notice period before polling.

5.5 Who may validly ask to move a village pre-poll date?

The Bill would allow a pre-poll schedule to be changed because of force majeure, deployment problems or a request from a village or venue to postpone voting. The emergency grounds are understandable. The phrase "a request from a village" needs greater precision.

Who legally speaks for the village: the chief, turaga ni koro, village committee, venue manager or another authorised person? What if local leadership is politically divided? What reasons must be recorded and published?

Recommendation. Require an identifiable authorised requester, a written request with reasons, objective decision criteria, a recorded determination by the Supervisor and prompt direct notice to the voters affected.

5.6 An appeal that arrives after the rally is not an effective remedy

Bill No. 29 would allow the Supervisor to direct a person, organisation or entity to amend or cancel an activity that does not comply with Electoral Commission Rules. The affected person would have three days to appeal and the Electoral Commission would have up to three days to decide.

That may be quick in ordinary administration. In a short election campaign, six days can be a lifetime. If a rally is tomorrow and it is cancelled today, a successful appeal five days later does not restore the lost opportunity.

Recommendation. Create an urgent review track for time-sensitive campaign directions, including immediate written reasons and an expedited decision where the activity would otherwise become impossible before the ordinary appeal is determined.

5.7 Discarded ballots - account for them, do not confuse them with votes

The Bill also proposes bringing discarded ballot papers into the counting and ballot-accounting process. There is a sound integrity reason for accounting for every issued ballot paper so that totals reconcile and missing papers can be detected.

However, the Act, regulations, FEO manuals and public education should make one distinction absolutely clear: accounting for a discarded ballot is not the same as counting that paper as a vote for any candidate. On election night, loose wording can quickly create nationwide suspicion.

Recommendation. Use consistent statutory and administrative language that clearly separates ballot accounting, rejected/discarded ballots and valid votes counted for candidates.

6. BILL NO. 30 OF 2026 - CORRUPT ELECTORAL PRACTICES, PRIVACY AND DUE PROCESS

6.1 Support serious consequences, but publish only what is necessary

We support strong consequences for serious electoral corruption, including bribery, vote buying and deliberate manipulation of an election. At the same time, a Corrupt Electoral Practices List must be designed proportionately.

The public may legitimately need to know the person's name, the offence or finding, the relevant court decision and the period of electoral disqualification. It is less clear why the public must also receive a voter number or detailed residential information.

Section 24 of the Constitution protects personal privacy, including confidentiality of personal information, while allowing necessary limitations by law. That does not make the proposed list automatically unconstitutional. It does mean Parliament should be able to explain why every category of published personal data is necessary and proportionate to the transparency purpose.

Recommendation. Publish only what is necessary for accountability and enforcement. Avoid creating a second punishment through unnecessary exposure of personal information.

6.2 Two legal roads to the same four-year loss of voter registration

The Bill permits placement on the Corrupt Electoral Practices List following a criminal conviction, but also following a report by the Court of Disputed Returns that a person is guilty of a corrupt electoral practice in an election petition.

Those are different legal routes. The Bill should therefore make clear the standard and procedural protection applying on each route, the person's opportunity to challenge the relevant finding, and when the four-year disqualification becomes final.

6.3 Can the four-year clock start twice?

Section 129(3) of the existing Electoral Act provides that a finding by the Court of Disputed Returns in respect of conduct or a matter does not bar or prejudice a later prosecution for an illegal practice arising from the same conduct or matter.

That creates a timing question if Bill No. 30 allows the four-year voter disqualification to arise from either event. For example, a Court of Disputed Returns finding could occur in 2027 and a criminal conviction for the same conduct could occur in 2029. The Bill should state whether the later conviction starts a fresh four-year period, whether the periods overlap, or whether the first event controls.

We do not assume the answer. We submit that a restriction on a constitutional political right should not depend on guesswork.

Recommendation. Specify exactly which event starts the disqualification period where both a Court of Disputed Returns finding and later criminal conviction arise from the same conduct, and prohibit accidental double-counting unless Parliament expressly intends it.

7. THE NEW-PARTY REGISTRATION EXPERIENCE - REFORMS STILL NEEDED AT THE ENTRANCE GATE

7.1 The 5,000-member rule is simple on paper and difficult in practice

The current registration framework requires at least 5,000 members distributed across all four Divisions: 2,000 Central, 1,750 Western, 1,000 Northern and 250 Eastern, together with other statutory and administrative requirements. The FEO currently requires applications to be submitted in hard copy.

We do not ask Parliament to remove genuine verification. A party should prove real national support. Our experience is that the practical task is much heavier than collecting 5,000 signatures because not every submitted member survives verification.

FEO example	Names submitted	Verified after checking	Outcome
Proposed NextGen Alliance	7,716	4,458	Below required divisional thresholds
Proposed Liberation of Fiji Party	5,257	4,073	Below all four divisional thresholds

These figures do not suggest that the FEO verification process was wrong. They demonstrate how substantial the verification attrition can be and why a proposed party must collect a significant buffer above the statutory minimum.

7.2 A limited cure period after verification

A proposed party may complete a national exercise in good faith and still be a modest number short in one Division after verification. An appeal may challenge the Registrar's decision, but it does not necessarily provide a practical mechanism to replace invalid members where the verification result itself is correct.

Recommendation. Create a defined statutory cure period - for example 14 days - during which an otherwise compliant applicant may replace invalid members or cure a limited verification shortfall. The 5,000-member and divisional standards would remain unchanged; the reform would prevent a small correctable shortfall from forcing a national exercise to restart.

7.3 Secure electronic submission and batch/pre-verification

The FEO's current registration guidance states that applications must be submitted in hard copy. In 2026, Parliament should ask whether every supporting membership document must remain paper-only where secure alternatives can preserve authenticity and consent.

For outer islands, remote communities and registered voters living overseas, secure scanned forms, approved electronic signatures, a secure upload portal or another FEO-designed system could reduce delay and cost while maintaining audit trails. If original paper is essential for a particular fraud-prevention reason, that reason should be clear and publicly explained.

A related reform is secure batch or pre-verification. With member consent and appropriate privacy controls, a proposed party should be able to submit batches of basic voter information for validation before thousands of forms accumulate. Cleaner data means less work for the FEO, fewer disputes and fewer supporters losing their place because of a correctable detail.

7.4 Public education should explain party registration in plain language

Electoral law should not become understandable only to lawyers, officials and experienced political operators. We recommend short FEO public-awareness material in plain English, iTaukei and Fiji Hindi answering practical questions such as: who can join a party, whether a person can join more than one party, what information must match the voter register, what commonly causes verification failure, how Division is determined, whether an overseas registered voter may join, whether electronic documents are accepted, and what happens when a form contains a correctable mistake.

DEMOCRATIC MATURITY

We do not make democracy more serious by keeping the rules mysterious. We make it more serious by teaching people how the system works.

7.5 The writ issue must be clear before proposed parties invest months of work

The current Political Parties Act prevents registration during the period from the issue of the writ until its return. For a proposed party undertaking registration close to an election, a critical question arises where a complete application is lodged before the writ but remains undetermined when the writ is issued.

Does assessment continue but formal registration wait? Is the entire process frozen? Does the proposed party simply miss the election despite having lodged before the writ? Whatever the policy answer, it should be stated clearly in legislation or binding published procedures.

Recommendation. Provide legal certainty for complete applications lodged before the writ. Election timing should not operate as an accidental trapdoor beneath a proposed party that has already completed the statutory work.

8. FOREIGN INTERFERENCE - PROTECT THE WHOLE ELECTORAL ENVIRONMENT

8.1 The sovereignty principle

The right to choose Fiji's government belongs to Fiji's citizens. An election is the point at which that choice is exercised directly. If an external actor secretly funds, directs, coerces or materially shapes that choice, the voter's sovereignty is weakened - even if the source is friendly, familiar or described as a partner.

Electoral law should therefore protect more than ballot papers, polling stations and counting. It should also protect the money, services, data, messaging and intermediaries that can shape the voter before the voter reaches the ballot box.

8.2 The current gap is wider than foreign cash donations

The present political-finance framework focuses strongly on donations to registered political parties. That is necessary, but foreign interference can arise outside a simple bank transfer to a registered party. A proposed party gathering signatures, a prospective candidate, a sitting Member acting outside a formal party structure, or a third-party organisation campaigning on an electoral issue may all influence the same democratic process.

We therefore submit that the reformed legislation should contain a distinct Part dealing with foreign interference across the wider electoral field, rather than treating foreign influence only as a narrow donation question.

8.3 Regulate value, not only money

Foreign influence may arrive as free advertising, polling or research supplied at no cost, communications staff seconded from abroad, paid overseas travel, hospitality, vehicles, venues, data, media placement, technical services or another benefit provided free or below market value.

For that reason, the law should define an "electoral benefit" broadly enough to cover money and anything of material value, including services, facilities, staff, data and advertising. Otherwise the law can close the cash door while leaving the service door wide open.

8.4 Define the foreign principal and stop the use of intermediaries

We recommend defining a "foreign principal" to include a foreign government or agency, a foreign political party or affiliated foundation, a foreign state-owned or state-controlled enterprise, a foreign political organisation, and an entity substantially owned, funded or directed by any of those bodies.

The prohibition should apply whether the benefit is offered directly or through an intermediary. It should be an offence to structure a transaction so that the true foreign source is hidden. Where a prima facie foreign connection is established, the recipient should be required to produce records showing the true domestic source of the funds or benefit. That record-production obligation should not displace the ordinary burden on the prosecution to prove any offence.

8.5 Extend the protection beyond registered political parties

The prohibition should expressly cover a registered political party, a proposed political party, a candidate or prospective candidate, a Member of Parliament, a political-party office-holder, and any person or body carrying out regulated electoral campaigning.

This matters directly to our own experience. A proposed party can spend months gathering signatures, building digital reach and organising communities before it becomes registered. The law should not create a period in which foreign support is prohibited after registration but unclear before registration.

8.6 Third-party campaigners and hidden foreign principals

An organisation does not need to field a candidate to affect an election. A body can spend heavily on issue advertising, research, communications or advocacy that supports or attacks a party or candidate in substance while remaining formally separate from them.

We recommend requiring third-party campaigners that spend above a prescribed electoral threshold during the regulated period to register, disclose their funding sources and certify that their campaign expenditure does not come from a prohibited foreign principal.

We also recommend a public register for any person who acts in Fiji on behalf of a foreign principal for a political or electoral purpose, including lobbying, communications activity or the funding of research or advocacy. Registration should be about transparency: ordinary lawful contact with the outside world is not the offence; covert direction or control is the concern.

8.7 The digital domain must be inside the law

A foreign actor does not need to send a cheque into Fiji to influence Fijian voters. Political advertising can be purchased from overseas. Content can be produced outside Fiji. Paid influencers, coordinated fake accounts, automated networks and digital targeting can reach thousands of voters without any physical presence here.

We recommend prohibiting the purchase of political advertising targeted at Fijian voters by or on behalf of a prohibited foreign principal. Platforms carrying paid political advertising directed at Fiji should be required, within the limits Parliament can lawfully impose, to maintain a public archive showing the advertisement, payer and basic targeting information. The law should also prohibit a person from knowingly operating, or being paid by a prohibited foreign principal to operate, coordinated inauthentic accounts or automated networks for electoral purposes.

8.8 Duty to report and an enforcement architecture

A rule against foreign interference is weak if nobody has a duty to report an approach and no institution has a clear mandate to investigate it. We recommend requiring candidates and political-party office-holders to report an offer of a prohibited foreign electoral benefit within a prescribed period.

The Registrar and Electoral Commission should have an express investigative mandate over foreign-interference matters, including power to require relevant financial records and, where justified, an independent audit. Penalties should be proportionate to the seriousness of the conduct and may include fines linked to the value of the benefit, forfeiture, candidacy consequences and, for deliberate serious party-level breaches, deregistration subject to due process.

8.9 Safeguards - do not confuse foreign interference with legitimate international contact

This Part should not become a tool for cutting Fiji off from the world. It should expressly protect legitimate technical electoral assistance provided to the Electoral Commission or FEO under a published agreement, ordinary activity of accredited diplomatic missions, transparent academic exchange and party-to-party dialogue, properly disclosed capacity-building, election observation, and the free expression, association and political participation of Fijian citizens living abroad.

The line should be concealment, direction and control by a prohibited foreign principal - not ordinary contact with the outside world.

8.10 Proposed legislative architecture

For clarity, we recommend that the Committee consider a distinct Part in the reformed electoral legislation containing at least the following elements:

Gap / risk	Proposed safeguard
Foreign principal not fully defined	Define foreign governments/agencies, foreign political parties and affiliates, state-owned/controlled enterprises, foreign political organisations and substantially controlled/funded entities.
Cash-only thinking	Define electoral benefit to include money, services, facilities, staff, data, advertising and benefits provided free or below market value.
Registered-party-only focus	Extend the rule to proposed parties, candidates/prospective candidates, MPs, party office-holders and regulated third-party campaigners.
Intermediaries hide origin	Create direct anti-circumvention rules and require records establishing source where a prima facie foreign nexus exists.

Gap / risk	Proposed safeguard
Opaque third-party campaigning	Register higher-spending third-party campaigners and disclose funding sources; certify that campaign expenditure is not from a prohibited foreign principal.
Digital influence outside ordinary finance rules	Regulate foreign-principal paid targeting, political-ad transparency and knowingly coordinated inauthentic/automated electoral networks.
No clear reporting/enforcement pathway	Impose a duty to report prohibited approaches and give the Registrar/Electoral Commission clear investigative, record-production and audit powers with due-process safeguards.

The objective is not to criminalise international relationships. It is to ensure that when a Fijian voter makes a political choice, hidden foreign money, direction, data, services or digital machinery are not quietly standing behind the choice without disclosure.

9. CROSS-CUTTING PRINCIPLES FOR THE COMMITTEE

9.1 Transparency must rise when political money rises

If Parliament permits larger political donations, transparency should become stronger, not weaker. Major donors, major financial interests and material conflicts should be visible in time for voters to assess them.

9.2 Political support should be freely given from membership form to ballot paper

The principle should not change between party registration and election day. Parties should not use material benefits to create a sense of obligation around political support.

9.3 Good laws should work against people we trust and people we do not trust

Election laws must survive more than one Government and more than one generation of politicians. Safeguards should be designed for the difficult case, not only for current office holders whom some citizens may trust.

9.4 Small parties are part of the fairness test

The question should not only be whether the largest established party can comply. Parliament should also ask what each rule looks like to the smallest lawful entrant trying to compete.

9.5 Complexity can itself become a gatekeeper

Where rules are technically dense, practical guidance, clear forms and fast remedies are essential. A democratic right that can only be safely exercised with specialist legal help is not practically equal for everyone.

10. FORMAL RECOMMENDATIONS

For ease of reference, the Proposed People's Star Network respectfully asks the Committee to recommend the following amendments or further drafting instructions:

1. Retain an evidence-based annual donor ceiling in section 22 rather than abolishing donor limits altogether; review or index the amount if necessary.
2. Retain strong restrictions on foreign political financing and do not permit unrestricted private foreign donations without enhanced safeguards.
3. Require political parties and candidates to verify the identity, eligibility and true source of funds of major donors before accepting the donation.
4. Require rapid public disclosure of large political donations before polling day, rather than relying principally on declarations due after the election.
5. Insert donor-level aggregation, connected-donor, reimbursement and anti-avoidance rules so a single commercial interest cannot be split across individuals to evade safeguards.
6. Retain a simplified, privacy-protective financial-interest and asset disclosure framework in place of wholesale repeal of section 24.
7. Clarify whether candidate expenditure is included within the political party expenditure ceiling and regulate shared/allocated expenditure.
8. Create clear valuation and apportionment rules for long-life assets, staff, databases, leases, digital infrastructure and services acquired before the campaign but used during it.

9. Delete or fundamentally redesign Clause 26 of Bill No. 29 so voter transport and material assistance are neutral rather than party-controlled.
10. If any party-provided transport remains lawful, require it to be unbranded and subject to strict neutrality, recordkeeping and monitoring rules.
11. Preserve a meaningful campaign silence period and a meaningful neutral zone around polling places.
12. Where the Electoral Commission may vary the polling-zone boundary, specify a statutory minimum, objective criteria, written reasons and advance public notice.
13. Define who may lawfully request a village or venue pre-poll postponement and require written reasons, recorded decisions and direct voter notification.
14. Create an urgent appeal mechanism for campaign directions where ordinary appeal timeframes would make the remedy useless.
15. Use clear statutory and administrative terminology separating discarded/rejected ballot accounting from valid vote counting.
16. Limit personal information published on the Corrupt Electoral Practices List to what is necessary for accountability and enforcement.
17. Clarify due process, evidential standards, appeal rights and the effective date of disqualification under each route to the Corrupt Electoral Practices List.
18. Clarify which legal event starts the four-year disqualification where a Court of Disputed Returns finding and later criminal conviction arise from the same conduct, and prevent unintended overlapping periods.
19. Introduce a limited statutory cure period for correctable membership shortfalls after political-party registration verification.
20. Enable secure electronic/scanned submission options and batch/pre-verification for proposed-party membership records, with consent, privacy and authenticity controls.
21. Publish simple multilingual FEO guidance on political-party registration requirements and common verification problems.
22. Clarify the legal status and treatment of a complete registration application lodged before the writ but still pending when the writ is issued.
23. Insert a distinct Part on foreign interference into the reformed electoral legislation, designed to protect the wider electoral environment rather than only direct donations to registered political parties.
24. Define "foreign principal" and "electoral benefit" broadly enough to capture foreign governments/agencies, foreign political parties and affiliates, state-owned or controlled enterprises, substantially controlled entities, and non-cash benefits including services, staff, data, advertising and facilities.
25. Extend the foreign-interference prohibition to registered and proposed political parties, candidates and prospective candidates, Members of Parliament, political-party office-holders and regulated third-party campaigners.
26. Insert express anti-circumvention provisions covering indirect benefits, intermediaries and disguised foreign origin, together with a record-production obligation where a prima facie foreign nexus is shown, without displacing the ordinary criminal burden of proof.
27. Establish transparent registration/disclosure requirements for persons acting on behalf of foreign principals for political or electoral purposes and for higher-spending third-party campaigners.
28. Bring the digital domain expressly within the framework by regulating paid political advertising targeted at Fijian voters by prohibited foreign principals, requiring appropriate political-ad transparency, and prohibiting knowingly coordinated inauthentic or automated electoral networks operated for a prohibited foreign principal.
29. Require candidates and political-party office-holders to report offers of prohibited foreign electoral benefits, and confer clear investigative, record-production and audit powers on the Registrar and Electoral Commission subject to due process.
30. Protect legitimate technical electoral assistance, accredited diplomatic activity, transparent academic and party-to-party exchange, properly disclosed capacity-building, election observation and the political participation of Fijian citizens living abroad; the target should be covert direction and control, not ordinary international contact.

11. CONCLUSION

The Proposed People's Star Network supports genuine electoral reform. We support fairer penalties, improved administration, meaningful expenditure limits, accessible voting and rules that ordinary citizens can understand. Our submission is not that the present system is perfect or that every existing restriction should remain.

Our concern is that reform should not accidentally exchange one set of restrictions for a new concentration of political money, polling-day influence, unclear discretion or legal complexity that falls hardest on ordinary voters and smaller parties.

The same principle applies to foreign interference. Fiji should welcome lawful international relationships, technical assistance, observation and open exchange. But the electoral rules should make hidden foreign direction, covert benefits, disguised intermediaries and undisclosed digital influence harder - not easier - to use against the independence of the Fijian voter.

The registration law asks a new political movement to prove support from 5,000 real Fijians across all four Divisions before it may enter the system. That is a substantial democratic test. It would be contradictory to require thousands of people to build a political party while allowing one cheque to become more powerful than those thousands of members.

FINAL SUBMISSION

If it takes 5,000 people to open the door of a political party, one cheque should never be allowed to own the room. People should build political parties - not money.

We respectfully thank the Chairperson and Honourable Members of the Standing Committee on Justice, Law and Human Rights for considering this submission.

Eliki R. Dakuitoga

Acting General Secretary

Proposed People's Star Network

8 September 2026

12. PRIMARY MATERIALS AND AUTHORITIES

The submission has been prepared against the Bills and the following primary or credible public materials. URLs are included to assist the Committee Secretariat and for public transparency.

1. Parliament of the Republic of Fiji - Bills 2026 (Bills Nos. 29, 30 and 31; Gazette Notice No. 77, 20 August 2026). <https://www.parliament.gov.fj/bills/>
2. Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 - current FEO copy. https://www.feo.org.fj/wp-content/uploads/2022/03/Political-Parties-Registration-Conduct-Funding-and-Disclosures-Act-2013_Updated-030322.pdf
3. FEO - Political Campaigning Framework (including current sections 21, 22 and 114 summaries). <https://www.feo.org.fj/political-campaigning-framework/>
4. FEO - Registering a Political Party (current guidance; hard-copy application requirement). <https://www.feo.org.fj/feo-registering-a-political-party/>
5. FEO - Proposed NextGen Alliance registration application rejected (verification figures). <https://www.feo.org.fj/application-for-registration-of-proposed-nextgen-alliance-party-rejected/>
6. FEO - Proposed Liberation of Fiji Party application not approved (verification figures). <https://www.feo.org.fj/application-for-registration-of-proposed-liberation-of-fiji-party-not-approved/>
7. Constitution of the Republic of Fiji 2013 - sections 23-24, political rights and right to privacy. <https://www.parliament.gov.fj/constitution-of-the-republic-of-fiji/> <https://www.parliament.gov.fj/constitution-of-the-republic-of-fiji/>
8. Electoral Act 2014 - current/annotated law, including section 129(3). <https://www.feo.org.fj/feo-general-elections/>
9. Centre for Democracy & Dialogue - Legislative Submission on Electoral (Amendment) Bill 2026, Bill No. 29 of 2026. https://cdd.org.fj/cdd_publication/electoral-amendment-bill-2026-bill-no-29-of-2026/
10. FijiLive - 7 September 2026 report of CDD submission on Bill No. 31 of 2026. <https://fijilive.com/several-proposed-changes-could-weaken-key-safeguards-cdd/>
11. Fiji Times - report on Clause 26 and polling-day transport/refreshments. <https://www.fijitimes.com.fj/polling-day-could-become-campaign-day/>

12. Fiji Times - report on expedited electoral reforms under Standing Order 51. <https://www.fijitimes.com.fj/electoral-laws-to-be-pushed-ahead/>
13. Proposed People's Star Network - supplementary policy memorandum, "Foreign Interference in Fiji's Electoral Process" (8 September 2026), incorporated into section 8 of this submission.

12.1 Note on examples and allegations

All hypothetical business names and examples in this submission are fictional and are used only to explain how legal rules may operate. No allegation of corruption, cartel conduct, unlawful donation or improper influence is made against any real business, donor, candidate or political party unless expressly supported by a public legal finding, and no such allegation is necessary to the recommendations made here.



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OFFICE OF THE VICE-CHANCELLOR



Electoral (Amendment) Bill 2026 (No. 29)

Electoral (Registration of Voters) (Amendment) Bill 2026 (No. 30):

Political Parties (Registration, Conduct, Funding, and Disclosures) (Amendment) Bill 2026 (No. 31):

University of Fiji's Submission

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Introduction

The University of Fiji (“UOF”) welcomes the opportunity to provide its submission to the relevant Parliamentary Standing Committee on three related pieces of proposed electoral legislation:

1. **Bill No. 29 – Electoral (Amendment) Bill 2026;**
2. **Bill No. 30 – Electoral (Registration of Voters) (Amendment) Bill 2026; and**
3. **Bill No. 31 – Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2026.**

The three Bills form an interconnected package of electoral reforms and should therefore be considered both individually and collectively. Together, they propose significant changes to Fiji’s electoral framework, including the classification and penalties for electoral offences, voter registration and disqualification, campaign regulation, political donations and expenditure, candidate and political party accountability, and other aspects of electoral administration.

UOF recognizes the importance of periodically reviewing electoral legislation to ensure that it remains effective, workable and responsive to practical experience. UOF also acknowledges that a number of the proposed amendments may improve administrative flexibility, accessibility and accountability. At the same time, electoral legislation performs an important constitutional and democratic function. Amendments affecting the conduct of elections, the regulation of political participants, voter eligibility, electoral offences and political financing should therefore be expressed with sufficient clarity and supported by safeguards proportionate to the consequences they create.

UOF’s submission is accordingly directed principally to the **legal, institutional and practical implications** of the proposed amendments. It does not proceed from opposition to electoral reform. Rather, UOF’s concern is to assist the Committee in considering whether the proposed provisions are sufficiently clear, coherent, proportionate and capable of effective implementation, while preserving the integrity, fairness and transparency of the electoral process.

A recurring issue across the three Bills is their **interdependence**. Bills No. 30 and 31 rely in important respects on the new categories of “corrupt electoral practice” and “illegal electoral practice” and the associated penalty framework proposed under Bill No. 29. The submission therefore recommends coordinated commencement of the relevant provisions so that dependent provisions do not take effect before the legal framework upon which they rely is in force.

The submission also gives particular attention to amendments that may have significant consequences for **electoral integrity, voter rights, enforcement, transparency and political accountability**. These include substantial changes to penalties for electoral offences; relaxation of certain campaigning restrictions; voter disqualification and the proposed Corrupt Electoral Practices List; and significant changes to political-finance regulation, including donation rules, campaign expenditure and financial disclosure.

UOF respectfully submits that reforms designed to improve participation, administration and flexibility should be balanced against the need for effective enforcement, appropriate deterrence, voter protection, transparency and public confidence in the electoral process. In considering the Bills, particular care should therefore be taken where existing safeguards are reduced, where significant matters are left to subsidiary legislation, or where amendments affect a person’s ability to vote or the transparency of political and electoral activity.

For ease of consideration, UOF’s submission is divided into three parts:

- a) **Part A** addresses Bill No. 29 – Electoral (Amendment) Bill 2026;
- b) **Part B** addresses Bill No. 30 – Electoral (Registration of Voters) (Amendment) Bill 2026; and
- c) **Part C** addresses Bill No. 31 – Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2026.

Each Part identifies the principal issues arising from the relevant Bill and provides clause-by-clause comments and recommendations for the Committee’s consideration.

Timing and Stability of the Reform

Before addressing individual clauses, the University of Fiji (UOF) raises a threshold concern about the timing of the proposed reforms.

Fiji is within the constitutional window for the next General Election, from 7 August 2026 to 6 February 2027, and the Electoral Commission has confirmed that the campaign period commenced on 25 May 2026. The Bill is therefore being considered after campaigning has begun and during the period in which polling may lawfully occur.

The **Venice Commission's Code of Good Practice in Electoral Matters** recognizes the importance of stability in electoral law and advises that fundamental elements of the electoral system should not ordinarily be amended less than one year before an election. Its 2024 Revised Interpretative Declaration confirms that this principle is not absolute, but emphasizes the importance of legal certainty and stability as an election approach.

UOF does not suggest that all reform is barred within a year of an election. However, several provisions in the Bill affect matters directly relevant to the forthcoming election, including campaign restrictions, polling-place boundaries, postal voting, transport and refreshments for voters, electoral offences and penalties, and counting and recount procedures.

Concern: Introducing substantive changes after the campaign period has commenced may create legal, administrative and practical uncertainty for electoral authorities, political parties, candidates and voters. It may also affect public confidence if important electoral rules are perceived to be changing during an active election period.

Recommendation: UOF recommends a **clause-by-clause assessment of commencement**. Provisions not necessary for the effective administration, accessibility or integrity of the forthcoming election should be deferred under clause 1(2) until after the election. Where provisions are intended to apply to the forthcoming election, clear transitional arrangements should specify when they commence, how ongoing electoral processes are affected, and what guidance will be provided to parties, candidates, officials and voters.

Administrative, accessibility-enhancing or remedial provisions may appropriately commence earlier where justified. UOF therefore does not recommend postponing the Bill as a whole, but urges Parliament to distinguish between reforms that are necessary for the forthcoming election and those that can properly take effect afterward

Part A

Bill Number 29 - Electoral (Amendment) Bill 2026:

1. Executive Summary

The Electoral (Amendment) Bill 2026 (Bill No. 29) proposes significant changes to Fiji's electoral framework, including electoral offences and penalties, campaign restrictions, candidate eligibility, pre-poll arrangements, recount procedures, voter assistance, foreign-funded electoral activities and the reporting of provisional results.

Several amendments may improve electoral administration, accessibility and procedural flexibility. However, other provisions raise important **electoral-integrity, enforcement, transparency and voter-protection concerns** that should be addressed before enactment.

The principal concerns are:

- a) **Clause 2 – Legal uncertainty in offence classifications:** the Bill introduces the broader term “corrupt electoral practice”, while the Constitution uses “corrupt practice”, including in relation to the exception to the ordinary **21-day election-petition period under s.66(3)(b)**. The relationship between the two terms should be clarified.
- b) **Clause 3 – SOE enforcement powers:** removal of the Supervisor of Elections' compulsory information-gathering powers may weaken the ability to obtain evidence and investigate electoral breaches unless an adequate alternative power exists.
- c) **Clause 12 – Relaxation of campaign restrictions:** removal of the 48-hour pre-poll campaign restriction, reduction of the polling-place boundary from **300 metres to 100 metres**, and related changes collectively reduce existing protections separating campaigning from voting.
- d) **Clause 26 – Free transport and refreshments:** allowing parties and candidates to provide voters with free transport and refreshments may assist voter participation, but also creates a potential **treating or inducement risk** unless clear limits and safeguards are prescribed.
- e) **Clause 27 – Foreign-funded electoral activities:** the Bill permits certain foreign-funded electoral activities subject to Electoral Commission Rules, leaving important safeguards to subsidiary rules rather than clearly setting them out in the Act.
- f) **Clause 30 – Electoral offences and penalties:** the Bill substantially restructures the penalty framework by classifying offences as either “corrupt” or “illegal” electoral practices. Some serious offences currently carrying maximum imprisonment of **10 years**, including bribery, undue influence and personation, would fall within a framework carrying a maximum of **2 years' imprisonment**. Other offences currently carrying imprisonment become fine-only offences.

CLAUSE:	Current Provisions from the Act	Provisions from the Bill:	UOF Comments
CL2 (amend s2)	corrupt practice includes bribery or undue influence;	<u>Section 2 amended:</u> 2. Section 2 of the Principal Act is amended by - (a) deleting the definition of “corrupt practice” and substituting the following - ““corrupt practices” has the meaning given under section 163(1) of the Constitution;”; and (b) inserting the following new definitions - ““corrupt electoral practice” means any of the corrupt practices or an offence for which the penalty is prescribed in section 135A(1);”; <u>New definitions added</u> ““discarded ballot paper” means a ballot paper that is found in the polling station regardless of whether it has been completed or not;”; and	Concern 1- Definition of Corrupt Practices Clause 2 uses two related but potentially different concepts: • “Corrupt practices” — defined by reference to s.163(1) of the Constitution; and • “Corrupt electoral practice” — a new and broader term that includes a “corrupt practice” or another offence for which a penalty is prescribed under new s.135A(1). Section 66(3) of the Constitution generally requires an election challenge to be filed within 21 days after the declaration of the election results. However, s.66(3)(b) allows a petition alleging a “corrupt practice” to be brought outside that 21-day period in the circumstances provided by the Constitution. The difficulty is that the Bill's new category of “corrupt electoral practice” is broader than “corrupt practice”: it can include offences simply because they fall under the new s.135A(1) penalty regime. Practical risk: An offence may therefore be a “corrupt electoral practice” under the Electoral Act, but it may not necessarily be a “corrupt practice” under the

““illegal electoral practice” means an illegal practice or offence for which the penalty is prescribed in section 135A(2);”.

Constitution for the purpose of the extended election-petition timeframe.

This could create uncertainty about whether the normal **21-day deadline** applies to an election challenge involving that offence.

The Bill should clearly identify **which offences classified as “corrupt electoral practices” also constitute “corrupt practices” for the purposes of s.66(3)(b) of the Constitution**. This would remove uncertainty over the applicable timeframe and other constitutional consequences.

Concern 2- Cross-Bill Issue — Commencement of Bills 29, 30 And 31

Bills 30 and 31 rely on the new offence categories established by Bill 29. Bill 31, for example, defines “corrupt electoral practice” and “illegal electoral practice” by reference to the Electoral Act 2014.

Each Bill may commence on a date or dates appointed separately. If Bills 30 or 31 commence before the relevant provisions of Bill 29, uncertainty could arise because their offence provisions depend on definitions and penalties established under Bill 29.

			Coordinate commencement of Bills 29, 30 and 31, or expressly provide that the relevant provisions of Bills 30 and 31 cannot commence until the corresponding definitions and s.135A framework under Bill 29 are in force.
CL3 (amend s6)	PART 2- ELECTION ADMINISTRATION <i>[ELO 6] Duties and powers of Supervisor</i> (1B) Notwithstanding the generality of subsection (1A), if the Supervisor has reason to believe that a person has information or documents relevant to or required by the Supervisor for the performance of his or her functions under this Act, the Supervisor must, by notice in writing, direct the person to furnish such information or documents to the Supervisor.[subs (1B) insrt Act 49 of 2022 s 3, effective 2 September 2022]	<i>-Section 6 amended</i> 3. Section 6 of the Principal Act is amended by deleting subsections (1B) and (1C).	Concern — Removal of compulsory information-gathering powers. Clause 3 deletes ss.6(1B) and (1C). The Explanatory Note states that this is intended to ensure that the SOE's powers are not misused or perceived as interfering with free political debate. Protecting political debate is important. However, removing compulsory information/document-gathering powers without identifying an adequate replacement may weaken the SOE's ability to investigate suspected breaches of electoral law. The regulator may have responsibility for enforcing electoral law without sufficient

(1C) Any person who, having been lawfully required under this section to disclose any information or document to the Supervisor under subsection (1B) must, notwithstanding the provisions of any other written law on confidentiality, privilege or secrecy, comply with such direction and any such person who fails to comply with the directions of the Supervisor or provides information that is false, commits an offence and is liable on conviction—

(a) in the case of a natural person, to a fine not exceeding \$50,000 or a term of imprisonment not exceeding 5 years or both; and

(b) in the case of a company, association or body of persons, whether corporate or unincorporated, government department, non-governmental organisation, statutory authority or any other entity, to a fine not exceeding \$500,000 and for the director, chief executive officer, minister, manager or officer in charge for the time being, to a fine not exceeding \$50,000 or a term

power to obtain evidence needed for effective investigation.

Recommendation: Identify the replacement investigative power. If no equivalent power exists, retain a targeted information-gathering power with clear safeguards governing when and how it may be exercised.

	of imprisonment not exceeding 5 years or both.		
CL4 (amend s13)	[ELO 13] Impartiality in election administration (3) The members of the Electoral Commission, the Supervisor, and all election officials, employees, agents and contractors of the Fijian Elections Office must refrain from participating in any decision in the course of their work that raises a conflict of interest, and where it raises a conflict of interest, the person in question must step down from his or her office.	Section 13 amended 4. Section 13(3) of the Principal Act is amended after “office” by inserting “for the purpose of that decision”.	From Complete Resignation to Proportional Recusal Under the prior framework, declaring a conflict of interest created ambiguity around whether an official needed to step down entirely or resign from office. The amendment legally clarifies that a declared conflict requires recusal only for the specific decision or matter at hand, rather than forcing a full resignation from the position. This provides for: i. Continuity of Administration and Governance by allowing officials to recuse themselves conditionally, preventing administrative halt. ii. Procedural Fairness and Natural Justice by establishing a precise boundary for recusal that formally isolates the biased decision-making process to the specific matter, preventing conflict-of-interest rules from

			being weaponized to disqualify officials from entire electoral process and its functions
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Concerns:

Possible Incremental Bias?

- Determining where a specific decision begins and ends may be difficult. An official who recuses themselves from a core decision might still participate in preliminary discussions, and/or follow-up implementations that directly shape or influence the outcome they purportedly stepped away from.
- **Monitoring and Legal Uncertainty:** Proportional recusal would then rely heavily on strict internal protocols, clear minutes, and active policing that may result in administrative exposure to legal challenges *if* an aggrieved party alleges that the recused official exerted informal influence deliberations outside the formal decision window.

CL5 (amending s23(8))	PART 3: DIVISION 2: NOMINATION	NEW SUBSECTION ADDED <i>Section 23 of the Principal Act is amended after subsection (7) by inserting the following new subsection—</i> <i>“(8) A person nominated as a candidate must continue to meet the eligibility criteria under this section after he or she has been nominated.”.</i>	Concern — No clear procedure for loss of eligibility after nomination. Clause 5 requires a nominated candidate to continue meeting the eligibility criteria after nomination. The Bill does not clearly specify who determines that a candidate has ceased to be eligible, the procedure for making that decision, when disqualification takes effect, or what happens if the issue is discovered after polling. This could create disputes over candidate removal, replacement or the validity of an election result. Recommendation: Provide a clear statutory procedure covering the decision-maker, notice to the candidate, opportunity to respond, reasons, expedited review/appeal and consequences depending on when ineligibility is discovered.
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CL12 (amend s63)	[ELO 63] Campaign restrictions during polling (2) In the 48 hour period prior to polling day and on the polling day until the close of polling at all polling stations, it is strictly prohibited for any person to— (a)engage in any campaign, including any broadcast, advertisement or publication and distribution of any campaign material; (b)display slogans, banners, posters, flags or colours of a political party or a candidate in the election; (c)approach voters for the purposes of campaigning; or (d)distribute in any manner (including through telephone, internet, email, social media or other electronic means) any campaign material or	<u>Section 63 amended:</u> 12. Section 63 of the Principal Act is amended by - (a) in subsection (2) - (i) in the chapeau, deleting “In the 48 hour period prior to polling day and on” and substituting “On”; and (ii) deleting paragraph (b); (b) after subsection (2), inserting the following new subsection - “(2A) For the purpose of subsection (2), “campaign” does not include the display of a party or candidate name, logo, symbol or acronym.”; (c) after subsection (4), inserting the following new subsection - “(4A) In this section, “100 metre radius” means the 100 metre radius or such other boundary	The Bill significantly relaxes existing campaign restrictions by: - removing the 48-hour pre-poll campaign restriction, so the restriction applies only on polling day; - reducing the restricted area around polling venues from 300 metres to 100 metres; - allowing the Electoral Commission to determine a different boundary through its Rules; - excluding the display of a party or candidate name, logo, symbol or acronym from the meaning of “campaign”; and - reducing the penalty from up to 10 years' imprisonment to an “illegal electoral practice”, which is fine-only under new s.135A.
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communicate political messages, including calls to vote for or against a particular political party or candidate in the election.

(3) political party including any office holder of the registered political party or any person on behalf of any candidate), at any place within the 300 metre radius from the boundary of the property where the polling venue is located (and as marked by the election official) or at any place within the 300 metre radius of the polling venue where the boundary is not ascertainable, to—

(a)construct or erect any structure;

(b)organise any meeting, gathering or assembly of persons;

limit as determined by the Electoral Commission in accordance with Rules of the Electoral Commission.”;

(d) in subsection (6), deleting “and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 10 years, or to both” and substituting “which is an illegal electoral practice”; and

(e) deleting “300 metre radius” wherever it appears and substituting “100 metre radius”.

Concern:

Each change may be intended to relax overly restrictive campaign rules, but their **combined effect substantially reduces the existing protections around polling.**

In particular, the Bill removes the 48-hour restriction, reduces the polling-place buffer from 300m to 100m, and removes imprisonment for breaches.

There is also no minimum boundary in s.63(4A): the Electoral Commission may determine “**such other boundary limit**”, which appears capable of being less than 100 metres.

Recommendation:

Explain why these protections are being reduced **together**, particularly the removal of the 48-hour period.

Also consider:

(c)provide any enticement, incentive or inducement, including food and beverage to any person;

(d)engage in any campaign;

(e)distribute any material for the purposes of campaigning; or

(f)use public address or sound systems that could be heard in the polling station or polling venue or its surroundings.

(4) Prior to the opening of the polls and during polling, the presiding officer must ensure that there is no campaign material posted at any place within the 300 metre radius from the boundary of the property where the polling venue is located (and as marked by the election official) or at any place within the 300 metre radius

- setting **100 metres as the statutory minimum** boundary; and
- explaining why breaches around polling venues should become **fine-only offences** rather than retaining an imprisonment option.

Key Issue:

The Bill simultaneously removes the **48-hour restriction, reduces the 300m buffer to 100m, allows that boundary to be varied, and removes imprisonment for breaches**. Parliament should consider whether the cumulative effect leaves sufficient protection against campaigning and voter pressure around polling.

	of the polling venue where the boundary is not ascertainable. (5) In ensuring there are no campaign materials as specified in subsection (4), a presiding officer may request the assistance of a police officer and such police officer must comply with any request or directive of the presiding officer. (6) Any person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 10 years, or to both.		
CL 14 (amend s82)	PART 3- CONDUCT OF ELECTIONS DIVISION 6- Pre-Polling Voting	NEW SECTION ADDED Section 82A inserted	Clause 14 — New Section 82A: Changes to Pre-Poll Schedule

14. The Principal Act is amended after section 82 by inserting the following new section—

Notice of pre-poll

82A.—(1) The notice of pre-poll published by the Electoral Commission under section 82(3) must also be published on the website and social media platform of the Fijian Elections Office, and broadcast on radio.

(2) The Supervisor may authorize a departure from the schedule set out in the notice of pre-poll only—

(a) if an interrupting event occurs; or

(b) in any other circumstance approved by the Electoral Commission; and

(c) if the requirements set out in subsection (3) are complied with.

(3) When the Supervisor authorises a departure under subsection (2), the

Bill Change:

The Supervisor may change the published pre-poll schedule if:

- an “**interrupting event**” occurs, including force majeure, a request from a village/venue to postpone, or another circumstance that in the Supervisor's opinion disrupts election officials; **or**
- “**any other circumstance**” is approved by the Electoral Commission.

Any change and the reason for it must be promptly publicized and notified to parties, candidates, observers, the media and the Electoral Commission.

Concern:

The flexibility is understandable, but the grounds are **very broad**.

		departure from the pre-poll schedule and the reason for it must be— (a) promptly published on the website and social media platform of the Fijian Elections Office, and be broadcast on radio where practicable; (b) promptly notified to political parties, independent candidates, observers and the media, by the most practicable means; (c) promptly advised to the Electoral Commission; and (d) reported in the joint post election report submitted under section 14. (4) For the purposes of this section, “interrupting event” means— (a) any <i>force majeure</i> event as defined in section 2; (b) any request by a village or other venue for the postponement of pre-poll voting; and	“Interrupting event” already covers other circumstances that, in the Supervisor's opinion, disrupt pre-poll operations. The Bill then adds a separate power to change the schedule for “any other circumstance approved by the Electoral Commission,” without defining or limiting what those circumstances may be. This raises the question of why such a broad additional discretion is necessary when the “interrupting event” definition already provides significant flexibility. Recommendation: Clarify what circumstances are intended to fall under s.82A(2)(b), and consider setting clear criteria or limits for when the Electoral Commission may approve a departure from the published schedule. Key issue: The Bill needs flexibility to deal with genuine disruptions, but it should be clear
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		(c) any other circumstance that in the opinion of the Supervisor delays or interrupts the ability of election officials to deploy to or remain at a pre-poll venue.”	when and why an already-published voting schedule can be changed.
CL16 (amend s.89)	[ELO 89] Counting process at polling station (6) The Supervisor may conduct a recount of any ballot box.	<u>Section 89 amended:</u> 16. Section 89(6) of the Principal Act is amended by - (a) deleting “conduct a” and substituting “instruct or conduct the”; and (b) after “box”, inserting “for quality assurance and notwithstanding any provision in this Act, an official undertaking of a recount may overturn a previous decision of the presiding officer”.	Clause 16 — Section 89(6): Recount Power & Quality Assurance The Bill allows the Supervisor to instruct or conduct a recount for quality assurance and says that the recount may overturn a previous decision of the presiding officer, “notwithstanding any provision in this Act.” The Act already has a separate provision dealing with recount requests under s.98. The Bill does not clearly explain how this new quality-assurance recount power will operate alongside that existing process. The words “notwithstanding any provision in this Act” are very broad and may allow

			the new power to override other recount procedures or safeguards. The Bill also does not state a clear threshold for when this recount power may be used, or provide an express review or appeal process for an affected candidate or party. Recommendation: Clarify the relationship between s.89(6) and the existing recount process under s.98. Also consider: - defining when a quality-assurance recount may be ordered; - narrowing the broad “notwithstanding” wording; and - providing a clear review or appeal mechanism The Bill creates a broad new recount power, but does not clearly explain its
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			limits or how it fits with the Act's existing recount procedure.
CL 19 (amend s102A)	PART 3- CONDUCT OF ELECTIONS Division 8- Tabulation process [ELO 102A] Publication of provisional results The Supervisor must continuously publish provisional results for candidates and political parties on receipt of the first protocol of results from the presiding officers until 7 am on the day after polling day.	Section 102A of the Principal Act is amended by deleting “continuously” and substituting “periodically”.	The Bill changes the requirement to publish provisional results from “continuously” to “periodically”. Operational flexibility may be reasonable, but “periodically” does not indicate how frequently results must be updated. Long or inconsistent gaps between updates could reduce transparency and create unnecessary uncertainty during results reporting. Recommendation: Define a maximum reporting interval or require a clear results-publication schedule to be prescribed and published before polling.

CL 26 (amend s114)	PART 4 ELECTION [ELO 114] Prohibition on vote buying (1) During the campaign period, it shall be unlawful for political parties, candidates and their representatives, either personally or through other persons, to give or offer to any citizen money, gifts, material goods of any value (except for campaign material) or services free of charge, to sell goods or services to persons at a preferential price, or to promise to provide any monetary fund, gift, material goods or services of any value for the purpose of gaining or influencing votes. (2) Any person who contravenes this section commits an offence and shall be liable upon conviction to a	Section 114 of the Principal Act is amended by— (a) after subsection (1), inserting the following new subsection— “(1A) Notwithstanding subsection (1), a political party, candidate or their representative may provide a voter or voters— (a) free transportation directly to or from the polling venue to which the voter is assigned; and⁶ <i>Electoral (Amendment) — of 2026</i> (b) free refreshments for immediate consumption during the journey or outside the 100 metre radius at the polling venue,	The Bill allows political parties, candidates or their representatives to provide voters with: • free transport directly to or from their assigned polling venue; and • free refreshments during the journey or outside the 100-metre polling boundary, <i>provided they do not influence or attempt to influence the person's vote.</i> The Bill also changes a breach of s.114(2) to a “corrupt electoral practice”, meaning the new maximum penalty under s.135A will be 2 years' imprisonment, instead of the existing maximum of 10 years. CURRENT PENALTY → Up to \$50,000 fine / 10 years' imprisonment / both.
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	fine not exceeding \$50,000 or to a term of imprisonment not exceeding 10 years, or to both.	provided that the political party, candidate or their representative does not influence or attempt to influence a person's vote."; and (c) in subsection (2), deleting "and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 10 years, or to both" and substituting "which is a corrupt electoral practice".	NEW PENALTY → "Corrupt electoral practice" → up to 2 years' imprisonment, with the applicable fine under new s.135A. Concern The new exception raises the recognized electoral-law concern of "treating", providing benefits such as food, drink or other provisions to voters for the purpose of influencing voting. The Bill permits free transport and refreshments and relies on the condition that the party or candidate does not influence or attempt to influence the voter's vote. The difficulty is that the benefit itself is lawful; the legal line depends heavily on proving whether there was an attempt to influence the voter. This may make it
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difficult in practice to distinguish legitimate voter assistance from treating or inducement.

At the same time, the Bill **reduces the maximum imprisonment for the remaining offence under s.114 from 10 years to 2 years.**

The combined effect is therefore important: **the Bill makes some conduct involving benefits to voters expressly lawful, while also substantially reducing the maximum imprisonment for conduct that remains prohibited.**

Recommendation

Introduce clear safeguards around the new exception, including reasonable limits on the type and value of refreshments, rules against targeting benefits only at identified supporters, and appropriate disclosure or record-keeping requirements.

			The drafters should also explain why the maximum imprisonment under s.114 is being reduced from 10 years to 2 years, particularly while the Bill is simultaneously expanding what parties and candidates may lawfully provide to voters. The Bill permits parties and candidates to give voters free transport and refreshments, creating a potential treating/inducement risk, while at the same time reducing the maximum imprisonment for the remaining offence from 10 years to 2 years.
CL27 (amend s115)	[ELO 115] Restrictions on campaigns (1) Following the announcement of the date of the election, it shall be unlawful for any person, entity or organisation (including any person employed or engaged by any such	<i>Section 115 of the Principal Act is amended by—</i> (a) in subsection (1) after “matter”, inserting “unless in compliance with the Rules of the Electoral Commission”; and	Section 115 — Foreign-Funded Campaign Activities Current Law: Foreign-funded organizations are generally prohibited from election-related campaigning, including debates, forums and

	person, entity or organisation) that receives any funding or assistance from a foreign government, intergovernmental or non-governmental organisation or multilateral agency to engage in, participate in or conduct any campaign (including organising debates, public forum, meetings, interviews, panel discussions, or publishing any material) that is related to the election or any election issue or matter. (2) It shall be unlawful for any person, entity or organisation (including any person employed or engaged by any such person, entity or organisation) to engage in, or to undertake any act which, under the Constitution or under this Act, is given to or assigned to the Electoral Commission or the Supervisor, unless	(b) after subsection (2), inserting the following new subsections— “(2A) The Supervisor may direct any person, organisation or entity, including a person employed or engaged by any such person, organisation or entity, to amend or cancel an activity that does not comply with the Rules issued by the Electoral Commission. (2B) A person, organisation or entity directed under subsection (2A) to amend or cancel an activity may appeal the decision of the Supervisor to the Electoral Commission within 3 days of the Supervisor’s decision, and the Electoral Commission must issue its decision within 3 days thereafter.”.	publishing election material. Breach can result in up to 10 years' imprisonment. CURRENT LAW → Foreign-funded organization → election campaigning = generally prohibited. Bill Change: The Bill allows these organizations to campaign if they comply with Electoral Commission Rules. NEW LAW → Foreign-funded organization → election campaigning = allowed IF it follows Electoral Commission Rules. The Supervisor can order a non-compliant activity to be changed or stopped, with only 3 days to appeal. Concern: The change relaxes the current ban, but the Rules are not set out in the Bill, so
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authorised in writing by the Electoral Commission or the Supervisor.

(3) Any person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 10 years, or to both.

(4) Nothing in subsection (1) prevents any university from organising inclusive public forums or panel discussions that are related to the election.

(5) This section shall not apply to the Electoral Commission or the Supervisor.

Parliament cannot see exactly what will be allowed. The existing 10-year maximum penalty also remains.

Recommendation:

Make the Rules available before the Bill is passed, review the 3-day appeal period, and explain whether the 10-year penalty remains appropriate, given all other penalties have been reduced.

Comment

It is also notable that section 115 is not among the sections recategorized under the Bill's new "corrupt/illegal electoral practice" scheme (ss.24, 52, 53, 60, 62, 63, 83, 110–150).

While the Bill reduces the maximum penalty for offences such as bribery, undue influence and personation to 2 years, a breach of the foreign-funding restriction under s.115 retains its full 10-year maximum. This

			leaves s.115 as one of the most severely penalized provisions remaining in the Act, even as the Bill simultaneously relaxes what conduct it prohibits — an inconsistency not explained.
CL30 s.135A (inserted)	PART 6- ELECTORAL OFFENCES	NEW SECTION ADDED <u>Section 135A inserted:</u> 30. - (1) The Principal Act is amended after section 135 by inserting the following new section - <u>“Penalties for corrupt electoral practice and illegal electoral practice:</u> 135A. - (1) Any person who commits an offence which is a corrupt electoral practice is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding - (a) \$100,000 in the case of a political party; (b) \$40,000 in the case of a candidate or polling agent; or	Clause 30 introduces a new uniform penalty framework for offences classified as “corrupt electoral practices” and “illegal electoral practices.” For a corrupt electoral practice, the maximum penalties are: • Political party: fine up to \$100,000; • Candidate or polling agent: fine up to \$40,000; • Any other case: fine up to \$10,000; and • imprisonment of up to 2 years, where applicable.

		(c) \$10,000 in any other case, or to both fine and imprisonment, and is disqualified from registering on the National Register of Voters for a period of 4 years. (2) Any person who commits an offence which is an illegal electoral practice is liable on conviction to a fine not exceeding - (a) \$40,000 in the case of a political party; (b) \$20,000 in the case of a candidate or polling agent; or (c) \$5,000 in any other case.”.	A person convicted is also disqualified from registering on the National Register of Voters for 4 years. For an illegal electoral practice, the penalties are fine-only: • Political party: up to \$40,000; • Candidate or polling agent: up to \$20,000; and • Any other case: up to \$5,000. Major Concern 1 — Substantial Reduction of Penalties for Serious Electoral Offences The Bill uses the new s.135A framework to replace existing penalties across numerous electoral offences. Some serious offences that currently carry maximum imprisonment of up to 10 years are reclassified as corrupt electoral practices and would therefore be subject to a maximum imprisonment term of 2 years. Other offences currently carrying
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			imprisonment are reclassified as illegal electoral practices and become fine-only offences. Electoral offences such as bribery, undue influence and personation directly affect the freedom and integrity of the vote. A substantial reduction in maximum imprisonment may weaken deterrence unless there is a clear policy basis showing that the new penalties remain proportionate to the seriousness of the conduct. The Bill does not clearly explain the criteria used to determine why an offence is classified as “corrupt” rather than “illegal”, despite the significant difference in penalties. Concern 2 — Different Penalties For Different Offenders The new framework introduces different maximum fines depending on whether the
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			offender is a political party, candidate or polling agent, or another person. This differentiated approach may be appropriate, particularly given the greater financial capacity and institutional responsibility of political parties. However, the Bill does not clearly explain the basis for the different fine levels. Recommendation: The Explanatory Note should explain the rationale for the different penalty levels and demonstrate that they are proportionate to both the seriousness of the offence and the type of offender. Concern 3 — Application To Political Parties Requires Clarification Section 135A(1) expressly provides a maximum fine of \$100,000 for a political party, confirming that political parties may be subject to the new offence framework. However, the same subsection also provides
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			for imprisonment and a 4-year disqualification from registering as a voter. Imprisonment and voter-registration disqualification can apply to natural persons, but cannot practically apply to a political party itself. The provision should therefore distinguish more clearly between penalties applicable to political parties and those applicable to individuals. Recommendation: Amend s.135A to clearly separate the consequences applicable to political parties and natural persons, including which offenders are subject to imprisonment and the 4-year voter-registration disqualification. UOF RECOMMENDATION Before enactment, Government should provide Parliament with a comprehensive
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			current-versus-proposed penalty table identifying: 1. each offence and its current penalty; 2. whether it is proposed to become a corrupt or illegal electoral practice; 3. the proposed fine and/or imprisonment term; 4. any voter-registration, candidacy or other electoral consequence; and 5. the policy justification for the classification and any reduction in penalty. Particular justification should be provided where offences currently carrying substantial imprisonment terms are reduced to a 2-year maximum or fine-only penalty. Serious offences that directly affect the freedom, integrity or accuracy of the vote should retain effective and proportionate sanctions.
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Throughout Part re: s.24, 52, 53, 60, 62, 63, 83, 110-150

Policy Assessment — Reduction of Electoral Penalties

The Bill replaces existing penalties with two categories:

- **Corrupt electoral practice:** up to **2 years' imprisonment** plus tiered fines.
- **Illegal electoral practice: fine only**, with no imprisonment.

This means serious offences including **bribery, undue influence and personation** fall from a maximum of **10 years' imprisonment to 2 years**.

Other offences that currently carry imprisonment become **fine-only offences**.

Concern

1. Major reduction for serious offences

Bribery, undue influence and personation directly affect electoral integrity. Reducing the maximum imprisonment from **10 years to 2 years** is a significant policy change, but the Bill does not specifically explain why this reduction is appropriate.

2. No clear criteria for the two categories

The Bill does not explain why some offences are classified as “**corrupt**” while others are classified as “**illegal**” electoral practices.

This matters because the consequences are very different: one category can still attract imprisonment, while the other cannot.

3. Individuals may face substantially lower penalties

For some offences currently carrying **\$50,000 and/or 10 years**, an ordinary individual's new maximum may be:

Corrupt → \$10,000 and/or 2 years

Illegal → \$5,000 and no imprisonment

So, in some cases, **both the fine and imprisonment exposure are substantially reduced.**

Recommendation

Require the drafters to:

1. explain the **criteria used to classify offences** as corrupt or illegal electoral practices;
2. specifically justify reducing **bribery, undue influence and personation from 10 years to 2 years**; and
3. provide Parliament with a **current vs proposed penalty table** for all affected offences.

Key Issue

The issue is not simply that penalties are reduced. It is that significant reductions,

including for serious election-integrity offences — are being made without a clear explanation of why the new classifications and penalties are proportionate

The Bill also raises secondary issues concerning post-nomination candidate eligibility, changes to published pre-poll schedules, quality-assurance recounts and the frequency of provisional-results reporting.

UOF recommends that Bill No. 29 proceed only with amendments and clarification addressing these concerns. In particular, the Committee should ensure that changes intended to provide greater flexibility and consistency do not weaken effective enforcement, safeguards against voter influence, transparency or the deterrence of serious electoral misconduct.

2. Conclusion

Bill No. 29 should proceed only with amendments addressing the identified electoral-integrity, enforcement and transparency concerns.

UOF supports reforms that improve the accessibility, administration and clarity of Fiji’s electoral framework. However, administrative flexibility should be balanced against the need to maintain effective enforcement, voter protection, polling-place neutrality and public confidence in the electoral process.

Of particular concern is the combined effect of relaxing restrictions on campaigning around polling, permitting certain material benefits to voters, changing the regulation of foreign-funded electoral activities, and substantially restructuring penalties for electoral offences.

The proposed penalty framework under Clause 30 warrants particular scrutiny. Where serious electoral offences currently carrying substantial imprisonment, terms are reduced to a maximum of 2 years or converted to fine-only offences, the Committee should require a clear justification that the new penalties remain **effective, proportionate and sufficiently deterrent.**

The Committee should therefore:

- require clear justification for major changes to existing electoral safeguards;
- retain appropriate protections against voter inducement, undue influence and campaigning around polling;
- ensure the SOE has sufficient and appropriately safeguarded enforcement powers;
- require greater statutory clarity around foreign-funded electoral activity;
- review the classification and proposed penalties for each affected electoral offence; and
- ensure that the Bill's new terminology and procedures are consistent with the Constitution and the wider electoral legislative framework.

The guiding principle should be that electoral reform should **facilitate participation and efficient administration without weakening the safeguards that protect the freedom, fairness, transparency and integrity of Fiji's elections.**

Part B

Bill Number 30 - Electoral (Registration of Voters) (Amendment) Bill 2026

1. Executive Summary

The Electoral (Registration of Voters) (Amendment) Bill 2026 proposes consequential amendments to the Electoral (Registration of Voters) Act, including the introduction of the **Corrupt Electoral Practices List (CEPL)** and expanded grounds for removing persons from the National Register of Voters. The Bill also aligns certain provisions with the proposed electoral offence framework under Bill No. 29.

UOF recognizes the importance of maintaining the integrity of the electoral process and ensuring that serious electoral misconduct carries appropriate consequences. However, because the proposed amendments may result in the removal of a person from the National Register of Voters and therefore affect that person's ability to vote, UOF considers that the relevant grounds, procedures and safeguards should be clearly established in legislation.

UOF identifies four principal matters requiring consideration.

- a) First, Bill No. 30 is closely linked to Bill No. 29, particularly through the proposed definitions of “corrupt electoral practice” and “illegal electoral practice” and the proposed s.135A penalty framework. The commencement of the two Bills should therefore be coordinated to avoid uncertainty as to the offences and penalties that give rise to voter disqualification.
- b) Second, the proposed amendment to s.12(1)(f) broadens the grounds upon which a person may be removed from the National Register of Voters. In particular, the expression “**otherwise disqualified from registration as a voter under a law relating to**

electoral offences” should be clarified to ensure that the circumstances giving rise to disqualification are sufficiently certain and operate consistently with the existing reinstatement provisions.

- c) Third, UOF is concerned about the proposed treatment of a **breach of official duty under s.19F**. The existing offence carries a maximum penalty of \$50,000 and/or 10 years’ imprisonment. Reclassifying the offence as an “illegal electoral practice” under the proposed framework would remove the existing imprisonment penalty. Given the potential seriousness of deliberate misconduct by electoral officials and its possible impact on the integrity of voter registration, UOF considers that the removal of imprisonment should be justified and that a proportionate imprisonment option should remain available for serious or deliberate breaches.
- d) Finally, the proposed CEPL under new s.19G raises two significant issues. The Bill permits a **Category A offence under the Electoral (Local Government Elections) Regulations 2026** to result in CEPL listing and consequent removal from the National Register of Voters for up to four years, but does not itself identify those offences or establish the criteria by which they are classified as Category A. Given the significance of the consequence, UOF considers that the Act should identify the relevant offences or, at minimum, establish clear statutory criteria for offences sufficiently serious to justify CEPL listing and voter disqualification.

The Bill should also expressly provide for the prompt removal of a person from the CEPL where the underlying conviction or finding of the Court of Disputed Returns is subsequently overturned, quashed or set aside, together with corresponding reinstatement to the National Register of Voters.

Overall, UOF supports measures intended to strengthen electoral integrity but recommends that these matters be addressed before the Bill is enacted or brought into force, particularly where the amendments directly affect voter registration and the exercise of the right to vote.

2. Clause by Clause Amendment

<u>CLAUSE:</u>	<u>Current Provisions from the Act</u>	<u>Provisions from the Bill:</u>	<u>UOF's Comments</u>
CL2 (amend s2)		ADD NEW DEFINITIONS <u>Section 2 amended:</u> 2. Section 2 of the Principal Act is amended by inserting the following new definitions - ““corrupt electoral practice” has the meaning given to it under section 2 of the Electoral Act 2014;”; ““Corrupt Electoral Practices List” means the Corrupt Electoral Practices List under section 19G;”; ““illegal electoral practice” has the meaning given to it under section 135A(2) of the Electoral Act 2014;”	Clause 2 introduces “corrupt electoral practice” and “illegal electoral practice” by reference to the Electoral Act 2014. Bill 30 therefore depends on the definitions and penalty framework being introduced through Bill No. 29. If the relevant provisions of Bills 29 and 30 commence at different times, uncertainty may arise over the offences that trigger voter disqualification and removal from the National Register of Voters. Recommendation: Coordinate the commencement of Bills 29 and 30. Bill 30 should not commence before the relevant definitions and s.135A framework in Bill 29 are in force.

<u>CLAUSE:</u>	<u>Current Provisions from the Act</u>	<u>Provisions from the Bill:</u>	<u>UOF's Comments</u>
CL5 (amend s12)	PART 3 NATIONAL REGISTER OF VOTERS [ERV 12] Revision of the National Register of Voters (1) The Supervisor may revise the National Register of Voters to— (a) correct any mistake or omission in the particulars of the registration of a person; (b) on the application of a person who is a registered voter, record a change in the person's name, residential address, postal address or occupation, or any other particulars contained in the National Register of Voters in respect of that person; (c) remove from the National Register of Voters the name of any person	<i>Section 12 amended</i> 5. Section 12(1) of the Principal Act is amended by— (a) in paragraph (c)(iii), deleting “have a mental disorder” and substituting “be of unsound mind”; and (b) deleting paragraph (f) and substituting the following— “(f) remove the name of any person who has been entered on the Corrupt Electoral Practices List or has otherwise been disqualified from registration as a voter under a law relating to electoral offences;”.	Currently, s.12(1)(f) allows removal where a person has been disqualified from voting by an order of a court under the Act. Clause 5(b) replaces this with a broader provision requiring removal where a person is entered on the Corrupt Electoral Practices List (CEPL) or is otherwise disqualified from voter registration under a law relating to electoral offences. A person may now lose voter registration on broader grounds than under the current provision. As this affects the ability to vote, the grounds for disqualification should be clear. Recommendation: Clarify the scope of “otherwise disqualified” and ensure that it operates consistently with existing s.12(1)(g), which provides for reinstatement where a disqualification expires or is removed. The specific

<u>CLAUSE:</u>	<u>Current Provisions from the Act</u>	<u>Provisions from the Bill:</u>	<u>UOF's Comments</u>
	whom the Supervisor has good reason to believe—(i)is dead; (ii)has ceased to be a citizen of Fiji; (iii)has been adjudged or otherwise declared to have a mental disorder under any law in force in Fiji; (iv)is serving a sentence of imprisonment for a term of 12 months or more; or (v)is otherwise disqualified from registration in the National Register of Voters; (d)remove a superfluous entry, if the same person is registered more than once in the National Register of Voters; (e)remove the name of every person who, on an inquiry made at the last residential address for that person of		safeguards relating to the CEPL should be addressed under Clause 8.

<u>CLAUSE:</u>	<u>Current Provisions from the Act</u>	<u>Provisions from the Bill:</u>	<u>UOF's Comments</u>
	which the Supervisor was notified under this Act, cannot be found; (f)remove the name of every person who has been disqualified from voting by an order of a court under this Act;		
CL7 (amend s19F)	[ERV 19F] Breach of official duty Any registration officer or person employed by the Fijian Elections Office who contravenes a provision of this Act or direction given to him or her under this Act commits an offence and is liable on conviction to a fine not exceeding \$50,000 or imprisonment for a term not exceeding 10 years or both.	<i>Section 19F amended</i> 7. Section 19F of the Principal Act is amended by deleting “and is liable on conviction to a fine not exceeding \$50,000 or imprisonment for a term not exceeding 10 years or both” and substituting “which is an illegal electoral practice”.	s.19F: BREACH OF OFFICIAL DUTY Major Concern — Significant reduction in penalty. The current offence carries a maximum penalty of \$50,000 and/or 10 years' imprisonment. Clause 7 reclassifies breach of official duty as an illegal electoral practice, which removes imprisonment under the proposed s.135A framework. This is a substantial reduction for deliberate misconduct by an electoral official. Serious breaches of official duty may directly affect the

<u>CLAUSE:</u>	<u>Current Provisions from the Act</u>	<u>Provisions from the Bill:</u>	<u>UOF's Comments</u>
			integrity and administration of voter registration. Recommendation: Government should justify why imprisonment is being removed entirely. A proportionate imprisonment option should be retained for serious or deliberate breaches of official duty, while allowing fines for less serious offending.
CL8 (inserting s.19G)		ADD NEW SECTION <i>Section 19G inserted</i> 8. The Principal Act is amended after section 19F by inserting the following new section— <i>“Corrupt Electoral Practices List</i> 19G.—(1) Where the Supervisor is satisfied that	Concern 1 — Significant voting consequences depend on subsidiary legislation The Bill relies on “Category A offences” under the Electoral (Local Government Elections) Regulations 2026, which are subsidiary legislation. A Category A offence may result in placement on the CEPL and removal from the National Register of Voters for up to 4 years. However, Bill 30 does

<u>CLAUSE:</u>	Current Provisions from the Act	<u>Provisions from the Bill:</u>	<u>UOF's Comments</u>
		a person who is registered or who applies for registration as a voter has, within the immediate preceding period of 4 years— (a) been convicted of a corrupt electoral practice under any electoral law or a category A offence under the Electoral (Local Government Elections) Regulations 2026; or (b) been reported by the Court of Disputed Returns on the trial of an election petition as guilty of a corrupt electoral practice under any electoral law or a category A offence under the	not identify what those offences are or the criteria for classifying an offence as Category A. Parliament is being asked to approve a significant consequence affecting voter registration without the substantive Bill itself identifying all the offences capable of triggering that consequence. There is also a future drafting risk if the specifically referenced 2026 Regulations are later amended, repealed or replaced. Recommendation: The Act should clearly establish the offences, or at minimum the criteria for offences, sufficiently serious to justify CEPL listing and loss of voter registration. The drafting should also ensure that the provision remains workable if the Regulations are subsequently amended, repealed or replaced.

<u>CLAUSE:</u>	Current Provisions from the Act	<u>Provisions from the Bill:</u>	<u>UOF's Comments</u>
		Electoral (Local Government Elections) Regulations 2026, the Supervisor must enter the name, voter number, residence, and description of that person if necessary, and particulars of the conviction or report, on the Corrupt Electoral Practices List. (2) The Supervisor must remove the name of a person from the Corrupt Electoral Practices List at the expiration of 4 years from the date of the conviction or report under subsection (1).”.	Concern 2 — No express provision for an overturned conviction or finding New s.19G requires removal from the CEPL after 4 years, but does not expressly address what happens if the conviction or Court of Disputed Returns finding is overturned or set aside before the 4-year period expires. A person could remain on the CEPL, and consequently remain disqualified from voter registration, even though the legal basis for the disqualification no longer exists. Recommendation: Amend s.19G to require prompt removal from the CEPL where the underlying conviction or Court finding is overturned or set aside, with corresponding reinstatement to the National Register of Voters.

3. Conclusion

Bill No. 30 introduces important changes to the voter registration framework and creates a direct link between electoral misconduct, inclusion on the Corrupt Electoral Practices List and removal from the National Register of Voters. These measures are intended to strengthen electoral accountability; however, their consequences for voter registration require a high degree of legislative clarity and appropriate safeguards.

UOF therefore recommends that the Bill be **supported subject to amendment**. In particular, the commencement of Bill No. 30 should be coordinated with the relevant provisions of Bill No. 29; the scope of the expanded disqualification provision under s.12(1)(f) should be clarified; and the proposed reduction in the penalty for breach of official duty under s.19F should be reconsidered, with a proportionate imprisonment option retained for serious or deliberate offending.

UOF further recommends that the substantive legislation clearly identify, or establish appropriate statutory criteria for, offences capable of resulting in CEPL listing and loss of voter registration, rather than leaving significant voting consequences to depend principally on subsidiary legislation. The drafting should also accommodate future amendment or replacement of the relevant Regulations.

Finally, new s.19G should expressly require the prompt removal of a person from the CEPL, and corresponding reinstatement to the National Register of Voters, where the conviction or Court finding upon which the listing was based is overturned, quashed or set aside.

Subject to these amendments, the Bill would provide a clearer and more coherent framework for addressing serious electoral misconduct while ensuring that consequences affecting voter registration are transparent, proportionate and supported by appropriate safeguards.

PART C

Bill Number 31 - Political Parties (Registration, Conduct, Funding and Disclosures) (Amendment) Bill 2026:

1. Executive Summary

Bill No. 31 introduces significant reforms to Fiji's **political-finance and electoral accountability framework**. It reclassifies several offences as corrupt or illegal electoral practices, removes existing restrictions on political donations, introduces campaign expenditure limits, and establishes additional candidate financial reporting requirements.

While some reforms may strengthen accountability, particularly the introduction of campaign expenditure limits and candidate reporting, several provisions raise significant **electoral-integrity, transparency and governance concerns**.

The principal concerns are:

- a) **Removal of political donation limits**, increasing the risk of disproportionate influence by large donors;
- b) **Permitting donations from persons who are neither Fiji citizens nor former Fiji citizens**, creating a potential avenue for external financial influence;
- c) **Post-election disclosure of such donations**, meaning voters may not know who substantially financed a party or candidate before casting their vote;
- d) **Repeal and replacement of existing s.24**, potentially creating a gap in existing financial-integrity disclosure requirements;
- e) **Exemption of certain protocol gifts from electoral bribery**, without sufficiently clear limits on their nature, value and purpose;
- f) **Campaign expenditure limits of \$300,000 per candidate and \$3 million per political party**, without the Explanatory Note explaining the basis for those amounts or clear rules addressing coordinated/shared expenditure; and
- g) **Candidate financial disclosure requirements that operate primarily after polling**, with no express requirement in the new s.25(1B) for timely public disclosure before voters cast their ballots.

The Bill also replaces several existing fines and imprisonment provisions with classifications as “corrupt electoral practices” or “illegal electoral practices.” The Committee should ensure that the resulting penalties and electoral consequences are clear, consistent and proportionate.

UOF recommends that Bill No. 31 proceed only with amendments addressing these concerns. The political-finance framework should protect against undue and external financial influence, provide meaningful **pre-election transparency**, preserve appropriate financial-integrity safeguards, and ensure that voters can identify significant sources of political funding before polling day.

2. Clause by Clause Assessment

<u>CLAUSE:</u>	<u>Current Provisions from the Act</u>	<u>Current Provisions from the Bill:</u>	<u>UOF Comments</u>
CL2 (amend s2)		ADD NEW DEFINITION <i>Section 2 amended</i> 2. Section 2 of the Principal Act is amended by inserting the following new definitions— ““corrupt electoral practice” has the meaning given to it under section 2 of the Electoral Act 2014;” and ““illegal electoral practice” has the meaning given to it under section 2 of the Electoral Act 2014;”	Dependent Legislation Issue These terms are defined by cross-reference to the Electoral Act 2014 as it will read <i>after</i> the companion Electoral (Amendment) Bill 2026 is enacted. If that Bill is delayed, amended, or fails to pass, this Act's offence provisions (which depend entirely on these definitions) become inoperable or ambiguous, an orphaned cross-reference. Recommendation: Commencement of this Act should be expressly tied to (or made contingent on) commencement of the Electoral (Amendment) Bill 2026, or the definitions should be self-contained rather than incorporated by reference, to avoid a legal vacuum in enforcement.

CL3-7 (amend ss 3, 5, 14, 17, 18)	[PPR 3] Registration of political parties (2) If any association of persons or an organisation operate, function, represent or hold itself out to be a political party without being registered in accordance with the provisions of this Act, then any person who is a member of or holds office in any such association or organisation commits an offence and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 5 years or to both. (2A) If any media organisation reports, represents or holds out an association of persons or an organisation as a political	<i>Section 3 amended</i> 3. Section 3 of the Principal Act is amended by— (a) in subsection (2), deleting “and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 5 years or to both” and substituting “which is a corrupt electoral practice”; and (b) in subsection (2A), deleting “, and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 5 years or to both” and substituting “which is an illegal electoral practice”.	Removes express fines/imprisonment from the Political Parties Act and instead categorizes conduct as corrupt or illegal electoral practices. Potential uncertainty/proportionality issue. A reader can no longer determine the consequence from this Act alone. More importantly, conduct previously carrying specific penalties may now trigger electoral consequences under another Act. State clearly, preferably in the explanatory material, the exact penalty and electoral consequences resulting from each reclassification. Ensure penalties are proportionate to the underlying conduct.
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party when that association of persons or an organisation is not registered as a political party under this Act or when its application for registration has not been determined by the Registrar, then the directors of that media organisation and the editor and publisher or the chief executive officer of that media organisation, as the case may be, commit an offence, and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 5 years or to both.

[PPR 5] Registered voters to be members and office holders etc

Section 5 amended

4. Section 5 of the Principal Act is amended by deleting “and sentenced to imprisonment for a period of not less than 6 months” wherever it appears

(5) The Registrar must update the Register annually. and substituting “which is a corrupt electoral practice”.

[PPR 14] Restrictions on public officers

(8) Any public officer who has resigned from public office under subsection (4) or has been deemed to have resigned from public office under subsection (5) and continues to hold that public office or is reappointed to any public office after he or she has become a member of, or holds office in a proposed political party or a political party registered under this Act commits an offence and shall be

Section 14 amended

5. Section 14 of the Principal Act is amended by deleting “and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years, or to both” wherever it appears and substituting “which is an illegal electoral practice”.

liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years, or to both.

[PPR 17] Records of political party

(4) If a political party registered under this Act fails to comply with subsection (1), then the office holders of that political party commit an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

[PPR 18] Duty of political party to inform Registrar

(4) If the registered officer of a political party fails to comply

Section 17 amended

6. Section 17 of the Principal Act is amended by deleting “and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both” wherever it appears and substituting “which is an illegal electoral practice”.

Section 18 amended

7. Section 18(4) of the Principal Act is amended by deleting “and shall be

	with this section, he or she commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.	liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both” and substituting “which is an illegal electoral practice”.	
CL4 (amend s5)	[PPR 5] Registered voters to be members and office holders etc (3) A person is disqualified from being an office holder of a political party that is registered under this Act if that person has, in the 5 years preceding the date when he or she applies to become an office holder of the political party—	Removes the existing mandatory minimum disqualification ("sentenced to imprisonment for a period of not less than 6 months") and replaces it with the general "corrupt electoral practice" classification. <i>Section 5 amended</i> 4. Section 5 of the Principal Act is amended by deleting “and sentenced to imprisonment for a period of not less than 6 months” wherever it	This removes a fixed minimum-sentence threshold in favour of the more lenient, discretionary s.135A regime (max 2 years or fine) imported from the Electoral Act - again part of the broader penalty-reduction pattern, here applied to political-party office-holder disqualification specifically.

	(a)been declared an undischarged bankrupt; or (b)been convicted of an offence and sentenced to imprisonment for a period of not less than 6 months.	appears and substituting “which is a corrupt electoral practice”.	
CL8 (amend s.22)	[PPR 22] Offences related to sources of funds (2) Subject to subsection (6), any person who is a Fijian citizen or a former Fijian citizen shall not make any political donation to a political party or to a candidate for election to Parliament (or to any person on behalf of the political party who is involved in the administration of the affairs of the political party including any office	<i>Section 22 amended</i> 8. Section 22 of the Principal Act is amended by— (a) deleting subsections (2), (4), (5) and (6); and (b) in subsection (3)— (i) deleting “shall not” and substituting “may”; and (ii) after “Parliament”, by inserting “provided the person makes a declaration of the donation to the	CLAUSE 8(a) — REMOVAL OF DONATION LIMIT Clause 8(a) deletes s.22(2), (4), (5) and (6), removing the existing donation limit and associated provisions. Removing the donation cap allows a single donor to provide potentially very large financial support. This increases the risk of disproportionate donor influence, concentration of political financing among

holder of the political party, or to any person on behalf of the candidate) of an amount exceeding \$10,000 in any one year (whether to one or more registered political parties or candidates).

(3) Any person who is not a Fijian citizen or a former Fijian citizen, shall not make a political donation to any political party or candidate for election to Parliament.

(4) A person who contravenes subsections (2) or (3) commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years, or to both.

(5) A political party or a candidate for election to

Registrar **within 60 days after** polling day, and the Registrar must publish the declaration of the donation on the Registrar's website".

wealthy donors, and unequal access to campaign resources.

Importantly, **expenditure limits control how much can be spent; donation limits control how much financial influence can be concentrated in one donor.**

CLAUSE 8(b)(i) — NON-CITIZEN DONATIONS

Clause 8(b)(i) amends s.22(3) by replacing “**shall not**” with “**may**”, thereby permitting donations from persons who are neither Fiji citizens nor former Fiji citizens.

Combined with the removal of the donation cap, this creates a potential avenue for **substantial external financial influence** over Fiji's political and electoral process. It also increases the importance of verifying the true source of funds and preventing

Parliament (or any person on behalf of the political party who is involved in the administration of the affairs of the political party including any office holder of the political party, or any person on behalf of the candidate) who receives a political donation from any person who is not a Fijian citizen or former Fijian citizen, or receives a political donation exceeding \$10,000 from a Fijian citizen or a former Fijian citizen, commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years, or to both, and in addition to the penalty imposed by this Act, forfeit that amount to the State.

donations through nominees or intermediaries.

CLAUSE 8(b)(ii) — POST-ELECTION DISCLOSURE

Clause 8(b)(ii) requires such donations to be declared to the Registrar within **60 days after polling day**, with the Registrar required to publish the declaration.

A substantial donation could finance an election campaign without voters knowing who provided the funding before they vote. Disclosure after polling provides **retrospective accountability, not meaningful pre-election transparency.**

CLAUSE 8 — COMBINED EFFECT

The key concern is the combined operation of **Clauses 8(a), 8(b)(i) and 8(b)(ii)**: removal of the donation limit + non-citizen donations + disclosure after polling.

(6) Subsection (2) shall not apply to any political donation made by any founding member of the political party as political donation to the initial assets of the party within the first year of its existence.

A potentially substantial donation from a non-citizen donor could support an election campaign without voters knowing about it until after polling day. This raises significant concerns for **electoral transparency, external influence, fair political competition and public confidence.**

CLAUSES 8 & 9 — “LEVEL PLAYING FIELD”

There is also a policy tension between Clauses 8 and 9. The Explanatory Note states that the expenditure limits under Clause 9 are intended to create a “**level playing field**”. However, removing donation limits under Clause 8 may work against that objective by giving parties and candidates with access to wealthy donors a significant fundraising advantage.

The Explanatory Note states generally that the Bill incorporates certain MOG recommendations and international best

practice, but does not identify the specific MOG recommendation supporting these particular changes.

**UOF RECOMMENDATION —
CLAUSE 8**

- **Clause 8(a):** Retain a reasonable donation cap, even if the existing limit is increased.
- **Clause 8(b)(i):** Retain the restriction on non-citizen donations or, at minimum, impose strict monetary limits and source-verification requirements.
- **Clause 8(b)(ii):** Require significant donations to be **declared and published promptly after receipt and before polling day.**
- Require verification of the **true source of funds** and prohibit circumvention through nominees or intermediaries.

			- Establish clear penalties for false, late or misleading declarations. - Require Government to identify the specific MOG recommendation relied upon to justify the Clause 8 reforms.
CL9 (amend 24)	[PPR 24] Applicants, office holders of political parties and independent candidates to Parliament to declare assets and liabilities (1) Any person who—(a) is an applicant for the registration of a proposed political party, in the event that the proposed political party is registered under this Act; and (b) is an office holder in, and the registered officer of, a political party registered under this	SUBSTITUTE ENTIRE S24 WITH NEW SECTION <i>Section 24 amended</i> 9. The Principal Act is amended by deleting section 24 and substituting the following— <i>“Campaign expenditure limits</i> 24.—(1) During the period commencing on the first day of the campaign period as prescribed under the Electoral Act 2014 until the sixtieth day after the polling day—	1. s24(1)(a) Candidate expenditure ceiling of \$300,000. Significant concern about quantum. Fiji has a single national constituency. A \$300,000 individual candidate ceiling, particularly alongside party expenditure, could create substantial inequality between wealthy and ordinary candidates. No methodology explaining

Act, shall, within 30 days of the date of the registration of the political party and thereafter, on or before 31 December of each year, provide to the Registrar a statement containing the following information in respect of that person and his or her spouse and any children—

(i) the total assets whether in Fiji or abroad (including money and other property in the possession or under the control of each of them);

(ii) the total income whether in Fiji or abroad, and the source of such income, received by each of them during the period to which the statement relates;

(a) a candidate (whether an independent candidate or a political party candidate) must not spend more than \$300,000 on his or her election campaign; and

(b) a political party must not spend more than \$3,000,000 on its election campaign.

(2) The expenditure limits set out in subsection (1) include—

(a) any income pledged, or expenditure incurred outside the prescribed period for use within the prescribed period; and

(b) any gift given by a candidate (whether an

why \$300,000 was selected appears in the Bill's explanatory note.

Require an evidence-based formula. Consider a substantially lower ceiling, indexed to inflation, following consultation with the Electoral Commission, parties and civil society.

2. s 24(1)(b)

Political-party expenditure ceiling of **\$3 million.**

Quantum needs justification. A ceiling is positive in principle, but its effectiveness depends on attribution rules between party and candidate expenditure. Without aggregation rules, coordinated spending can potentially circumvent the candidate cap.

Define party expenditure, candidate expenditure, coordinated expenditure, third-party expenditure and shared expenses. Establish

(iii)any business connections whether in Fiji or abroad of each of them; (iv)any directorships or other office in a corporation or other organisation whether in Fiji or abroad held by each of them; (v)any business transaction entered into by each of them during the period to which the statement relates whether in Fiji or abroad; (vi)any gift received by each of them whether in Fiji or abroad (other than a gift received in the normal course of events from close relatives or a gift received in accordance with custom, in the course of traditional exchange of gifts or in the case of a gift given on behalf of the nation, if the gift is transferred	independent candidate or a political party candidate) or political party uring the campaign period to a village or community group as a protocol (or similar) solely to obtain permission to enter the territory of a village or community group, and such gift must be included in the declarations made under section 25. (3) Any gift that is given to a village or community group and declared in accordance with section 25 is not bribery within	allocation rules where advertising benefits both party and candidates. 3. s 24(2)(b) & (3), village/community gifts Allows protocol/similar gifts to villages/community groups to obtain permission to enter and declares qualifying gifts not to constitute bribery. One of the most legally sensitive provisions. Recognition of customary protocol is understandable, but the phrase “or similar” and absence of a monetary/value ceiling create uncertainty. A candidate could argue that a substantial benefit was customary protocol rather than electoral inducement. Parliament is effectively creating a statutory safe harbour from bribery.
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	to the Government as soon as it is possible to do so without giving offence to the giver) during the period to which the statement relates, and the value of those gifts; (vii) any assets acquired by each of them whether in Fiji or abroad during the period to which the statement relates; and (viii) the liabilities incurred, or discharged, by each of them whether in Fiji or abroad during the period to which the statement relates, and the amount of each such liability. (1A) Any person who is appointed after 30 June 2014 as an office holder or a registered officer of a political party	the meaning of section 140 of the Electoral Act 2014. (4) Notwithstanding any provision in this Act, a political party or candidate (whether an independent candidate or a political party candidate) that breaches the expenditure limits set out in subsection (1), commits an offence which is a corrupt electoral practice.”.	Define “protocol gift”. Set a modest monetary/value ceiling; prohibit cash; require contemporaneous receipts/declarations; require that the gift cannot depend upon electoral support; and empower the Registrar to issue binding guidelines after consultation with customary/community representatives. 4. s 24(3) Declared protocol gift automatically “is not bribery” under Electoral Acts High concern. Mere declaration should not convert otherwise corrupt conduct into lawful conduct. Disclosure and legality are separate questions. A declared payment could still have an improper purpose. Replace the absolute exemption with a qualified defence/exclusion applying only where the gift is
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registered under this Act, shall, within 30 days of the date of his or her appointment and thereafter, on or before 31 December of each year, provide to the Registrar a statement containing the following information in respect of that person and his or her spouse and any children—(a)total assets whether in Fiji or abroad (including money and other property in the possession or under the control of each of them);

(b)the total income whether in Fiji or abroad, and the source of such income, received by each of them during the period to which the statement relates;

reasonable, customary, below the statutory threshold and **not intended to induce voting/support.**

Existing s 24 concerns declarations of assets and liabilities by applicants/office holders/candidates; it is replaced by campaign spending limits.

Major governance concern. This is not simply an amendment to election spending. It **abolishes an existing personal financial disclosure regime.** Current Laws of Fiji s 24 requires specified political actors to disclose assets/liabilities concerning themselves, spouses and children.

(c)any business connections whether in Fiji or abroad of each of them;

(d)any directorships or other office in a corporation or other organisation whether in Fiji or abroad held by each of them;

(e)any business transaction entered into by each of them during the period to which the statement relates whether in Fiji or abroad;

(f)any gift received by each of them whether in Fiji or abroad (other than a gift received in the normal course of events from close relatives or a gift received in accordance with custom, in the course of traditional exchange of gifts or in the case of a gift given on behalf of the nation, if the gift is transferred

to the Government as soon as it is possible to do so without giving offence to the giver) during the period to which the statement relates, and the value of those gifts;

(g)any assets acquired by each of them whether in Fiji or abroad during the period to which the statement relates; and

(h)the liabilities incurred, or discharged, by each of them whether in Fiji or abroad during the period to which the statement relates, and the amount of each such liability.

(1B) Any person who, on or before 30 June 2014, was appointed as an office holder or a registered officer of a political party registered under this Act

and is still holding such office and who has not provided the Registrar with a statement containing the required information under subsection (1), shall, within 30 days from 30 June 2014 and thereafter, on or before 31 December of each year, provide to the Registrar a statement containing the following information in respect of that person and his or her spouse and any children— (a)total assets whether in Fiji or abroad (including money and other property in the possession or under the control of each of them); (b)the total income whether in Fiji or abroad, and the source of such income, received by each		
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of them during the period to which the statement relates;

(c)any business connections whether in Fiji or abroad of each of them;

(d)any directorships or other office in a corporation or other organisation whether in Fiji or abroad held by each of them;

(e)any business transaction entered into by each of them during the period to which the statement relates whether in Fiji or abroad;

(f)any gift received by each of them whether in Fiji or abroad (other than a gift received in the normal course of events from close relatives or a gift received in accordance with custom, in the course of traditional exchange of gifts or in the case

of a gift given on behalf of the nation, if the gift is transferred to the Government as soon as it is possible to do so without giving offence to the giver) during the period to which the statement relates, and the value of those gifts;

(g)any assets acquired by each of them whether in Fiji or abroad during the period to which the statement relates; and
(h)the liabilities incurred, or discharged, by each of them whether in Fiji or abroad during the period to which the statement relates, and the amount of each such liability.

(2) Any person who—(a)is nominated by a political party as a candidate for election to Parliament; or

(b) is nominated as an independent candidate for election to Parliament, shall, within 7 days of such nomination, provide to the Registrar a statement containing the following information in respect of that person and his or her spouse and any children as at the date of nomination of the candidate—

(i) the total assets whether in Fiji or abroad (including money and other property in the possession or under the control of each of them); and

(ii) the total income whether in Fiji or abroad, and the source of such income.

(iii) [Repealed]

(iv)[Repealed]

(v)[Repealed]

(vi)[Repealed]

(vii)[Repealed]

(viii)[Repealed]

(2A) Any person who is nominated—(a)by a political party as a candidate for election to Parliament; or

(b)as an independent candidate for election to Parliament,

must, no later than the sixtieth day after polling day, provide to the Registrar a statement containing the following information in respect of that person and his or her spouse and any children—

(i)the total assets whether in Fiji or abroad as at the thirtieth day after polling day (including

money and other property in the possession or under the control of each of them);

(ii)the total income whether in Fiji or abroad as at the date of nomination of the candidate until the thirtieth day after polling day and the source of such income received by each of them during the period to which the statement relates;

(iii)any directorships or other office in a corporation or other organisation whether in Fiji or abroad as at the date of nomination of the candidate until the thirtieth day after polling day held by each of them; and

(iv)any assets acquired by each of them whether in Fiji or abroad as at the date of

nomination of the candidate until the thirtieth day after polling day.

(2B) Any candidate (whether elected to Parliament or not) must, no later than the sixtieth day after polling day, provide to the Registrar the following information in writing—(a)the amount of any money received by him or her as at the thirtieth day after polling day;

(b)the amount and source of any donation received by him or her as at the thirtieth day after polling day; and

(c)the income and expenditure as at the thirtieth day after polling day.

(3) The information provided by a person under subsections (1), (1A), (1B), (2), (2A) and

(2B) shall be accompanied by a statutory declaration that the information provided is correct.

(4) The information provided by a person under subsections (1), (1A), (1B), (2), (2A) and (2B) must be made available at the office of the Registrar in Suva for inspection by members of the public upon payment of an approved fee.

(5) Any person who fails to comply with the requirements of subsection (1), (1A), (1B), (2), (2A) or (2B), or provides any information that is false, commits an offence and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 10 years or to both.

	(6) For the purposes of this section, “children” means any child, stepchild or adopted child who is—(a)under the age of 18 years; or (b)over the age of 18 years and is dependent on his or her parents for support.		
CL 10 (amend s.25)	[PPR 25] Declaration of assets, liabilities and expenditure in relation to elections (1) A political party shall, at least 30 days before general elections, submit to the Registrar a statement of its assets and liabilities. (1A) A political party must, no later than the sixtieth day after polling day, submit to the Registrar	. Section 25 amended 10. Section 25 of the Principal Act is amended by— (a) after subsection (1A), inserting the following new subsection— “(1B) A candidate (whether elected to Parliament or not) must, not later than the sixtieth day after the polling day, provide to the Registrar the	New subsection (1B) requires disclosure of money/donations received and expenditure, but only from candidates (whether elected or not) and only within 60 days after polling day — again, after-the-fact disclosure only, with no requirement for interim/real-time disclosure during the campaign period itself. New s 25(1B) requires candidate information to be provided to Registrar, but does not expressly require the Registrar to publish those candidate returns. Major transparency gap. Submission to a

a written declaration giving details of all assets and liabilities as at the thirtieth day after polling day and income and expenditure, including all contributions, donations or pledges of contributions or donations, whether in cash or in kind, made or to be made from the date the writ is issued to the thirtieth day after polling day.

(2) Notwithstanding any other penalty provided in this Act or in any other written law, the Registrar shall deregister a political party which—(a) fails to comply with this section; or

following information in writing—

(a) the amount of money received by him or her from the commencement of the campaign period until the sixtieth day after the polling day;

(b) the amount and source of donation received by him or her from the commencement of the campaign period until the sixtieth day after the polling day; and

(c) the campaign expenditure from the commencement of the campaign period until the sixtieth day after the polling day.”; and

regulator is not equivalent to public disclosure.

Recommendation

- Consider requiring an interim disclosure (e.g., mid-campaign) in addition to the post-election declaration, to allow voters and the Registrar to identify irregularities before, not only after, the election. Retain a comprehensive final return 30–60 days after polling.
- Expressly require publication online in a searchable, machine-readable format within a short statutory period, subject only to legitimate privacy redactions

	(b) submits a statement which is false in any material particulars. (3) The Registrar shall publish the information received by him or her under subsections (1) and (1A) in the Gazette and in the media, and the costs of any such publication shall be paid by or recovered from the political party.	(b) after subsection (3), inserting the following new subsection— “(4) Any person who contravenes subsection (1B) commits an offence which is a corrupt electoral practice.”.	
CL 3–7 & 11–13 RECLASSIFICATION OF OFFENCES AND PENALTIES	[PPR 3] Registration of political parties (2) If any association of persons or an organisation operate, function, represent or hold itself out to be a political party without being registered in accordance with the provisions of this Act, then any person who is	<i>Section 3 amended</i> 3. Section 3 of the Principal Act is amended by— (a) in subsection (2), deleting “and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 5 years or to both” and substituting	The Bill removes a number of express fines and imprisonment terms from the Principal Act and replaces them with classifications as either “corrupt electoral practices” or “illegal electoral practices.” This is a substantive change to the enforcement framework. The penalty for the offence is no longer apparent from the Political Parties Act itself and must instead

	a member of or holds office in any such association or organisation commits an offence and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 5 years or to both. (2A) If any media organisation reports, represents or holds out an association of persons or an organisation as a political party when that association of persons or an organisation is not registered as a political party under this Act or when its application for registration has not been determined by the Registrar, then the directors of that	“which is a corrupt electoral practice”; and (b) in subsection (2A), deleting “, and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 5 years or to both” and substituting “which is an illegal electoral practice”.	be determined through the Electoral Act framework. It is therefore unclear from Bill No. 31 alone whether each reclassification results in a higher, lower or equivalent penalty, or whether it introduces additional electoral consequences such as disqualification. This raises concerns about legal clarity, consistency and proportionality, particularly where offences that currently carry different maximum penalties are placed within the same broad electoral-practice classification. UOF Recommendation: The Committee should require a clear offence-by-offence comparison showing: • the current offence and penalty; • whether it becomes a corrupt or illegal electoral practice; • the new fine/imprisonment penalty;
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media organisation and the editor and publisher or the chief executive officer of that media organisation, as the case may be, commit an offence, and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 5 years or to both.

[PPR 18] Duty of political party to inform Registrar

(4) If the registered officer of a political party fails to comply with this section, he or she commits an offence and shall be liable upon

Section 18 amended

7. Section 18(4) of the Principal Act is amended by deleting “and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both” and

- any resulting disqualification or other electoral consequence; and
- justification that the new consequence is proportionate to the seriousness of the offence.

	conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both. [PPR 26] Audit of political parties accounts (5) An auditor who provides a falsely audited account commits an offence and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 10 years or to both. [PPR 26A] Powers of the Registrar	substituting “which is an illegal electoral practice”. <i>Section 26 amended</i> 11. Section 26(5) of the Principal Act is amended by deleting “and shall be liable upon conviction to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 10 years or to both” and substituting “which is a corrupt electoral practice”. <i>Section 26A amended</i>	
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(3) Any person who, having been lawfully required under this section to disclose any information or documents to the Registrar under subsection (2) shall, notwithstanding the provisions of any other law on confidentiality, privilege or secrecy, comply with such direction and any such person who fails to comply with the directions of the Registrar or provides information that is false, commits an offence and shall be liable upon conviction—

(a) in the case of a natural person, to a fine not exceeding \$50,000 or to a term of imprisonment not

12. Section 26A(3) of the Principal Act is amended by—

(a) in the chapeau, deleting “and shall be liable upon conviction—” and substituting “which is a corrupt electoral practice.”; and

(b) deleting paragraphs (a) and (b).

exceeding 5 years or to both; and

(b)in the case of a company, association or body of persons, Government department, non-governmental organisation, Statutory Authority or entity, to a fine not exceeding \$500,000 and for the Director, Chief Executive Officer, Minister, Manager or officer in charge for the time being, to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 5 years or to both.

3. Conclusion (Bill No. 31)

Bill No. 31 should proceed only with amendments addressing the identified political-finance, transparency and enforcement concerns.

The introduction of campaign expenditure limits and additional candidate reporting can strengthen Fiji's electoral framework. However, these reforms should not be accompanied by weaker safeguards against **disproportionate donor influence, external financial influence or reduced pre-election transparency**.

Of particular concern is the combined effect of removing donation limits, permitting donations from persons who are neither Fiji citizens nor former Fiji citizens, and allowing disclosure after polling day. These changes risk weakening safeguards intended to protect the transparency and integrity of political financing.

The Explanatory Note states that the Bill incorporates certain MOG recommendations and is aligned with international best practice. The Committee should therefore require Government to identify the specific MOG recommendation supporting each major policy change, particularly the removal of donation limits, relaxation of restrictions on non-citizen donations, and removal of existing disclosure requirements.

The guiding principle should be that **voters are entitled to know, before they vote, who is substantially financing political parties and candidates**. Political-finance rules should also guard against disproportionate financial influence and preserve public confidence in the **fairness, integrity and independence of Fiji's electoral process**.

Overall Recommendation

UOF acknowledges the significance of the reforms proposed by Bills No. 29, 30 and 31 and supports the objective of maintaining an electoral framework that is accessible, effective, transparent and capable of responding to practical electoral and political realities. The three Bills nevertheless make substantial and interconnected changes to important aspects of Fiji's electoral framework and, in UOF's view, should **proceed only subject to appropriate amendment and clarification.**

Across the three Bills, several common principles emerge from UOF's analysis.

First, **electoral integrity and effective deterrence should remain central to the reform process.** Bill No. 29 substantially restructures the existing electoral offence and penalty regime, including reducing the maximum imprisonment applicable to some serious offences and converting other offences to fine-only offences. UOF considers that significant reductions in penalties, particularly for conduct capable of undermining the freedom or integrity of the vote, should be supported by a clear policy justification and an assessment of proportionality and deterrent effect. This concern is particularly important where the reforms simultaneously relax other existing electoral safeguards.

Second, **consequences affecting voter registration require particular clarity and procedural safeguards.** Bill No. 30 creates a direct relationship between electoral misconduct, inclusion on the Corrupt Electoral Practices List and removal from the National Register of Voters. Because these provisions affect a person's ability to vote, UOF considers that the offences capable of producing such consequences, the duration and operation of disqualification, and the mechanisms for reinstatement should be clearly established in legislation.

Third, **political-finance reform should promote transparency and guard against undue influence.** Bill No. 31 contains potentially positive accountability measures, including campaign expenditure limits and additional candidate reporting requirements. However, the removal of existing donation limits, the proposed ability to receive donations from persons who are neither Fiji citizens nor former citizens, and the timing of disclosure raise broader questions about disproportionate or external financial influence and whether voters will have sufficient information about significant sources of political funding before they vote.

UOF considers that meaningful political-finance transparency should operate, as far as practicable, **before polling rather than principally after an election**, so that disclosure assists voters in making informed electoral choices. The submission therefore recommends appropriate safeguards concerning political donations, expenditure and timely financial disclosure.

Fourth, **the three Bills should operate as a coherent legislative package**. Where Bills No. 30 and 31 rely upon definitions, offence classifications or penalties introduced by Bill No. 29, their commencement should be coordinated. Parliament should be able to understand the full legal consequence of each amendment without uncertainty arising from dependent provisions commencing at different times.

Finally, UOF respectfully recommends that matters carrying significant electoral consequences should, wherever practicable, be established in the **primary legislation itself** rather than left substantially to subsidiary legislation or future rules. This is particularly important where a provision affects voter eligibility, political financing, electoral offences, campaigning or other matters directly bearing upon the integrity of the electoral process.

UOF therefore respectfully recommends that the Committee consider the detailed amendments and safeguards identified in Parts A, B and C before recommending passage of the Bills in their present form. The objective should not merely be consistency or administrative convenience, but a legislative framework that is **clear, proportionate, enforceable and transparent**, and which commands public confidence.

The guiding principle across all three Bills should be that electoral reform facilitates participation and effective administration **without weakening the safeguards that protect the freedom, fairness, transparency and integrity of Fiji's elections**. This reflects the principle already expressed in UOF's analysis of Bill No. 29.

**SUBMISSION TO THE STANDING COMMITTEE ON
JUSTICE, LAW AND HUMAN RIGHTS**

**Electoral (Amendment) Bill 2026
(Bill No. 29 of 2026)**

*Equal Franchise, Regional Representation, Self-Determination
and Fiji's Development Needs*

To:

Hon. Ratu Rakuita Vakalalabure
Chairperson
Standing Committee on Justice, Law and Human Rights
Parliament of the Republic of Fiji
P.O. Box 2352, Government Building, Suva

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9 September 2026

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Executive position

Central submission

The Bill contains several useful participation, accessibility and proportionality reforms and should be considered positively on those matters. However, it is an incremental amendment to the Electoral Act 2014 and does not resolve the principal structural issue identified in the Fiji Law Reform Commission (FLRC) electoral review: the loss of identifiable local representation under a single national constituency. Equal adult franchise is a constitutional baseline; it does not require a single national constituency. Fiji can preserve equal citizenship and national proportionality while restoring local and maritime constituencies that provide more equal substantive representation of regions, rural communities and development needs.

This submission therefore recommends that the Committee: support the participation-oriented provisions of Bill No. 29; recognise expressly that the Bill gives effect to only part of the 2025 electoral-law review; and recommend a defined pathway for implementing the FLRC local-constituency and national proportionality architecture, subject to independent boundary safeguards, universal 18+ franchise, and clear distinction between electoral eligibility, constituency naming, and voter-roll administration.

Recommendations at a glance

1. Support the Bill's removal of the 48-hour campaign blackout, reduction of the polling-place campaign radius, expanded postal voting, assistive-device access, transparent pre-poll changes, clearer recount authority, and rationalised electoral-offence categories, subject to ordinary safeguards against bribery, intimidation and misuse of voter assistance.
2. Record that Bill No. 29 is an amendment to the 2014 administrative and regulatory framework, not a complete response to the FLRC recommendation for restoration of local constituencies.
3. Recommend that Government and Parliament progress the FLRC proposal for local constituencies and national proportionality, or an equivalent mixed local-national system, through the necessary legislative and constitutional process.
4. Treat universal franchise from age 18 and equal ballot entitlement as the primary equality guarantee. Do not equate equality with a requirement that the whole country must form one constituency.
5. Design mainland constituencies around reasonably equal voter populations, with principled and transparent exceptions for maritime isolation and extreme geography, together with compensatory national-list seats to protect overall proportionality.
6. Use Fiji's authentic local and indigenous geographic names for constituencies where appropriate. The use of names such as Lau, Lomaiviti, Cakaudrove, Macuata, Ba or Ra is a matter of place and identity, not a racial qualification to vote.
7. Where separate constituency rolls or sub-registers are used, treat them as election-administration tools linked to a common national voter register. Eligibility for modern geographic seats should be based on the same citizenship and residence rules for all voters in that constituency.
8. Require an independent boundary process, publication of population data and proposed boundaries, public objections, periodic review, and judicially reviewable criteria to prevent malapportionment.
9. Recognise rural, maritime and customary-resource representation as a development issue. Constituency design should take account of islands, communications, travel, recognised traditional areas, and access to public services.
10. Strengthen national self-determination by requiring transparent parliamentary and affected-community scrutiny of major externally financed policy and development programmes, particularly where customary land, natural resources or regional livelihoods are materially affected.

1. Purpose and scope of this submission

Bill No. 29 of 2026 is expressly a Bill to amend the Electoral Act 2014. Its explanatory note states that it seeks to ease restrictions on campaigning, categorise electoral offences, remove provisions that disenfranchise participation, modernise access for voters using assistive devices, and respond to some of the 2025 electoral-law consultations. As at 9 September 2026, the Bill remains before Parliament and the Standing Committee on Justice, Law and Human Rights has been receiving public submissions.

This submission supports careful reform of the 2014 regulatory regime, but asks the Committee to assess the Bill against the broader objective of an electoral system that is best fitted to Fiji's population distribution, rural and maritime development needs, cultural dynamics, customary land system, national self-determination and Pacific regional setting.

The submission is not premised on a return to any historical Constitution unchanged. Rather, it identifies useful institutional principles from Fiji's own experience: universal adult franchise, local accountability, reasonable equality of voter numbers, recognition of geography and traditional areas, common national political participation, and proportionality. The 2025 FLRC Final Report independently reaches a similar convergence by recommending 25 local constituencies and 21 national list seats.

2. Bill No. 29: reforms that deserve support

The Bill contains several reforms that are consistent with a more accessible and proportionate electoral framework:

- **Campaign freedom.** Clause 12 removes the 48-hour pre-poll campaign blackout for the relevant section and reduces the controlled boundary from 300 metres to 100 metres, or another boundary determined under Electoral Commission rules. Clause 29 similarly removes the 48-hour media blackout.
- **Postal voting.** Clause 13 expands grounds for postal voting to family or other significant commitments and permits additional grounds approved by the Electoral Commission, while replacing the statutory-declaration requirement with a truth declaration.
- **Disability access.** Clause 9 exempts assistive learning or speaking devices from the polling-station electronic-device prohibition.
- **Pre-poll transparency.** New section 82A requires publication of pre-poll notices and prompt notice of schedule departures to parties, candidates, observers, media and the Electoral Commission.
- **Recounts and ballot accounting.** The Bill clarifies quality-assurance recount powers and brings discarded ballot papers expressly into ballot accounting.
- **Voter transport.** Clause 26 allows parties, candidates or representatives to provide direct transport and limited refreshments where there is no attempt to influence the voter.
- **Proportionate offences.** New section 135A distinguishes corrupt electoral practices from lesser illegal electoral practices and standardises penalties, replacing many offence-specific five- and ten-year imprisonment provisions.

Source note: Electoral (Amendment) Bill 2026 (Bill No. 29), especially cls 9, 12-14, 16-19, 26, 29-30 and explanatory note paras 1.1-1.3, 2.12-2.30.

3. The Bill does not resolve the central question of representation

The Bill principally changes how elections are regulated and administered. It does not fundamentally answer the separate constitutional question: what territorial and social communities should Parliament represent?

That distinction is particularly important because the FLRC Final Report, dated 7 July 2025 and publicly released online in 2026, reports repeated calls across Fiji for the return of local constituencies. The Commission records that the most important failure of the current system raised in consultations by people of all ethnicities, ages and educational backgrounds was the inability to identify a local MP

accountable for local needs. It also records a specific demand that rural isolated and maritime communities not have their voice drowned out by more populous mainland groups.

FLRC convergence

The FLRC recommends 25 local constituencies, each with an open seat and a reserved seat for women, plus 21 open-list seats to preserve national proportionality, for a 71-member Parliament. It also proposes five maritime constituencies and approximately 33,000 registered voters for each mainland constituency, while recognising the need for maritime exceptions.

4. Equal franchise is not the same as one national constituency

The equality starting point is the right of eligible citizens to vote. Fiji historically used a voting age of 21; the 2013 Constitution extends the franchise from age 18. Once every eligible citizen has equivalent voting entitlement, the question of whether representatives are elected nationally or regionally is a separate design question.

There are at least three relevant forms of equality. First is equality of franchise: the same adult citizenship right. Second is equality of vote weight: constituencies should contain reasonably similar voter populations unless geography gives a principled reason for departure. Third is equality of representation: citizens in remote, rural and maritime areas should have realistic access to an identifiable representative who is accountable for their region.

A single national constituency performs strongly on formal national vote equality and party proportionality. It does not, however, guarantee territorial equality. A voter in a large urban population centre and a voter on a remote island may each cast one national vote, yet their practical ability to command attention for local roads, shipping, water, health, communications or agricultural markets is not necessarily equal. Regional constituencies can correct this without withdrawing national citizenship.

Dimension of equality	Single national constituency	Regional/local constituencies
Universal 18+ franchise	Fully compatible	Fully compatible
Same number of ballots	Yes	Yes, if designed uniformly
National party proportionality	Very strong	Can be retained through compensatory list seats
Direct local MP accountability	Weak/indirect	Strong
Rural and maritime voice	Not guaranteed	Can be constitutionally secured
Vote-weight equality	Mathematically direct	Requires boundary rules and review
Recognition of geographic development needs	Limited	Strong

5. Historical constituency design: a more precise interpretation

The historical record should be described accurately. Fiji's earlier constitutions did use community-based electoral qualifications. That legal fact is distinct from three other matters that are sometimes incorrectly treated as if they were the same: indigenous/local constituency names, the use of traditional or provincial boundaries, and separate voter-roll administration.

Period	Core structure	Equality / boundary features	Contemporary lesson
1970-71	52 seats: communal and national/cross-voting seats; voting age 21	Boundary rules sought near-equal adult populations while allowing geography, administrative and recognised traditional areas, communications and density	Local/community representation and cross-community national voting can coexist.
1990-91	70 seats elected from four	Strong constituency representation but no	Community security alone is

Period	Core structure	Equality / boundary features	Contemporary lesson
	community rolls; voting age 21	open/common electoral component	insufficient; common national political space is also needed.
1997-98	71 seats: 46 communal and 25 open; Alternative Vote; voting age 21	Many boundaries were to be as equal as reasonably practicable; 17 iTaukei seats followed provincial geography; physical features, recognised traditional areas, communication and travel were relevant	Strongest historical combination of territory, community and common/open participation, although the communal eligibility rules and AV design require separate evaluation.
2013-14	Single national open-list PR; one national roll; voting age 18	Very strong formal national equality and proportionality	Preserve universal 18+ franchise and proportionality, but address loss of place-based accountability.
2026 Bill	Amends 2014 rules; does not redesign constituency architecture	Improves accessibility, campaign freedom and penalty proportionality	Useful procedural reform, but incomplete as a response to the 2025 review.

6. Constituency names, voter rolls and legal eligibility are different questions

6.1 Indigenous and local names are not racial qualifications

A constituency called Lau, Lomaiviti, Cakaudrove, Macuata, Naitasiri, Ba or Ra is not racially exclusive merely because its name is indigenous or locally rooted. Western democracies routinely use historic and indigenous place names. The Australian Electoral Commission, for example, records federal divisions such as Kooyong and Parramatta as deriving from Aboriginal words or place histories. Those names do not determine who may vote; ordinary citizenship and residence rules do.

The same principle should apply in Fiji: common citizenship does not require common cultural anonymity. Numbering or Anglicising Fiji's constituencies would not make the franchise more equal; it would merely remove locally meaningful geographic language.

6.2 Separate rolls may serve administration, but eligibility must be analysed separately

Where an electoral system contains multiple constituencies or more than one ballot, the electoral authority must know which ballot each voter receives. Constituency rolls, sub-registers or geographic coding therefore serve an ordinary administrative purpose: assignment, polling-station lists, ballot entitlement, duplicate-vote prevention and reconciliation.

Historically, the 1997 constitutional communal rolls also embodied community eligibility rules. That should be acknowledged rather than obscured. But it does not follow that every separate roll, local constituency or traditional boundary is itself racial. A contemporary system can retain one national voter database while generating constituency-specific sub-rolls based on residence, with the same eligibility rules for all residents of each local seat.

7. Rural and maritime development require territorial representation

Fiji's development geography is a central electoral consideration, not a peripheral one. The Fiji National Development Plan 2025-2029 describes rural and outer-island development as a key national priority, notes that rural and outer-island territory constitutes 94 per cent of Fiji's land area, and cites 386,632 people, or 44.7 per cent of the population, as rural. The revised 2019-20 HIES poverty analysis estimates that rural residents account for 68 per cent of Fiji's poor.

This means that an electoral system should not only ask whether each ballot is numerically equal. It should also ask whether geographically dispersed communities have an effective parliamentary route for development issues such as farm roads, jetties, water, electricity, digital connectivity, markets, health, education, fisheries, forestry and disaster resilience.

The FLRC proposal responds directly to this problem by identifying five maritime constituencies - Kadavu, Lau, Levuka/Lomaiviti, Rotuma, and Yasawa/Malolo (Mamanuca) - and by stating that the needs of isolated island populations should not be submerged simply to achieve identical constituency sizes. That is a defensible form of substantive equality, provided exceptions are transparent and limited.

8. Self-determination, culture and customary resources

Fiji's electoral architecture should also be tested against self-determination. Article 1 of the ICCPR and ICESCR states that peoples freely determine their political status and pursue their economic, social and cultural development. For indigenous peoples, the UN Declaration on the Rights of Indigenous Peoples further connects self-determination with institutions, development priorities, land and resources.

This has direct relevance in Fiji because approximately 91 per cent of the landmass is iTaukei land held through customary ownership and administered under the iTaukei land framework. The 2013 Constitution protects ownership of iTaukei, Rotuman and Banaban lands. Agriculture, forestry, tourism, infrastructure, renewable energy, conservation, water and other development frequently interact with these lands and resources.

Representation of region and Vanua therefore has a development dimension. A national Parliament should remain responsible for national fiscal, trade, foreign and macroeconomic policy, while regional representatives provide a democratic bridge between local communities, customary institutions and central decision-making. This is compatible with equal citizenship for everyone who calls Fiji home.

9. Donor contribution and national policy autonomy

External development finance is important to Fiji and should not be framed as inherently adverse to sovereignty. Australia's 2026-27 budget estimate identifies A\$124.2 million in total Australian ODA benefiting Fiji; New Zealand's planned International Development Cooperation expenditure for Fiji for 2024-27 is NZ\$131.71 million. Multilateral development policy financing can also support agreed policy and institutional reforms.

The relevant governance principle is country ownership. The OECD Paris Declaration identifies ownership, alignment, harmonisation, results and mutual accountability as core aid-effectiveness principles. The World Bank similarly states that development policy financing supports policy and institutional actions while emphasising country ownership and stakeholder consultation.

Regional representation can strengthen, rather than weaken, the effectiveness of donor-funded programmes. Where a road, conservation programme, tourism project, agricultural initiative or policy reform has concentrated effects in one region, an identifiable local representative can improve consultation, legitimacy, feedback and accountability. The governance chain becomes community - constituency representative - Parliament - Government - development partner, rather than leaving the local community outside the principal negotiating structure.

10. The Pacific regional context supports a Fiji-specific model

The 2050 Strategy for the Blue Pacific Continent places value on community, land and ocean, cultural values, traditional knowledge, sovereignty, non-interference, people-centred development and equitable partnerships. Fiji therefore need not treat imported institutional uniformity as the measure of democratic quality. A legitimate electoral design can be globally democratic and distinctly Fijian at the same time.

A best-fit principle

Fiji should pursue equal citizens nationally and equally represented communities regionally: universal 18+ franchise, open geographic constituencies, national proportionality, culturally authentic constituency names, independent boundary safeguards, and meaningful recognition of development geography and customary-resource interests.

11. Safeguards required for regional constituencies

Regional representation should not be romanticised. If constituency sizes become excessively unequal, the system can create malapportionment and unequal vote weight. Fiji's historical experience demonstrates why explicit safeguards are necessary.

- **Independent boundary authority.** Boundaries should be determined by an independent commission applying published legal criteria rather than partisan negotiation.
- **Population benchmark.** Mainland constituencies should target a common voter quota or a legislated deviation band. The FLRC uses approximately 33,000 registered voters as its mainland target.
- **Maritime exception.** Departures for island groups should be expressly justified by distance, access, communications and public-service isolation, not political convenience.
- **Periodic redistribution.** Boundaries should be reviewed after censuses or at fixed intervals so population movement does not entrench inequality.
- **Transparency.** Draft maps, data, reasons and objections should be public, with a defined review or appeal process.
- **National proportional correction.** A national list tier can compensate for constituency-level distortions and preserve overall party proportionality.
- **Universal local eligibility.** For a modern geographic constituency, all eligible residents should vote under the same citizenship and residence criteria, regardless of ancestry.

12. Specific recommendations to the Committee

Area	Recommendation
Bill No. 29	Recommend passage of the Bill's participation and accessibility reforms, with careful drafting to prevent voter transport and refreshments from becoming inducement or treating.
Scope of reform	State in the Committee report that Bill No. 29 implements only part of the FLRC review and should not be treated as resolving the electoral-system architecture.
Local constituencies	Recommend a prompt legislative and constitutional work programme to implement the FLRC local-constituency principle or an equivalent mixed local-national system.
Equality	Preserve universal voting rights from age 18 and equivalent ballot entitlement as non-negotiable equality guarantees.
Boundaries	Require reasonably equal mainland constituencies, independent delimitation, public data, periodic review and controlled exceptions for maritime geography.
Names	Permit constituencies to carry authentic local, indigenous and historic geographic names. Do not treat the etymology of a place name as a franchise classification.
Rolls	Use one national voter register with constituency-coded sub-registers or rolls for administrative purposes; keep legal eligibility for geographic seats common to all residents.
Development accountability	Require local MPs to maintain accessible constituency offices and report on regional development concerns, consistent with the FLRC accountability recommendation.
Customary-resource impacts	Build meaningful consultation into major laws and programmes that materially affect customary land, traditional resources or community relocation.
External finance	Require disclosure and parliamentary scrutiny of major policy-based or project financing terms where reforms, public assets, customary land or regional livelihoods are materially affected.

13. Conclusion

Bill No. 29 is a useful opportunity to make Fiji's electoral law less restrictive and more accessible. It should, however, be understood as one stage in a larger reform process. The 2025 FLRC consultation provides unusually strong contemporary evidence that voters want identifiable local representatives and that rural and maritime voices should not be submerged in a single national constituency.

The principle of equality does not require Fiji to choose between equal citizenship and regional representation. Equality of franchise is secured when eligible adults enjoy the same right to vote; equality of vote weight can be protected through independent boundary rules; and substantive equality is strengthened when every part of the country has meaningful access to representation. Local and indigenous constituency names do not create racial franchise rules, and constituency-specific rolls can be ordinary administrative instruments where eligibility is based on common citizenship and residence.

The best-fit direction for Fiji is therefore not a literal restoration of any earlier Constitution, nor a rejection of national proportional representation. It is a synthesis: universal 18+ franchise, strong local and maritime constituencies, national proportionality, transparent administration, cultural continuity, and institutions capable of ensuring that Fiji's development priorities remain locally legitimate and nationally self-determined.

Authorities and sources

Constitution of Fiji 1970.

Constitution of the Sovereign Democratic Republic of Fiji 1990.

Constitution Amendment Act 1997 / Constitution of the Republic of the Fiji Islands 1997.

Constitution of the Republic of Fiji 2013.

Electoral Act 1998 (Fiji).

Electoral Act 2014 (Fiji).

Republic of Fiji. (2026). Electoral (Amendment) Bill 2026 (Bill No. 29 of 2026).

Fiji Law Reform Commission. (2025). An Electoral System for the People from the People: Electoral Legislation Review Final Report (dated 7 July 2025; published online 2026).

Fiji Constitution Review Commission. (1996). The Fiji Islands: Towards a United Future. Government Printer.

Fiji Government. (2024). Fiji National Development Plan 2025-2029 and Vision 2050.

Fiji Bureau of Statistics. (2022). Technical Note: Fiji 2019-20 HIES Consumption Revision.

iTaukei Land Trust Board. (2026). Clarification on Land Ownership and Mineral Rights in Fiji.

Pacific Islands Forum Secretariat. (2022). 2050 Strategy for the Blue Pacific Continent.

Australian Government Department of Foreign Affairs and Trade. (2026). Australia's Development Partnership with Fiji.

New Zealand Ministry of Foreign Affairs and Trade. (2026). Our Planned International Development Cooperation Expenditure.

OECD. (2005). Paris Declaration on Aid Effectiveness. OECD Publishing. <https://doi.org/10.1787/9789264098084-en>

World Bank. (2026). Development Policy Financing.

Australian Electoral Commission. (2022). Electoral Divisions Named for an Aboriginal or Torres Strait Islander Person or Word.

International Covenant on Civil and Political Rights, art. 1; International Covenant on Economic, Social and Cultural Rights, art. 1.

United Nations General Assembly. (2007). United Nations Declaration on the Rights of Indigenous Peoples.

Online source locations

Fiji Parliament - Bills: <https://www.parliament.gov.fj/bills/>

FLRC Final Report: <https://flrc.gov.fj/wp-content/uploads/2026/08/Electoral-Review-Final-Report.pdf>

Fiji National Development Plan 2025-2029: https://www.finance.gov.fj/wp-content/uploads/2024/09/NPDF_revised-final.pdf

Fiji Bureau of Statistics HIES: <https://www.statsfiji.gov.fj/2019-20-hies/>

Laws of Fiji - Constitution: <https://laws.gov.fj/Acts/DisplayAct/2485>

Pacific Islands Forum - 2050 Strategy: <https://forumsec.org/2050>

Australian Electoral Commission - Indigenous division names: <https://www.aec.gov.au/Electorates/divisions-named-after-indigenous.htm>

DFAT - Fiji development partnership: <https://www.dfat.gov.au/geo/fiji/development-assistance/development-partnership-with-fiji>



PART I: COMPLIANCE MECHANISMS

GAP 1: CANDIDATE ELIGIBILITY MONITORING

Clause and Section: Clause 5 amends Section 23 of the Electoral Act 2014 by inserting new subsection (8)

What does Clause 5 do?

Clause 5 says: *"A person nominated as a candidate must continue to meet the eligibility criteria under this section after he or she has been nominated."*

Why is this a gap?

The Problem: A Duty Without Enforcement

Clause 5 creates a legal duty but does not answer four crucial questions:

1. **Who monitors** whether candidates continue to meet eligibility criteria after nomination?
2. **How are breaches** detected and investigated?
3. **What process applies** if a candidate becomes ineligible after nomination?
4. **What timeframes** govern any decision, especially given how close polling day might be?

What are the eligibility criteria?

Under Section 23(4) of the Electoral Act and Section 56(2) of the Constitution, a candidate must:

- Be a citizen of Fiji and not hold citizenship of any other country
- Be registered in the Register of Voters
- Be ordinarily resident in Fiji for at least 2 years before nomination
- Not be an undischarged bankrupt
- Not be subject to a sentence of imprisonment when nominated
- Not, in the previous 8 years, have been convicted of an offence carrying a maximum penalty of 12 months or more
- Not have been found guilty of an offence under electoral laws

What is the existing framework?

Section 23(7) of the Electoral Act gives the Supervisor of Elections power to make enquiries and require declarations for verifying a candidate's eligibility at the time of nomination. However, this power is

confined to the nomination phase. There is no equivalent provision for post-nomination monitoring. The Supervisor has broad duties under Section 6 of the Electoral Act, including administering candidate registration and conducting elections. The Electoral Commission, under Section 3, has responsibility for adjudicating electoral disputes. But neither provision explicitly addresses ongoing monitoring of candidate eligibility after nomination.

Why does this matter? A Concrete Example: A candidate is nominated and accepted as eligible. Two weeks before polling day, this candidate is convicted of a serious criminal offence carrying a maximum penalty of 12 months or more. Under Section 23(4), this candidate is now ineligible. However:

- No one has explicit authority to remove this candidate from the ballot paper
- Voters will cast ballots for an ineligible person
- If the person is declared elected, the result will almost certainly be challenged
- The Court of Disputed Returns might declare the election void
- A by-election would need to be called, wasting hundreds of thousands of dollars
- Public faith in democracy is undermined

What are the risks?

Risk	Explanation
Compliance without enforcement	A legal duty without enforcement is no duty at all. Candidates face no real consequence for non-compliance.
Risk of disputed elections	Challenges can result in elections being declared void and by-elections ordered.
Constitutional gap	The Constitution requires candidates to be eligible. Without enforcement, this constitutional principle is not fully realised.
Voter disenfranchisement	Citizens may cast votes for ineligible candidates, wasting their votes.
Public confidence undermined	The perception that ineligible candidates can remain on the ballot erodes trust.
Legal uncertainty	All stakeholders' face uncertainty about their rights and obligations.
Resource wastage	Post-election legal challenges are costly and time-consuming.

Recommendation 1.1: Designate a Clear Monitoring Authority

The Bill should explicitly designate the Supervisor of Elections as the authority responsible for monitoring whether candidates continue to meet eligibility criteria after nomination.

Why this recommendation?

- The Supervisor already has powers under Section 6 of the Electoral Act for administering elections

- The Supervisor has existing powers under Section 23(7) for verifying eligibility at nomination
- Extending these powers to cover the post-nomination period is logical and practical
- A designated authority ensures accountability and consistency

What should the amendment include?

The amendment should specify:

- The Supervisor must initiate monitoring within 48 hours of nomination
- The Supervisor has power to require declarations from candidates at any time after nomination
- The Supervisor must report any suspected breach to the Electoral Commission within 72 hours
- The Electoral Commission must determine any eligibility question within 5 days of receiving a report
- Any determination must be made no later than 7 days before polling day to allow for appeal and ballot paper adjustment

Recommendation 1.2: Establish a Clear Detection and Investigation Process

The Bill must set out how breaches of continuing eligibility are to be detected and investigated.

Why this recommendation?

- Without detection mechanisms, the law cannot be enforced
- Without investigation powers, the Supervisor cannot gather evidence
- Without clear timeframes, decisions may be made too late

What should this include?

- A mechanism for the public, political parties, and the Electoral Commission to report information suggesting a candidate may have ceased to be eligible
- A statutory power for the Supervisor to make enquiries and require declarations from candidates after nomination
- Clear timeframes for conducting investigations

Recommendation 1.3: Define the Consequences of Ceasing to be Eligible

The Bill must clarify what happens if a candidate ceases to be eligible after nomination.

Why this recommendation?

- Candidates and voters need certainty
- Without clear consequences, enforcement is impossible
- The Electoral Commission needs clear powers to act

What should this include?

- Whether the Supervisor or the Electoral Commission has power to remove such a candidate from the ballot
- The process for making such a determination, including whether the candidate has a right to be heard
- The timeframe within which any such determination must be made

Recommendation 1.4: Provide an Appeal Mechanism

Any decision to remove a candidate from the ballot should be subject to appeal to the Electoral Commission.

Why this recommendation?

- Procedural fairness requires that affected parties can challenge decisions
- Tight statutory timelines are needed given the urgency of electoral timelines
- This matches the approach taken elsewhere in the Bill

GAP 2: TRANSPARENCY OF PROVISIONAL ELECTION RESULTS

Clause and Section: Clause 19 amends Section 102A of the Electoral Act 2014

What does Clause 19 do?

The Bill amends Section 102A by deleting the word "continuously" and substituting it with "periodically". This changes the legal requirement for how the Supervisor must release provisional results during the counting process. Previously, the law required that provisional results be published continuously. Now, they would only need to be published periodically.

Why is this a gap?**The Problem: Erosion of Transparency**

The counting process can take many hours or even days. During this time, voters, political parties, and the media need to know how the count is progressing. The amendment to "periodically" creates uncertainty about how often updates will be provided.

What is the current process?

Under Section 89(1), counting is conducted at each polling station by a presiding officer immediately after the polls close. Under Section 102, the Supervisor must display the progressive National Results Tally at the tabulation centre. However, only those physically present at the tabulation centre can see this display. For the broader public, political parties, and the media, the primary guarantee of ongoing official information comes from Section 102A. The amendment weakens this guarantee by replacing "continuously" with "periodically" without specifying any minimum frequency.

Why does this matter? A Concrete Example: Imagine the 2026 election. Counting begins at 6:00 PM. There are thousands of ballot boxes to count across Fiji. The count will take 48 hours. Under the old law, the Supervisor would release results continuously. Voters could follow the count in real-time, watching their preferred candidates' numbers climb. Under the new law, the Supervisor might release

results only once every 6 hours, or once every 12 hours, or perhaps only once a day. There is no legal requirement for more frequent updates.

What are the risks?

Risk	Explanation
Erosion of public trust	When voters and candidates cannot observe how results are progressively compiled, doubts about the integrity of the count arise.
Risk of misinformation	A constrained provisional results process creates a vacuum filled by speculation and false information.
Unequal access to information	Those at the tabulation centre have continuous visibility, but the public does not.
Discrepancies between provisional and final results	Without clear, ongoing communication about provisional results and how they are being verified, confusion and civil strife may occur.
Reduced accountability	When the public cannot see how votes are being counted, there is less scrutiny of the process.

The 2018 Example: The 2018 election saw objections to how provisional results were handled. Party leaders called for vote counting to stop, and the situation "harmed public confidence in elections." If the 2026 Bill reduces transparency further, similar problems could occur. The Bill's Section 144A attempts to address false statements, but this is a reactive measure rather than a proactive transparency solution.

Recommendation 2.1: Restore Continuous Publication

The Bill should not replace "continuously" with "periodically" in Section 102A.

Why this recommendation?

- Continuous publication provides voters, political parties, and the media with an ongoing flow of official information throughout the counting process
- The proposed change to "periodically" creates uncertainty
- Risks leaving stakeholders without timely access to information while counting is underway
- Continuous publication builds public confidence in the electoral process

Recommendation 2.2: Specify a Minimum Frequency for Updates

If the word "periodically" is retained, the Bill should specify a minimum frequency for updates.

Why this recommendation?

- Provides certainty
- Prevents gaps in information

- Ensures all stakeholders have timely access to results

What should this include?

The Bill should specify that updates must be provided at least every hour or after every specified number of ballot boxes counted.

Recommendation 2.3: Require Explanatory Language

The Bill should require that all provisional results be accompanied by clear explanatory language.

Why this recommendation?

- Helps manage public expectations
- Reduces the risk of confusion or misinformation
- Explains what has been counted and what remains

What should this include?

Explanatory language should cover:

- The provisional nature of results
- What has been counted and what remains
- How results are being verified

Recommendation 2.4: Mandate Multi-Channel Dissemination

The Bill should require that provisional results be published through multiple channels.

Why this recommendation?

- Ensures broad public access
- Reaches voters who may not be at the tabulation centre
- Uses modern communication methods

What should this include?

Results should be published:

- At the tabulation centre
- On the Fijian Elections Office website
- On social media platforms
- Through radio broadcasts

GAP 3: PRE-POLL SCHEDULE SAFEGUARDS

Clause and Section: Clause 14 introduces new Section 82A. Clause 14 amends Section 82 of the Electoral Act 2014.

What do these clauses do?

The Bill introduces several improvements for pre-poll voting:

- Pre-poll schedule changes must be published on the Fijian Elections Office website and social media platforms
- Changes must be broadcast on radio
- The Supervisor can depart from the schedule only in specified circumstances
- Any departure must be promptly published online, broadcast on radio, notified to political parties and observers, advised to the Electoral Commission, and reported in the post-election report

Why is this still a gap?

The Problem: Insufficient Protections for the Pre-Poll Period

While the Bill introduces welcome safeguards, it does not address the fundamental issue of the pre-poll period's duration. Under Section 82 of the Electoral Act, the Electoral Commission must publish a notice of pre-poll within seven days after the close of nominations, specifying venues, dates, and hours.

This seven-day period is too short, especially for remote and vulnerable voters.

Why is the seven-day period insufficient?

- Voters in remote areas may only visit town occasionally
- Elderly persons and persons with disabilities need more time to arrange transport
- Family and work commitments may require advance planning
- The seven-day period after nominations close may overlap with the nomination period itself

International comparison

Australia does not open pre-poll voting until 12 days before polling day. This ensures "sufficient time to accept nominations and check all details before printing ballot papers." Fiji's framework, which allows pre-poll notice to be published merely seven days after the close of nominations, leaves insufficient time for proper voter information.

What are the specific gaps in the current framework?

Issue	Concern	Explanation
1. Pre-poll notice period	Too short, especially for remote and vulnerable voters	Notice is published only after nominations close, leaving insufficient time for voters to learn about venues and decide. Disproportionately affects elderly, disabled, and those unable to attend on polling day.
2. Safeguards for schedule changes	Insufficient legal safeguards for disruptions beyond force majeure	The law allows schedule changes for force majeure but lacks clear provisions for other disruptions (e.g., village requests, deployment delays). Without explicit notification and accountability rules, changes risk disenfranchising voters.
3. Dissemination through	No explicit requirement for modern communication methods	The Act mandates publication in the Gazette and newspapers but does not require use of websites, social media, or radio broadcasts. This

modern channels		is a significant gap in a country where many voters access information digitally.
4. Voter education on pre-poll voting	Inadequate and inconsistent voter education	Section 3(2) requires a nationwide voter information and education programme, but this provision is general and lacks specific timelines or accountability measures.

Why does this matter? A Concrete Example: Imagine a rural village in the interior of Viti Levu. The villagers are elderly and have limited access to transport. The notice for pre-poll voting is published in the Gazette and a Suva newspaper, but the village does not receive the newspaper regularly. Villagers only discover pre-poll voting dates when an election official arrives, giving them just one day's notice. Many cannot decide in time and lose their vote.

Recommendation 3.1: Extend the Pre-Poll Notice Period to a Minimum of 14 Days

The Bill should amend Section 82 to require that the pre-poll notice be published no later than 14 days before pre-poll voting commences.

Why this recommendation?

- Gives voters, particularly those in remote areas and vulnerable groups, sufficient time to learn about venues and make arrangements
- Aligns with international practice, such as Australia's 12-day pre-poll notice period
- Requires the Fijian Elections Office to publish the notice simultaneously on its website, social media platforms, and through radio broadcasts in all three official languages

Recommendation 3.2: Establish Clear Safeguards for Schedule Changes

While the Bill introduces welcome provisions for schedule changes, it should also require additional safeguards.

Why this recommendation?

- Protects voters from unexpected changes
- Ensures accountability
- Provides certainty for all stakeholders

What should this include?

- Written reasons for any departure from the published schedule
- Advance notice to affected voters wherever practicable
- A clear process for notifying political parties, observers, and the Electoral Commission
- A requirement that any changes be published online and broadcast on radio immediately

Recommendation 3.3: Mandate Minimum Timelines for Voter Education

The Bill should establish a minimum period for voter education before pre-poll voting begins.

Why this recommendation?

- Ensures voters understand procedures and their rights
- Prevents inconsistent efforts
- Provides accountability

What should this include?

The Bill should require at least 14 days of voter education before pre-poll voting begins.

Recommendation 3.4: Require Voter Education in Multiple Languages

Voter education materials should be made available in all official languages.

Why this recommendation?

- All Fijians can access the information
- True public understanding depends on accessibility in the languages people speak at home

What should this include?

Materials should be available in:

- iTaukei
- Hindi
- Rotuman
- English

GAP 4: CAMPAIGN ACTIVITY REGULATION

Clause and Section: Various clauses throughout the Bill

What does the Bill do?

The Bill:

- Removes the 48-hour campaign blackout
- Reduces campaign-free zones from 300m to 100m
- Removes the prohibition on campaigns in educational institutions
- Removes costly requirements for financial commitments
- Limits media restrictions to polling day only

Why is there still a gap?**The Problem: Weak Enforcement and Oversight**

Despite these improvements, significant gaps remain in how campaign activities are monitored and controlled, particularly regarding enforcement mechanisms.

What is the current framework?

The Electoral Act 2014 establishes several key campaign-related provisions:

Provision	Purpose
Section 113	Prohibits use of State resources for partisan campaigning
Section 114	Prohibits vote buying
Section 115	Restricts campaigns by organisations receiving foreign funding
Section 116	Establishes a code of conduct
Section 118	Imposes media restrictions during the 48-hour blackout period

What are the specific gaps?

1. Enforcement and Oversight Weaknesses

The Supervisor of Elections has powers to remove or direct the removal of materials "that is in breach of the campaign rules." However:

- Enforcement has been inconsistent
- The Supervisor can only direct a party to remove material
- There is no proactive monitoring mechanism
- Penalties for non-compliance have rarely been applied
- Fines up to \$10,000 or imprisonment up to 5 years are rarely used

2. The 48-Hour Campaign Blackout

The Bill proposes removing the 48-hour blackout, which SEEP welcomes. However, SEEP notes that the blackout was intended to give voters a period of reflection. Removing it must be accompanied by alternative measures to protect voters from last-minute misinformation.

3. The Rules of the Electoral Commission

The Electoral Commission has authority to make Rules relating to campaign activity. However, these Rules are not yet publicly available. Without access to these Rules, it is impossible for stakeholders to understand their obligations.

4. Campaign Expenditure Limits

The Bill proposes campaign expenditure limits of:

- \$300,000 per candidate
- \$3 million per political party

While these limits are welcome, the Bill does not provide clear penalties for non-disclosure or late disclosure of campaign donations and expenditure.

Why does this matter? A Concrete Example:

A wealthy candidate spends \$500,000 on their campaign, exceeding the \$300,000 limit. However, there is no effective monitoring mechanism to detect this overspending. The candidate wins the

election. Months later, when the overspending is discovered, the election result is challenged. The Court of Disputed Returns declares the election void. A by-election is held at taxpayer expense. Public confidence in democracy is undermined.

Recommendation 4.1: Pass Campaign Expenditure Limits Without Delay

The proposed campaign expenditure limits should be passed as a matter of urgency.

Why this recommendation?

- Without these limits, wealthier candidates and parties can dominate campaign discourse
- Undermines the fairness of the electoral process
- Creates an uneven playing field

Recommendation 4.2: Strengthen Enforcement of Campaign Finance Disclosure

The Bill should include clear penalties for non-disclosure or late disclosure of campaign donations and expenditure.

Why this recommendation?

- The current framework lacks adequate enforcement mechanisms
- Without enforcement, disclosure requirements are meaningless
- Voters have a right to know who is funding political campaigns

Recommendation 4.3: Establish a Proactive Monitoring Mechanism

Rather than relying on complaints or reactive enforcement, the Bill should establish a proactive monitoring mechanism for campaign activities.

Why this recommendation?

- Reactive enforcement is insufficient
- Proactive monitoring detects problems before they become serious
- Dedicated compliance officers can provide consistent oversight

What should this include?

Dedicated compliance officers within the Fijian Elections Office with responsibility for monitoring campaign materials and activities.

Recommendation 4.4: Ensure Consistent Communication of Electoral Commission Rules

The Electoral Commission's Rules on campaign activity should be communicated effectively to all stakeholders.

Why this recommendation?

- Stakeholders need to understand their obligations
- Without communication, compliance is impossible
- Rules should be published in accessible formats and multiple languages

PART I COMPLIANCE MECHANISMS _SEEP ELECTORAL (Amendment) Bill 2026 submission analysis



PART II: ENFORCEMENT MECHANISMS

GAP 5: RECOUNT POWER

Clause and Section: Clause 16 amends Section 89(6) of the Electoral Act 2014

What does Clause 16 do?

Clause 16 amends Section 89(6) in two ways:

1. It expands the Supervisor's recount power from "conduct a" recount to "instruct or conduct the" recount.
2. It states that an official undertaking of a recount may "overturn a previous decision of the presiding officer."

Why is this a gap?

The Problem: Undefined Triggers and No Appeal Right

The amendment introduces the phrase "for quality assurance" as the basis for triggering a recount. However, this formulation lacks any evidentiary threshold or objective standard. The Bill does not clarify:

- What specific circumstances would justify a recount
- Whether a reasonable suspicion of error is required
- Whether a formal request from a party or candidate is needed
- Whether the Supervisor may act purely on their own initiative

What is the current framework?

Under Section 89(1), counting is conducted at the polling station by the presiding officer.

Under Section 98, polling agents can request a recount, and the presiding officer must respond immediately. If the presiding officer decides there is sufficient reason, a recount is conducted.

Under Section 98(6), the decision of a presiding officer on a request for a recount is final, subject to review on a petition.

What is the existing complaint mechanism?

Section 17 of the Electoral Act provides a mechanism for complaints against the Supervisor:

- Political parties and candidates can submit written complaints to the Electoral Commission
- The Electoral Commission must issue a decision within 3 days
- Complaints filed before polling day must be adjudicated before polling

However, it is unclear whether a recount decision would fall within this complaint mechanism.

Why does this matter? A Concrete Example: A Presiding Officer completes a count at a polling station. Polling agents observe the process and accept the result. Later, the Supervisor exercises the new "quality assurance" power to conduct a recount and overturns the Presiding Officer's decision. The margin of victory in the final election result hinges entirely on that overturned count.

Under the current Bill:

- The political party and candidates affected have no right of appeal
- They cannot challenge the recount before the result is declared
- This is inconsistent with the rule of law
- It creates a significant accountability gap

What are the key problems?

Problem	Explanation
Key problem 1: Quality assurance trigger is undefined	No evidentiary threshold, no objective standard. Could be exercised arbitrarily or perceived as partisan.
Key problem 2: No right of appeal	A recount that overturns a presiding officer's decision can determine the outcome of an election, yet affected parties have no avenue to challenge it.
Key problem 3: Inconsistency with other provisions	The Bill creates appeal rights in other areas (Clause 27 for supervisory directions) but not for recount decisions.
Key problem 4: Unclear relationship with Section 17 complaints	It is unclear whether a recount decision is a "decision" under Section 17 that can be complained about.

Recommendation 5.1: Specify Clear Triggers for Recounts

The Bill must specify what circumstances justify a recount.

Why this recommendation?

- Without clear triggers, the power could be exercised arbitrarily
- Objective criteria prevent perceptions of partisanship
- Provides certainty for all stakeholders

What should this include?

Triggers should include:

- A reasonable suspicion of error in the counting process
- A material discrepancy in reconciliation figures

- A formal request from a political party or candidate with reasonable grounds
- A requirement that the Supervisor act on objective criteria rather than purely on personal initiative

Recommendation 5.2: Provide a Right of Appeal Against Recount Decisions

The Bill should provide a right of appeal against recount decisions.

Why this recommendation?

- A recount that overturns a presiding officer's decision can determine the outcome of an election
- Affected parties must have a right to appeal
- This matches the approach taken elsewhere in the Bill

What should this include?

Appeal to the Electoral Commission with a requirement that the Commission decide within a specified timeframe.

Recommendation 5.3: Clarify the Relationship with Section 17 Complaints

The Bill should explicitly state whether a recount decision is a "decision" under Section 17 and whether the Electoral Commission can review such decisions.

Why this recommendation?

- Provides certainty for all stakeholders
- Clarifies the scope of the complaint mechanism
- Ensures consistent application

Recommendation 5.4: Ensure Consistency with Other Appeal Mechanisms

The Bill should establish a consistent approach to appeals across all supervisory powers.

Why this recommendation?

- There is no principled reason why recount decisions should be treated differently
- Consistency promotes clarity and fairness
- Prevents confusion about which decisions are subject to review

GAP 6: PENALTIES AND VOTER DISQUALIFICATION

Clause and Section: Clause 30 introduces new Section 135A

What does Clause 30 do?

Clause 30 creates two categories of electoral offences:

Category	Penalties	Additional Consequences
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Corrupt Electoral Practice	Up to 2 years imprisonment + fine: \$100,000 (party), \$40,000 (candidate/agent), \$10,000 (other)	4-year disqualification from voter registration
Illegal Electoral Practice	Fine only: \$40,000 (party), \$20,000 (candidate/agent), \$5,000 (other)	No voter disqualification

The Bill also provides for a "**Corrupt Electoral Practices List**" to be maintained by the Supervisor of Elections. Anyone convicted of a corrupt electoral practice would have their name, voter number, residence, and conviction details entered on the list. Names would be removed automatically after four years.

The Bill would also allow the Supervisor of Elections to remove from the voter register anyone placed on the list or otherwise disqualified from voter registration under electoral laws.

Why is this a gap?

The Problem: Automatic Disqualification is Too Severe

The automatic 4-year disqualification from voter registration for any "corrupt electoral practice" removes a citizen's voice from the democratic process for an entire electoral cycle, regardless of the gravity of the specific offence.

What does SEEP believe about voting rights?

SEEP has consistently maintained that voting rights should not be readily relinquished. Voting is a fundamental political right and a critical opportunity for citizens to participate in their nation's governance.

In our May 2025 submission to the Fiji Law Reform Commission, we opposed the disenfranchisement of prisoners under Section 55 of the Constitution (which strips voting rights from those serving 12+ months), on the principle that voting rights should not be stripped for legal infractions.

Why is the new framework concerning?

1. The categories are too broad

"Corrupt electoral practice" encompasses a wide range of offences, some of which may involve relatively minor misconduct. The automatic disqualification applies to all of them, regardless of seriousness.

2. The 4-year period is too long

A 4-year disqualification means the person cannot vote in the next election and the one after that. This is a severe punishment that may not fit the crime.

3. The public list raises additional concerns

The creation of a public "Corrupt Electoral Practices List" raises concerns about stigma and reputational damage, particularly for individuals who may have committed relatively minor offences.

What is the distinction between the two categories?

The Bill creates two clear categories, which is a welcome simplification:

- Previously, the Act imposed a patchwork of inconsistent penalties
- Some provisions carried fines of up to \$50,000 or 10 years' imprisonment
- Others carried fines of \$10,000 or 5 years' imprisonment

- There was no clear rationale for the distinction

However, the automatic disqualification for corrupt electoral practices is severe and may be disproportionate.

Why does this matter? A Concrete Example: candidate makes a genuine mistake on their campaign finance declaration. This is classified as a "corrupt electoral practice." The candidate is convicted, fined \$40,000, and automatically banned from voting for 4 years. Their name is placed on a public list. The candidate did not intend to deceive, but the law treats them the same as someone who engaged in bribery or ballot tampering.

Recommendation 6.1: Allow Judicial Discretion on Voter Disqualification

The Bill should allow a court or the Electoral Commission to determine, on a case-by-case basis, whether disqualification is appropriate given the gravity of the specific offence.

Why this recommendation?

- Automatic disqualification is too severe
- Punishment should fit the crime
- Judicial discretion allows for proportionality

Recommendation 6.2: Define "Corrupt Electoral Practice" with Greater Precision

The Bill should provide clear definitions of what constitutes a "corrupt electoral practice" as opposed to an "illegal electoral practice."

Why this recommendation?

- The current definitions are too broad
- Could capture relatively minor misconduct
- Clear definitions ensure proportionality
- Citizens need to understand their obligations

Recommendation 6.3: Limit the Public "Corrupt Electoral Practices List" to Serious Offences

The Bill should limit the list to convictions for the most serious electoral offences, not all corrupt electoral practices.

Why this recommendation?

- Protects individuals from disproportionate reputational harm
- Maintains transparency for serious misconduct
- Avoids stigmatising people for minor offences

Recommendation 6.4: Provide a Right of Review or Appeal

Any person placed on the Corrupt Electoral Practices List should have a right to seek review of their inclusion.

Why this recommendation?

- Procedural fairness requires the right to challenge inclusion
- Mistakes can be corrected
- Convictions may be overturned on appeal

GAP 7: SUPERVISORY DIRECTIONS AND THE RIGHT OF APPEAL

Clause and Section: Clause 27 amends Section 115 of the Electoral Act 2014

What does Clause 27 do?

Clause 27 amends Section 115 in three ways:

1. **Compliance with Rules:** Any direction to amend or cancel an activity must be made in compliance with the Rules of the Electoral Commission.
2. **Expanded authority:** The Supervisor can direct any person, organisation, or entity to amend or cancel an activity that does not comply with the Rules.
3. **Right of appeal:** A person or organisation directed under subsection (2A) may appeal the Supervisor's decision to the Electoral Commission within 3 days. The Electoral Commission must issue its decision within 3 days thereafter.

Why is this still a gap?

The Problem: Inconsistent Appeal Rights and Unpublished Rules

1. Inconsistent appeal rights

The appeal right created by Clause 27 applies only to directions issued under Section 115. It does not extend to other powers exercised by the Supervisor, including the expanded recount power under Clause 16. This creates an inconsistency in the Bill.

Why is this a problem?

- Some supervisory decisions carry a right of appeal, while others do not
- There is no principled reason for this distinction
- It could lead to confusion about which decisions are subject to review

What should the Bill do?

The Bill should establish a consistent approach to appeals across all supervisory powers. Either all significant decisions by the Supervisor should be subject to appeal, or the Bill should clearly explain why different treatment is justified for different types of decisions.

2. The Rules of the Electoral Commission are not yet publicly available

Under the proposed amendment, the Supervisor's power to direct amendments or cancellations depends entirely on the content of these Rules. The Rules will determine:

- What activities are permitted
- What constitutes non-compliance
- What remedies are available

Without access to these Rules, it is impossible for stakeholders to:

- Understand their obligations
- Assess whether the Supervisor's directions are lawful

Why does this matter? A Concrete Example

The Electoral Commission issues Rules that are strict and impose burdensome requirements. However, these Rules were developed without public consultation or parliamentary scrutiny. Political parties, candidates, and civil society organisations do not know what the Rules contain. The Supervisor issues directions under the Rules, but those affected cannot challenge the Rules themselves because they have not been published.

Recommendation 7.1: Publish the Electoral Commission's Rules Before the Bill is Passed

The Electoral Commission's Rules should be published and made available to all stakeholders before the Bill is passed.

Why this recommendation?

- Stakeholders need to understand their obligations
- Without publication, compliance is impossible
- Public consultation can improve the Rules

Recommendation 7.2: Ensure the Rules are Subject to Parliamentary Scrutiny

Given that the Rules will affect fundamental rights and electoral participation, they should be subject to parliamentary scrutiny.

Why this recommendation?

- Prevents Rules being introduced without adequate consultation
- Ensures democratic accountability
- Protects fundamental rights

Recommendation 7.3: Extend Appeal Rights to All Significant Supervisory Decisions

The appeal right created by Clause 27 should be extended to other significant decisions by the Supervisor, including recount decisions under Clause 16.

Why this recommendation?

- There is no principled reason for different treatment
- Consistency promotes clarity and fairness
- Protects affected parties

Recommendation 7.4: Provide Guidance on What Constitutes a "Decision" for Appeal Purposes

The Bill should clearly define what constitutes a "decision" of the Supervisor that is subject to appeal.

Why this recommendation?

- Avoids confusion
- Ensures consistent application
- Protects affected parties



PART III: SEEP'S OVERALL CONCERNS

CONCERN 1: THE TIME PROBLEM - ELECTION IS NEAR

Why is this a major concern?

1. The election must be held soon

Fiji's next general election must be held between 7 August 2026 and 6 February 2027. Electoral officials have confirmed they are ready to conduct the vote at any time within this window.

2. The Bill introduces 47 significant changes

The Electoral (Amendment) Bill 2026 introduces around 47 significant changes to election laws. These include:

- New offence classifications
- Expanded recount powers
- Reduced campaign-free zones
- New rules on provisional results
- Wider postal voting
- A "Corrupt Electoral Practices List"

3. The Bill has not yet been passed

As of September 2026, the Bill has not yet been passed. Although it was gazetted in August and is being fast-tracked under urgency procedures, opposition MPs have warned that parliamentary committees need proper time to scrutinise such major reforms.

Opposition member Jone Usamate noted that "it'll be very difficult to deliver that one in one month."

4. The Fijian Elections Office recommended no major changes

The Fijian Elections Office itself has previously recommended that there be "no major electoral changes during election year for certainty." Yet the Government is proceeding with 47 amendments in the same year as a constitutionally mandated election.

5. International standards

The Venice Commission's Code of Good Practice on Electoral Matters states that fundamental elements of electoral law should not normally be changed less than one year before an election.

6. Implementation challenges

Each change requires:

- Training for polling officials
- Guidance for political parties
- Public education
- Systems update
- at the Fijian Elections Office

If the Bill passes in September or later and the election is held in December 2026 or early 2027, there may be only two to three months for implementation. SEEP believes this is not enough time.

Why does this matter? A Concrete Example: Imagine you are a polling official. You have been trained on the old electoral laws. The Bill passes in September. The election is held in December. You have only three months to:

- Learn the new offence classifications
- Understand the expanded recount powers
- Understand the new rules on provisional results
- Learn the new postal voting rules
- Understand the "Corrupt Electoral Practices List"

Meanwhile, political parties and voters also need to understand these changes. Confusion is inevitable. Mistakes will be made. Public confidence will suffer.

Recommendation 8.1: Delay Implementation Until After the 2026 Election

Given the timing of the election and the number of significant changes, the Bill should either be passed with a delayed commencement date (after the 2026 election) or implementation should be phased in over a longer period.

Why this recommendation?

- Respects the Venice Commission's recommendation
- Allows time for proper implementation
- Prevents confusion among voters, parties, and officials
- Protects public confidence in the electoral system

Recommendation 8.2: Provide Adequate Time for Implementation

If the Bill is passed before the election, the Government must ensure:

- Electoral officials have sufficient time to train staff on the new provisions
- Political parties and candidates have time to understand the new rules
- Voters receive adequate education about changes affecting them

- Systems at the Fijian Elections Office are updated to accommodate the changes

Two to three months is not enough time for such extensive reforms.

CONCERN 2: PUBLIC AWARENESS AND UNDERSTANDING

Why is this a major concern?

1. The Bill introduces significant changes that affect all Fijians

The Bill introduces changes that will affect every Fijian voter, including:

- The "Corrupt Electoral Practices List"
- Automatic 4-year disqualification from voting
- New offence classifications
- Changes to voting procedures

2. Legal definitions are confusing

SEEP shares the concern raised by the Centre for Democracy and Dialogue (CDD) that the definitions in the Bill are "circular" and "create unnecessary uncertainty in determining criminal liability." If legal experts find the definitions confusing, how can ordinary Fijians be expected to understand them?

3. Minor breaches should not be criminalised

CDD has also warned that "minor electoral breaches should not be criminalised" and that "the most serious category, corrupt electoral practices, should be reserved for conduct such as bribery, treating, undue influence, personation, ballot tampering and serious misuse of State resources." Without a precise definition, ordinary citizens and candidates' risk being caught by overly broad provisions that they do not understand.

4. No evidence of a comprehensive public awareness campaign

SEEP noted in our May 2025 submission that consultations revealed "significant gaps in public understanding of the electoral processes." Yet there is no evidence of a comprehensive public awareness campaign to explain these changes.

Why does this matter? A Concrete Example: A candidate makes a small error on their campaign finance declaration. They did not intend to deceive. However, under the new law, this is classified as a "corrupt electoral practice." The candidate is convicted, fined, and banned from voting for 4 years. Their name is placed on a public list.

The candidate did not understand the new law. No one explained it to them. Their career is destroyed, and they lose their right to vote for an entire electoral cycle.

Recommendation 9.1: Launch a Comprehensive Public Awareness Campaign

The Government should allocate a minimum of \$500,000 to a public awareness campaign to explain the changes introduced by the Bill.

Why this recommendation?

- Citizens need to understand the changes affecting them
- Without understanding, compliance is impossible
- Public confidence depends on transparency

What should the campaign include?

- Run for a minimum of three months before any election to which the changes apply
- Use radio, television, social media, print, and community meetings
- Be conducted in iTaukei, Hindi, and Rotuman as well as English
- Include measurable outcomes, such as a pre- and post-campaign survey of public understanding
- Be led by the Fijian Elections Office in consultation with civil society organisations

Recommendation 9.2: Simplify and Clarify Definitions in the Bill

The Bill should be revised to use clearer, more precise language that ordinary Fijians can understand.

Why this recommendation?

- The current definitions are confusing
- Even legal experts find them unclear
- Ordinary citizens should understand their obligations

Recommendation 9.3: Translate Key Materials into All Official Languages

The Electoral (Amendment) Bill 2026, the Electoral Commission's Rules, and all related guidance materials should be made available in iTaukei, Hindi, as well as English.

Why this recommendation?

- True public understanding depends on accessibility in the languages people speak at home
- All Fijians have the right to understand the laws that govern them

CONCERN 3: POLITICAL WILL AND GENUINE REFORM

Why is this a major concern?

1. The Executive's consultation work is not Parliament's scrutiny

The Electoral Review Commission, led by former Chief Justice Daniel Fatiaki, completed its report in July 2025. The report is now publicly available on the Fiji Law Reform Commission website.

However, Opposition MP Jone Usamate stated that "Government needed to be careful not to assume that consultations conducted by the Executive meant Parliament had completed its own scrutiny."

2. The report has not been translated

While making the report visible online is a good step, true public understanding depends on accessibility in the languages people speak at home. It remains unclear whether the report itself will be translated into iTaukei, Hindi, and Rotuman so that all Fijians can read and fully understand its findings and recommendations.

3. Rushing reforms raises questions

Rushing these reforms through Parliament so close to an election raises legitimate questions about whether the Government is genuinely committed to lasting change or simply seeking political advantage.

4. Reforms must transcend partisan interests

SEEP has argued that true democracy demands alignment with and accountability to the Supreme law of the land. Reforms must be approached as a national endeavour, transcending partisan interests and prioritising the common good.

Why does this matter? A Concrete Example: The Government has conducted consultations on electoral reform. However, these consultations were conducted by the Executive (the Government). Now the Bill is before Parliament. Parliament has not had sufficient time to conduct its own scrutiny. The Bill is being rushed through. Citizens are concerned that the Government is using the election to push through changes that benefit their party, not all Fijians. Public trust in the electoral system is undermined.

Recommendation 10.1: Ensure Proper Parliamentary Scrutiny

The Government must not confuse the Executive's consultation work with the separate scrutiny that Parliament is required to carry out.

Why this recommendation?

- Parliamentary scrutiny is a constitutional requirement
- Proper scrutiny ensures all perspectives are considered
- Rushing the Bill raises questions about genuine commitment to reform

What should this include?

The Bill should be subject to proper parliamentary committee review, with adequate time for public submissions and debate.

Recommendation 10.2: Translate the Electoral Review Commission Report

The Electoral Review Commission report should be translated into iTaukei, Hindi, and Rotuman so that all Fijians can read and understand its findings and recommendations.

Why this recommendation?

- Making the report visible online is a good step

- True public understanding depends on accessibility in the languages people speak at home
- All Fijians have the right to understand the recommendations that will shape their elections

Recommendation 10.3: Approach Reforms as a National Endeavour

Electoral reforms must transcend partisan interests and prioritise the common good.

Why this recommendation?

- Elections belong to all Fijians, not any single political interest
- Bipartisan cooperation builds public confidence
- Inclusive and transparent processes build a more resilient, representative, and inclusive democracy

What should this include?

The Government should work with all political parties, civil society organisations, and the public to build consensus on electoral reforms.



1.0. POSITIVE IMPACT OF THE BILL

Why does SEEP say the Bill is positive?

SEEP acknowledges the Government has made genuine efforts to improve Fiji's elections. The Bill introduces several welcome reforms that address long-standing problems. Here is a detailed breakdown of what the Bill does well and why it matters:

1. Removing the 48-Hour Campaign Blackout

What does the Bill do? (Clause 12)

Currently, Section 118 of the Electoral Act 2014 bans all campaigning and media coverage for 48 hours before polling day and on polling day itself. The Bill removes this blackout.

Why is this positive?

- **Voters stay informed:** Previously, voters could not hear from candidates in the crucial final days before voting. This meant they might miss important information about candidates' policies or last-minute developments.
- **Freedom of expression:** The blackout was a disproportionate restriction on political speech. Citizens have a constitutional right under Section 23 of the 2013 Constitution to campaign for political parties and candidates.
- **Modern practice:** Many democracies have moved away from such strict blackouts. Voters today are sophisticated enough to process information right up to election day.

Example: Under the old law, if a candidate was exposed in a corruption scandal two days before polling day, the media could not report it. Voters would go to the polls without this important information. The new law allows this information to reach voters.

2. Reducing Campaign-Free Zones Around Polling Stations

What does the Bill do? (Clauses 12, 42, 43)

The Bill reduces the campaign-free zone around polling stations from 300 metres to 100 metres.

Why is this positive?

- **Fairer balance:** The 300-metre rule was excessive. It restricted political expression in areas where voters were simply walking to polling stations, not actually voting.
- **Easier enforcement:** A 100-metre radius is much easier for police and election officials to monitor. The shorter distance means campaigners and voters can clearly see the boundary.
- **Practical expression:** Campaigners can now display signs and distribute materials at a reasonable distance, without intimidating voters at the polling station itself.

Example: Under the old 300-metre rule, a small village polling station would effectively ban all campaign activity throughout the village. The 100-metre rule allows campaigning in most of the village while still protecting voters at the polling station entrance.

3. Expanding Postal Voting

What does the Bill do? (Clause 13)

The Bill expands postal voting eligibility to include voters with "family, or other significant commitments" and any other ground approved by the Electoral Commission.

Why is this positive?

- **More people can vote:** Many Fijians cannot attend polling stations because of work, caring for family members, or other commitments. Postal voting ensures they are not disenfranchised.
- **Reduces pressure on polling day:** Spreading voting over a longer period eases pressure on polling stations and reduces queues.
- **Flexibility:** The Electoral Commission can now approve additional grounds for postal voting as circumstances change.

Example: A mother caring for a sick child cannot leave home to vote. Under the old law, she might lose her vote. The new law allows her to vote by post.

4. Allowing Assistive Devices in Polling Stations

What does the Bill do? (Clause 9)

The Bill allows persons with disabilities to use assistive learning or speaking devices in polling stations.

Why is this positive?

- **Dignity and independence:** Previously, people with disabilities might need to rely on others to cast their vote. Now they can vote independently.
- **Privacy:** A blind voter can use a speaking device to select their candidate without anyone knowing who they voted for.
- **Inclusion:** This change recognises that persons with disabilities have the right to participate fully in political life, as required by the UN Convention on the Rights of Persons with Disabilities.

Example: A blind voter can use a talking ballot guide that reads the candidate names aloud through headphones. No one else can hear, so their vote remains secret.

5. Removing Statutory Declaration Requirements

What does the Bill do? (Clauses 7, 13)

The Bill removes statutory declaration requirements for objections to nominations and postal voting applications.

Why is this positive?

- **Simpler processes:** Previously, voters needed to make formal sworn declarations, which required finding a lawyer or justice of the peace. This was burdensome.
- **Greater participation:** Complex administrative requirements discourage people from participating. Simplifying these processes encourages more voters to exercise their rights.

- **Accessibility:** Not everyone can easily access a lawyer or JP, particularly in rural areas.

Example: A rural villager who wants to object to a candidate's nomination previously needed to travel to town, find a JP, and make a formal declaration. This might take days and cost money. The new law removes this barrier.

6. Free Transportation and Refreshments for Voters

What does the Bill do? (Clause 26)

The Bill allows free transportation and refreshments for voters, provided no vote influencing occurs.

Why is this positive?

- **Removes practical barriers:** Elderly people, persons with disabilities, and low-income voters often struggle to reach polling stations. Free transport removes this barrier.
- **Encourages participation:** When voters know transport is available, they are more likely to vote.
- **Safeguards:** The Bill includes a clear safeguard that transport cannot be used to influence votes.

Example: A small village in the interior of Viti Levu has no public transport. The elderly villagers might simply stay home on election day. With free transport, they can reach the polling station and have their say.

7. Modernising Election Administration

What does the Bill do?

The Bill introduces several practical reforms to improve election management:

Pre-poll schedule flexibility (Clause 14, New Section 82A)

- The Supervisor can adjust pre-poll schedules in cases of interrupting events, such as natural disasters or deployment delays.
- Changes must be promptly published online, broadcast on radio, and notified to political parties and observers.

Why is this positive? Elections can now adapt to unforeseen circumstances without disenfranchising voters.

Enhanced recount authority (Clause 16)

- The Supervisor can instruct or conduct recounts for quality assurance and overturn previous decisions.

Why is this positive? This ensures accuracy of results.

Discarded ballot papers (Clauses 17, 18)

- The Bill introduces "discarded ballot papers" into the reconciliation process.

Why is this positive? All ballot papers are properly accounted for, increasing transparency.

Rules for referendums (Clause 47)

- The Electoral Commission can make Rules for conducting referendums.

Why is this positive? Fiji now has a clear framework if a referendum is ever needed.

8. Removing Unnecessary Restrictions

What does the Bill do?

Campaigns in educational institutions (Clause 46)

- The Bill removes the prohibition on campaigns in educational institutions.

Why is this positive? Students can engage meaningfully with the democratic process. This promotes political literacy.

Costing requirements (Clause 28)

- The Bill removes costly requirements for financial commitments.

Why is this positive? Reduces administrative burden on political parties.

Media restrictions (Clause 29)

- Media restrictions are limited to polling day only.

Why is this positive? Greater media freedom and voter access to information.

9. Strengthening Transparency and Accountability

What does the Bill do?

Multi-channel notification (Clause 14, New Section 82A)

- Pre-poll schedule changes must be published on the Fijian Elections Office website, social media, and broadcast on radio.

Why is this positive? Political parties, candidates, and observers can respond effectively.

Right of appeal (Clause 27)

- Persons directed to amend or cancel campaign activities can appeal to the Electoral Commission within 3 days.

Why is this positive? Procedural fairness in enforcement actions.

Clear authorisation

- Campaign materials must show who authorised them.

Why is this positive? Voters know who is behind political messages.

SEEP's Electoral (Amendment) Bill 2026 to the Standing Committee on Justice, Law, Human Rights.

1. Monitoring must be clear and active.

The Bill says candidates must stay eligible after nomination, but it does not say who checks this, how breaches are found, what happens if a candidate becomes ineligible, or by when. A candidate could be convicted, become bankrupt, or get foreign citizenship and still stay on the ballot. The Bill also changes provisional results from “continuously” to “periodically,” which can delay information and allow misinformation. Pre-poll notice is too short, especially for remote voters, and campaign enforcement is weak.

SEEP recommends make the Supervisor of Elections the clear monitoring authority with powers and timelines; restore continuous results or set a minimum update frequency; give at least 14 days’ pre-poll notice; provide voter education in all languages; and create proactive campaign monitoring.

2. Enforcement powers need fair checks and balances.

The Supervisor can order recounts for undefined “quality assurance” and change a result, with no right of appeal. The Bill also gives an automatic four-year voting ban for corrupt practices and a public list, which is too harsh for minor offences. Appeal rights apply only to some decisions, not recounts or other major supervisory decisions. The Electoral Commission’s Rules have not been published, so parties and citizens cannot know their duties.

SEEP recommends define clear triggers for recounts; allow appeals to the Electoral Commission; let the court or Commission decide disqualification case by case; limit the public list to serious offences; extend appeal rights to all major decisions; and publish the Rules before the Bill is passed.

3. Implementation and public understanding must be realistic.

Fiji’s next election is due between August 2026 and February 2027, but the Bill has 47 changes and is not passed yet. The Venice Commission says fundamental electoral laws should not be changed less than one year before an election. Two to three months is not enough to train staff, update systems, help parties understand new rules, and educate voters. There is no evidence

of a comprehensive public awareness campaign, and the definitions are confusing even to legal experts.

SEEP recommends relook the timeline; allow enough time for training, public education, and system updates; run awareness in iTaukei, Hindi, Rotuman, and English; simplify definitions; translate key materials; and ensure proper parliamentary scrutiny. SEEP supports the Bill, but these fixes are needed so it serves all Fijians fairly.

Conclusion

SEEP supports the Electoral (Amendment) Bill 2026 because it makes elections more inclusive, accessible, and fair. But support must come with safeguards. The Committee must fix three key gaps: clear monitoring of candidate eligibility, fair checks and appeal rights on enforcement powers, and a realistic implementation timeline with proper public education. If these issues are addressed, the Bill can truly serve all Fijians equally and strengthen trust in our democracy.

Vinaka vakalevu.