

THE ELECTORAL COMMISSION

REPUBLIC OF FIJI



ANNUALREPORT

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ANNUAL REPORT

THE ELECTORAL COMMISSION
REPUBLIC OF FIJI

FOREWORD

It is my pleasure to deliver the 2017 Annual Report of the Electoral Commission in accordance with Section 75 (4) of the Constitution.

I was appointed Chairperson of the Electoral Commission by H.E. the President on 03 February 2017. On the same date, Kavita Raniga, Margot Jenkins, Ratu Paula Halaiwalu, Jawahar Lal, Grahame Southwick and Simone Naiduki were also appointed as Commissioners. The February amendments to the Electoral Act also appointed the Supervisor of Elections, Mohammed Saneem, as the Secretary to the Commission.

The Electoral Commission Secretariat maintained in the Fijian Elections Office (FEO) assisted in the handing over process, particularly in terms of the documents and record of the previous Commission. The introduction workshop conducted by the FEO was of great assistance to all of us.

As will be noted from this report, the Electoral Commission has very quickly familiarised itself with the conduct of elections. There were some urgent, important tasks required to be performed by the Electoral Commission under the legal framework which we attended to without delay.

The Electoral Commission also decided to boost the moral and momentum in terms of election preparations and we adopted the theme '*Raising the standards in the delivery of elections in Fiji*' until March 2018.

Whilst details are listed in the report, I wish to take this opportunity to thank my Commissioners, Supervisor of Elections and the staff of the Fijian Elections Office for their dedication, commitment and enthusiasm in ensuring that 2017 sets the platform for a free fair and credible election in 2018.

Suresh Chandra
Chairperson



EXECUTIVE SUMMARY


- (i) Pursuant to section 75(4) of the Constitution, The Electoral Commission is required to submit a report of its activities to H.E. the President and a copy is to be submitted to Parliament.
- (ii) This report is for the period 03 February 2017 to 31 December 2017 to make it in line with the calendar year.
- (iii) Key activities of the Electoral Commission for 2017 included the following:
 - a. Introduction to Elections Workshop
 - b. Electoral Commission Meetings
 - c. Launch of VoterCard 2.0, Electoral Commission Website, Lavetiviti Newsletter and the Fiji National Polling Venues Directory
 - d. Receiving the Secretary General of Association of World Election Bodies to Fiji
 - e. Participation in the Korean National Election Visitor Program and the New Zealand National Election Visitor Program
 - f. Participation in the *Writ to Writ* Election Planning Workshop
 - g. Meetings with Political Parties
 - h. Dealing with various correspondence, media enquiries and FEO reports.
 - i. Electoral Commission Decisions
- (iv) The Electoral Commission was sufficiently funded to ensure it was able to meet its responsibilities as per the legal framework

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1.0 INTRODUCTION



The Electoral Commission (the Commission) is established pursuant to section 75 of the Constitution. The Commission has the responsibility for the registration of voters and the conduct of free and fair elections in accordance with the written law governing elections and any other relevant law, and in particular for— the registration of citizens as voters, and the regular revision of the Register of Voters; voter education; the registration of candidates for election; the settlement of electoral disputes, including disputes relating to or arising from nominations, but excluding election petitions and disputes subsequent to the declaration of election results; and monitoring and enforcing compliance with any written law governing elections and political parties. The Commission has such other functions as are conferred on it by this Constitution or a written law.

The current Commission was appointed by His Excellency, the President on 03 February 2017. This Commission is the second under the Constitution. The Previous Commission had been appointed in 2014 and their terms concluded in January 2017 at the end of 3 years.

The previous Commission is acknowledged for the work they did in achieving a free, fair and credible election in 2014. The handing over was done through the secretariat that was maintained at the Fijian Elections Office.

This report has been drawn up for the calendar year February to December 2017 to assist the Commission in regularizing the annual calendar period for future reporting.

As in past practice, copies each will be given to the Minister Responsible for Elections and the Supervisor of Elections. A copy of this report will also be given to the Chairperson of the Constitutional Offices Commission.

THE ELECTORAL COMMISSION



RATU PAULA HALAIWALU
Commissioner

MARGOT JENKINS
Commissioner

GRAHAME SOUTHWICK
Commissioner

SURESH
Chair



2017



CHANDRA
person

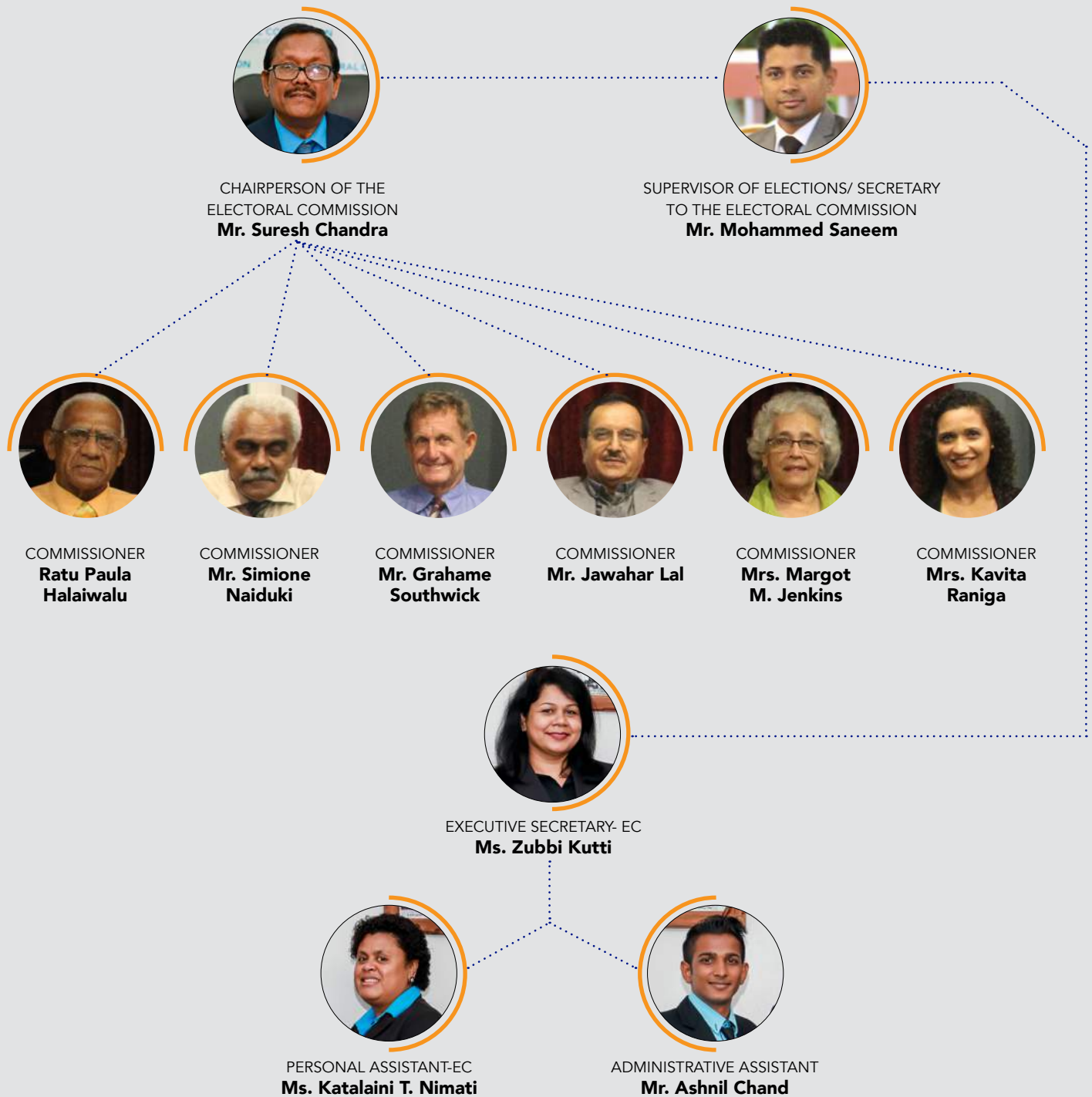
JAWAHAR LAL
Commissioner

KAVITA RANIGA
Commissioner

SIMIONE NAIDUKI
Commissioner



REPORTING STRUCTURE





2.0 INSTITUTIONAL SUPPORT

2.1 Secretariat

For the past 11 Months, the Commission has undertaken to write its own reports and other correspondence. The year 2017 began with one full-time personal assistant who was employed by the Fijian Elections Office. In May, the Commission had a full secretariat with three full time staff.

The Secretariat has since then developed various internal operational guidelines and procedures to ensure that the Electoral Commissioners are able to discharge their functions effectively.

The Secretariat had also finalized a proper Electoral Commission Meeting Calendar as well as proper meeting paper templates for matters to be considered by the Commission. The Commission Meetings were also handled through a proper minute recording system and practice.

The Secretariat also underwent training by Technical Consultants from New Zealand particularly in terms of streamlining the correspondence and complaints mechanisms. The Secretariat also revised a majority of the forms that were used by the Commission to enable effective information gathering and transfer.

Based on the new reporting requirements under the Act, the Secretariat worked with the FEO IT team to develop a fully functional website for the Commission. This assisted to ensure that the decisions, speeches and press statements of the Commission were updated on the website in a timely manner.

The Commission approved the re-branding of some of the Commission's letterheads and other publicity materials. This became necessary to align the Commission's publication materials with the legal provisions.

The Secretariat also established various registers as per the requirements of the Electoral Act to ensure that information is recorded properly and as per good practice. A proper registry was also established for Commission documents.

2.2 Budget

In practice, the Commission has not been asked to make its own representation on its annual budget. The Secretary to the Commission prepared a budget paper for the Commission which was approved by the Commission for the Secretary to include in the Fijian Elections Office budget. This Commission received its first budget in the financial year beginning 01 August 2017.

The Commission was allocated \$115,047 for the financial period August 2016 to July 2017. This was a marked increase from its 2016 annual budget of \$40,017. The budget covers the following from February 2017 till July 2017: Local Travelling (\$17,314), Communications (\$181), Meeting Expenses (\$4,800), Administrative Expenses (\$14,865), Legal Cost (\$40,100), Marketing Cost (\$4,140), Chairman's Allowance (\$9,714), 6 ECs (\$60,286) + VAT (\$3,664).

The annual budget for August 2017 till July 2018 is \$545,910. The current budget covers for the following from August 2017 till July 2018: Local Travelling (\$140,000), Overseas Travel (\$35,000), Communications (\$18,700), Meeting Expenses (\$35,000), Administrative Expenses (\$32,300), Marketing Cost (\$38,000), Chairman's Allowance (\$28,571), 6 ECs (\$191,429) + VAT (\$26,910).

2.3 Commissioner's Allowances

All Electoral Commissioners are part time and are remunerated with a sitting allowance of \$500 per meeting and also for work undertaken on behalf of Electoral Commission as and when required. Since 2017 the work of the Commissioners included the set-up of its office, interviews of senior management positions, preparing a roadmap to the 2018 General Election, meetings with political parties, the media, civil society organisations and other government agencies including the Fiji Police, dealing with complaints and appeals, reviews and monitoring, mentoring staff including polling assistants, report writing and other correspondence to name a few. For participation in conferences locally and overseas where travel per diem is paid by the donor, they did not claim their daily allowance of \$500. In addition, each Commissioner is allowed a meal allowance of \$50 per day for each meeting. In practice, they do not collect this allowance and instead opt for the FEO to arrange and pay for their meals.

3.0 THE ELECTORAL COMMISSION'S WORK IN 2017

The Electoral Commission met Twenty (20) times in 2017. Its work included:

- Introduction to Elections Workshop
 - This was held at GPH on 06 and 07 March 2017. This workshop was introduction workshop for all Commissioner's by SoE.
- Electoral Commission Meetings
 - The Electoral Commission held 9 meetings from February – September 2017.
 - This was the monthly EC meeting which was to discuss general matters and correspondence to the Commission.
- Receiving the Secretary General of Association of World Election Bodies to Fiji (AWEB)
 - EC Meeting with the Secretary General of AWEB and Signing of MOU for technical support to FEO on 23 March 2017.
- Launch of VoterCard 2.0, Electoral Commission Website, Lavetiviti Newsletter and the Fiji National Polling Venues Directory
 - This was a major event for the Electoral Commission which was held 05 April 2017 at Albert Park Event Room.
- Participation in the Korean National Election Visitor Program and the New Zealand National Election Visitor Program
 - The Korean Elections visitor program for the 19th Presidential Election which was held on 09 May 2017 and was attended by the Chairperson and the SoE.
 - The New Zealand Electoral Commission overseas visitor program which was held from 19 September 2017 till 24 September 2017 and was attended by all Commissioners except Commissioner Graham Southwick.
 - All costs for the Commissioners' participation were funded respectively by the National Election Commission, Republic of Korea and New Zealand Electoral Commission.
- Participation in the Writ to Writ Election Planning Workshop
 - This was held at GPH from 11 October – 13 October 2017
- Meetings with Political Parties
 - This was held at FEO on 3 April 2017
 - This was held at FEO on 16 June 2017
 - This was held at FEO on 12 September 2017

- Electoral Commission Decisions
The Electoral Commission made 10 Decisions during their meetings from February 2017 to September 2017.
 - i. Award of seat in Parliament – Decision No. 01/2017 – Meeting No. 01/2017
 - ii. Composition of Members of Parliament of the Republic of Fiji – Decision No. 02/2017 – Meeting No. 02/2017
 - iii. Approval for the process to select the first number on the Ballot Paper – Decision No. 3 – Meeting No. 03/2017
 - iv. Total Number of Voters that can be assigned to a Polling Station is 500 – Decision No. 04/2017 – Meeting No. 04/2017
 - v. Rules governing Objections and Appeals to a Registration on the National Register of Voters – Decision No. 05/2017 – Meeting No. 04/2017
 - vi. Publications Guideline – Decision No. 06/2017 – Meeting No. 04/2017
 - vii. Release of the Polling Agent Handbook – Decision No. 07/2017 – Meeting No. 05/2017
 - viii. Statement to be presented to the Parliamentary Standing Committee – Decision No. 08/2017 – Meeting No. 05/2017
 - ix. Approval of the following forms to be used with immediate effect – Decision No. 09/2017 – Meeting No. 08/2017:
 - a. Nomination of Independent Candidate Form
 - b. Party List for Nomination of Party Candidates by a Political Party
 - c. Objection to Nomination of Candidates Form
 - d. Appeals on Nomination of Candidates Form
 - e. Application for Registration of Political Party
 - f. Declaration of Income, Assets and Liabilities
 - x. The Fijian Elections Office to carry out enhancements of the Result Management Systems [RMIS] by engaging the initial supplier, namely DATEC (FIJI) limited – Decision No. 10/2017 – Meeting No. 08/2017
- Dealing with various correspondence, media enquiries and FEO reports.

3.1 Presentation to the Parliamentary Standing Committee on Law, Justice and Human Rights – “Briefing – Reports on the 2014 General Elections and MOG Report”

The Electoral Commission had done an enhanced report on the Reports on 2014 General Elections and MOG Report.

On Monday, 26 June 2017, the Electoral Commission described its position, clarified its recommendations made in its 2014 Report and MOG Report and emphasised the importance of an independent Electoral Commission if Fiji's General Election is to be truly free and fair.

In Summary, the Commission has accepted and actioned 19 of the 38 MOG recommendations. It does not have any jurisdiction in 9 recommendations and had decided to reject 10 recommendations.

The Electoral Commission submission to the Standing Committee is attached in its decision.

3.2 Overseas Visitors Program Participation

Two Invitations for overseas visitors' programs on electoral matters were received.

The first was the Korean Elections visitor program for the 19 Presidential Election, held on 09th May 2017, attended by Chairperson and SoE.

The second was New Zealand Electoral Commission overseas visitor program which was held from 19th September 2017 till 24th September 2017 and this was attended by all Commissioners except Commissioner Graham Southwick.

(All costs for the participants were funded by the National Election Commission, Republic of Korea and New Zealand Electoral Commission, as applicable.)

4.0 CIVIL APPEAL NO. ABU0069 of 2014 (ELECTORAL COMMISSION v SUPERVISOR of ELECTIONS)

Both parties withdraw the appeal by consent. This was due to changes in the Law that clarified the timetable.

5.0 THE ELECTORAL COMMISSION WEBSITE

To enhance transparency as well as accessibility to the Electoral Commission content and material as well as the decisions of the Electoral Commission in particular to decisions that concern the Electoral activities.

The Electoral Commission spearheaded the development and launch of its own website on 06 April 2017. The Electoral Commission has thereafter ensured that the website is uploaded with the latest content as well as copies of its decisions, statement and speeches. This is to ensure that there is transparency in its operations as well as there is accessibility for any person to go through the website and obtain these documents for their perusal.

The Electoral Commission also runs a complaints portal by email for anyone who wishes to contact the Commission through the website. The website is disability friendly and enhances the accessibility of the persons who would ideally not have access to such facilities by ensuring that the website is compatible with all media devices as well.

The Electoral Commission website has all the decisions of the Electoral Commission from 14th February 2017.

6.0 EXPRESSION OF GRATITUDE

I express my sincere gratitude to New Zealand, Australia and South Korea for providing me and the Commissioners direct exposure to elections at an opportune time and New Zealand's support in preparation for our election.

The Commission is also very grateful to the Supervisor of Elections who, having the "sea of knowledge", provided the Commission his unconditional and dedicated support as Secretary.

The Commission also appreciates that all political parties eventually generally accepted the law and procedures involved in the coming election with the Commission for time being and moving on towards election.

Dated this.....³¹..... day of*January*..... 2018



SURESH CHANDRA

Chairperson of the Electoral Commission



A photograph of a traditional thatched-roof hut, likely made of palm fronds or similar natural materials. The hut has a steep, conical roof and a small, light-colored door with horizontal slats. The background shows a palm tree and other tropical vegetation. The entire image is overlaid with a semi-transparent blue filter.

EC DECISION

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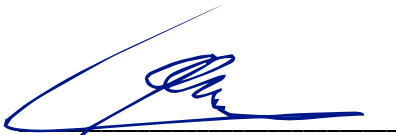
59 - 63 High Street, Toorak, Suva. P. O. Box 2528, Government Buildings, Suva.
Phone: +679 331 0255 Fax: +679 331 9513 Website: www.feo.org.fj

Ref: 001/2017

DECISION OF ELECTORAL COMMISSION – AWARD OF SEAT IN PARLIAMENT

Following its meeting on 21 February 2017, the Electoral Commission ['EC'] resolved the following:

1. As per section 64(1) of the Fiji Constitution 2013, Mr. Parmod Chand, candidate number 202, having secured 1, 014 votes in the 2014 General Election is the highest ranked out of the candidates of the National Federation Party who did not get elected to Parliament but is still available to serve.
2. The EC approves the awarding of the vacant parliamentary seat to Mr. Parmod Chand of Lot 48, Ritova Street, Labasa.



Suresh Chandra
Chairperson – Electoral Commission
21 February, 2017

THE ELECTORAL COMMISSION

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*Ref: Meeting Number 02/17
Decision Number 02/2017*

CONSTITUTION OF THE REPUBLIC OF FIJI

COMPOSITION OF MEMBERS OF PARLIAMENT OF THE REPUBLIC OF FIJI

PURSUANT to Section 54 of the Constitution of the Republic of Fiji, 2013, and upon review of the composition of Parliament having regard to the population of the Republic of Fiji, the Electoral Commission has determined that the composition of Parliament, for the purpose of the election of members to Parliament in the next general election, be altered by increasing the number of seats in Parliament from 50 to 51.

Dated this 8th day of March 2017



SURESH CHANDRA

Chairperson of the Electoral Commission

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*Ref: Meeting Number 03/17
Decision Number 03/2017*

THE ELECTORAL ACT 2014

APPROVAL FOR THE PROCESS TO SELECT THE FIRST NUMBER ON THE BALLOT PAPER

PURSUANT to Section 36(2) (c) of the Electoral Act, 2014, the Electoral Commission is required to approve the first 3 digit number of the Ballot Paper for the 2018 General Election. Therefore the Electoral Commission has approved that a ball draw is conducted and widely publicized to determine this first 3 digit number.

Dated this 15th day of May 2017



SURESH CHANDRA

Chairperson of the Electoral Commission

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*Ref: Meeting Number 04/17
Decision Numbers 4 - 6/2017*

The Electoral Commission, having held a meeting on 12 June 2017 have resolved as follows:

1. In accordance with s 39 (2) of the Electoral Act, the Electoral Commission approves that total number of voters that can be assigned to a Polling Station is **500**.
2. In accordance with s155 (1) (b) of the Electoral Act, the Electoral Commission approves the **Rules governing objections and Appeals to a Registration on the National Register of Voters**.
3. The Electoral Commission approved the Publications Guideline available on <http://electoralcommission.org.fj/>

Dated this 12th day of June 2017



SURESH CHANDRA
Chairperson of the Electoral Commission

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RULES GOVERNING APPEALS AND OBJECTIONS ON NATIONAL REGISTER OF VOTERS

S155(1)(b) of the Electoral Act

The Electoral Commission at its meeting on 12 June 2017 has approved the following rules to establish a procedure for Objections and Appeals to a registration on the National Register of Voters.



Suresh Chandra
Chairperson of the Electoral Commission

Objections

1. (1) A person whose name appears on the National Register of Voters may make an objection to the inclusion of the name of any other person on the National Register of Voters,
(2) An objection made in subsection (1) shall-
 - a. identify the full name as it appears on the National Register of Voters, including the residential address and voter number of –
 - i. The person making the objection; and
 - ii. The registered voter concerned;
 - b. set out the ground of the objection;
 - c. set out the facts giving rise to the objection;
 - d. contain a statutory declaration that the objector has made a conscientious efforts to determine that those facts are true to the best of his or her knowledge and belief, and
 - e. be delivered to the Supervisor of Elections.
- (3) upon receiving an objection under this section, the Supervisor of Elections shall make such enquiries as he or she may deem necessary
- (4) If -
 - (a) an objection does not comply with subsection (2); or

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(b) the Supervisor of Elections deems that an objection is frivolous, the Supervisor of Elections shall, subject subsection (5) , dismiss the objection and advise the objector in writing accordingly.

(5) The Supervisor of Elections shall not dismiss an objection solely on the ground that it does not comply with subsection (2) (a) if he or she is satisfied with the identity of the objector and the voter.

(6) If an objection is not dismissed under subsection (4), the Supervisor of Elections shall -

(a) send a notice by registered post or by personal service requiring the voter to answer the objection; and

(b) state the time within which the voter shall answer the objection, either in person or in writing.

(7) If the voter does not answer the objection within the time allowed, the Supervisor of Elections shall proceed to deal with the objection. And may either dismiss or uphold the objection.

(8) If an objection is upheld, the supervisor of Election shall notify the objector and the voter in writing and the voters name shall be removed from the National Register of Voters and , if the objection is upheld in the period between the date fixed for the closure of the National Register of Voters and the first polling day the name of the voter shall be removed from the National Register of Voters and entered in the list of post - register deletions.

(9) If an objection is dismissed the Supervisor of Election shall notify the objector and the voter in writing

Settling Objections

2. The Supervisor of Elections shall either uphold or dismiss an objection within fourteen (14) days from the date of objection is delivered to him or her.

Review of Decision of the Supervisor of Election on objection

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3. (1) If the objector ;or the voter is dissatisfied with the decision of the Supervisor of Elections on an objection, the objector or voter may, within fourteen (14) days from the date of the decision apply in writing to the Electoral Commission for the review of the decision.

(2) An application for review under subsection (1) shall state the reason the reason for the application

(3) Upon receipt of an application in subsection (1), the Electoral Commission shall give written notice of it to the Supervisor of Elections and to either the objector or the voter who is not the applicant.

(4) The Electoral commission shall, within fourteen (14) days of the receipts of an application, review the decision in question and make a decision in writing –
 - (a) affirming the decision; or
 - (b) setting aside the decision and making a decision in substitution for it.
(5) The Electoral Commission shall give written notice of its decision to the objector or the voter and the Supervisor of Elections.

(6) If the effect of decision of the Electoral Commission under subsection (4) is to uphold the objection, the name of the voter shall remain removed from the National Register of Voters and, if the registration objected to was in the period between the date fixed for the closure of the National Register of Voters and the first polling day, the name of the voter shall remain on the list of post register deletion

(7) If the effect of the decision of the Electoral Commission under subsection (4) is to dismiss the objection, the name of the voter shall if it was removed from the National Register of Voters as a result of the objection, be reinstated on the National Register of Voters and, if the decision of the Electoral Commission is made in the period between the date fixed for the closure of the National Register of Voters and the first polling day, the name of the voter shall be entered in the post register registration.

(8) The Electoral Commission may inquire into any matter relevant to the objection and may require from the objector or the voter concern such evidence relating to the objection as he or she deems necessary

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*Ref: Meeting Number 05/17
Decision Numbers 7 - 8/2017*

The Electoral Commission, having held a meeting on 27 June 2017 have resolved as follows:

1. In accordance with section 3 (1) (g) of the Electoral Act, the Electoral Commission approves the release of the **Polling Agent Handbook**.
2. The Electoral Commission approves the attached statement to be presented to the Parliamentary Standing Committee.

Dated this 27th day of June 2017



SURESH CHANDRA
Chairperson of the Electoral Commission

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Statement by the Chairperson of the Electoral Commission
Mr Suresh Chandra
to the Parliamentary Standing Committee on Justice, Law and Human Rights
2:00pm, 26 June, 2017
Parliament Complex, Suva

Bula Vinaka Chairman and Members of this August Committee.

I am Suresh Chandra, Chairperson of the Electoral Commission and I would like to introduce my Commission:

1. Mr. Grahame Southwick
2. Ms. Kavita Raniga
3. Ratu Paula Halaiwalu
4. Mr. Simione Naiduki
5. Ms. Margot Jenkins
6. Mr. Jay Lal

On behalf of the Electoral Commission, I would like to express sincere gratitude to the Committee for allowing us this opportunity to present the Commission's views on the 2014 Annual Report by the previous Electoral Commission as well as the report of the Multi-National Observer Group[MOG].

The Commission would like to add that it received a joint submission from National Federation Party, Social Democratic Liberal Party, Fiji United Freedom Party, Fiji Labour Party and Peoples Democratic Party in which these parties attempted to make further submissions on the Report. We studied that submission and further invited the 5 Political Parties to make oral submissions to the whole Commission on 16 June 2017.

We will address 3 main issues in our submission to the Committee:

1. Allegations of Irregularities in the 2014 General Election

Following our appointment, we were approached by the 5 Political Parties through correspondence with allegations of irregularities in the 2014 General Election. The Electoral Commission invited

All correspondence to be addressed to the Chairperson

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the Parties to submit evidence to this Commission without delay to allow us to ascertain the accuracy of those allegations.

The Commission also extended a final opportunity to all the above 5 Parties to submit the purported evidence of irregularities in the 2014 General Election, which we believed that they had had more than adequate time to compile.

The Commission found that these parties have failed to cite any evidence of the purported irregularities. They failed to furnish any evidence to the previous Electoral Commission and similarly, failed to furnish any material of substance for us to consider as well. We cannot drag this any further.

In light of this, we firmly believe that these claims and stories about irregularities during the 2014 General Election are without merit or substance. The Commission members are firm in the view that both this Commission and the previous Commission have spent considerable time and energy in this futile exercise.

We have also concluded that since these Parties have failed to provide any evidence, all their allegations from 2014 lack merits and are falsely designed only serve to undermine the public's faith in the electoral process, which we are committed to strengthen and uphold.

2. Recommendations by the Multi-National Observer Group on the 2014 General Election.

My Commission recognizes that we are an independent institution and, therefore, we have chosen to take our own views on various recommendations by the Multinational Observer Group Report on the 2014 General Election.

Firstly, I would like to thank the MOG for its report as a baseline for our work towards the 2018 General Election. I would like to state that MOG had ensured that it was present at core aspects of the electoral process and that it carried out the observation process with critical precision. This is clearly reflected in its report.

The findings of MOG are as they are. They have made assessments that they believed were necessary, and we, the Commission who will handle the next General Election have evaluated these assessments comprehensively. In summary, there are 38 recommendations of the MOG. The Electoral Commission and the Fijian Elections Office have accepted the following recommendations some of which were actioned by Parliament already:

All correspondence to be addressed to the Chairperson

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1. The Amendment to the Electoral Act in February 2017 has clarified the role of the SoE and the Commission. It has established that both organizations have to work together to deliver the election. The SoE is bound by all decisions of the Electoral Commission. MOG Recommendation number 7.
2. The Electoral Commission will publish a calendar of events and key dates for the next General Election. –MOG Recommendation Number 10.
3. The Public Order Act 2012 has been amended by Parliament to allow Political Parties to conduct meetings without the need for permits. MOG Recommendation number 11.
4. The Amendment to the Electoral Act in February 2017 has clarified that Political Party Agents and Observers can take materials approved by the SoE inside the Polling station. MOG Recommendations numbered 13 and 32.
5. The Electoral Commission will publish a Handbook for Polling Agents and the Media. The handbook will explain the roles, responsibilities and restrictions for Polling agents and observers. It also gives guidance to Agents and Observers on how to deal with particular issues in the Polling Place. It is anticipated that the Political Parties can use this handbook to develop their Polling Agent operations procedures. – MOG Recommendations Numbered 14, 15 and 16.
6. The Parliament has amended the Electoral Act in February this year to allow the SoE to distribute postal ballots by the best practical means. This should allow voters in rural areas to receive the ballots well in time. The MOG recommendation number 21 is therefore accepted, but we have developed an alternative solution.
7. The printing and display of the National Register of Voters is now an annual exercise, and to enhance the sense of citizen ownership of the Register, the Electoral Commission has approved rules that will allow a voter to object to the registration of another voter. We believe that this will promote greater involvement of Fijians in the electoral process. Each registered political party was given a copy of the Register free of charge. MOG Recommendation Number 22.
8. The awareness and outreach programs from the FEO will intensify as we approach the 2018 General Election. The FEO already has an awareness session built into the registration

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drive, but a more formal and direct face-face awareness program will be undertaken from 15 January to 15 April 2018. A Publications Guideline has been established to ensure that all voters have access to necessary basic information about the election and the process of voting. MOG Recommendation 23.

9. The FEO has advertised globally and secured the services of Ms. Yvonne Gouldie, an electoral expert, to develop the Secondary School Electoral Awareness Curriculum. It is anticipated that the Curriculum will be ready for implementation in schools by next year at the latest. MOG Recommendation 24.
10. In March 2018, a call centre will be established to assist voters with election queries. This call centre will action queries on the 'check your polling venue sms and online platform.' MOG Recommendation 25.
11. The FEO launched its first edition of the Fiji National Polling Venues Directories in March 2017. The purpose of the directories is to allow Fijians to locate and learn details about individual polling venues. This directory was developed after thorough consultation with various agencies. An online version of this directory is also available. MOG Recommendation 30.
12. Having established those areas where pre-polling will take place, it will now be much easier for the FEO to inform voters in these areas about the exact timing for pre-poll in the polling places. MOG Recommendation 31.
13. An important part of the Polling Agents handbook is a detailed explanation of the process for voting, counting and results transmission. A diagram is also included that explains the process on polling day. MOG Recommendation 34.
14. The training of election officials will be conducted in phases for 2018. There will be a refresher programme organized following the announcement of election dates. With elections more than a year away, the FEO can ensure that recruitment is done early to allow for sufficient time to train the officials. A new administrative layer has been introduced in the FEO Organization Structure so that there is a more efficient communications channel. MOG Recommendation 35.
15. The counting process has been adjusted to allow staff greater convenience in undertaking this important role. The Commission has once again limited the total number of voters to

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500, which will mean that those staff who are doing counting will not be overburdened. The Reconciliation Book and the Protocol of Results books have been modified to allow ease of use. MOG Recommendation Number 36.

16. The training manuals have been prepared keeping in mind that observers and agents must be allowed to remain inside the polling station throughout the whole process. Special emphasis has been placed on ensuring that this is conveyed to election officials during training. The Polling Agents Handbook by the FEO also makes specific reference to this. MOG Recommendation number 37.

The Electoral Commission invites the Committee to note that 19 of the 38 recommendations have been accepted and acted upon in some progressive manner so far. The Electoral Commission also has decided that it will reject the following recommendations:

1. Recommendation 33: The Polling process in Fiji is one of the simplest in the world and it will not be changed for the next General Election.
2. Recommendation 28: We have noted from file records that all reasons for rejection of applications under s115 were properly given, and therefore MOG has made an inaccurate observation in this recommendation.
3. Recommendation 4: To maintain consistency and to maintain simplicity, the recommendation to have more than 1 form of the National Candidates List is rejected.
4. Recommendation 5 & 18: The Electoral Commission notes that the Courts will apply penalties proportionately based on the aggravating factors as well as mitigating factors. The Electoral Commission has noted that in the case of *State v Matairavula*, the High Court has upheld a term of 2-year imprisonment for a charge of impersonating an election official. The Electoral Act prescribed that the maximum penalty for this offence was 10 years or \$50,000 or both. Therefore, the Commission maintains that the Judiciary will exercise the powers of sentencing based on judicial principles, so this recommendation is rejected.
5. Recommendation 8: The Electoral Commission notes that despite Fiji being a single constituency, it is necessary that Political Parties have national reach and approach in terms of their formation and policy. This will ensure that there is a balanced policy-making approach. There are already 7 Parties that have registered successfully, and 1 application is currently being processed. Therefore, this recommendation is rejected.

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6. Recommendation 12: The Electoral Commission believes that this time around parties will be more prepared to campaign with their numbers. It is unreasonable to have a very lengthy *post writ* period. Therefore, this recommendation is rejected.
7. Recommendation 19 and 20: MIDA is a statutory body, and the High Court has oversight of the activities of MIDA. Therefore, no further changes are required in this framework.
8. Recommendation 29: The Electoral Commission believes that it is unnecessary to make semantic changes to the electoral system from one election to the next. We prefer to maintain consistency in the electoral process so that voters can become more confident about the system.

The Electoral Commission does not have jurisdiction in dealing with the following recommendations as it requires the Parliament to consider and decide upon, and prefers that the Parliament deal with them at its discretion:

Recommendations 1, 2, 3, 6, 9, 17, 26, 27, 38.

In summary, the Commission has accepted and actioned 19 of the 38 MOG recommendations. It does not have any jurisdiction in 9 recommendations and has decided to reject 10 recommendations.

3. 2014 Annual Report of the Previous Electoral Commission

I will now turn to the 2014 Annual Report by the previous Electoral Commission. I would like to begin by acknowledging the challenging task undertaken by my predecessor and his team. We noted how it was recorded that there were difficulties faced by the previous commission in terms of legal expertise, technical expertise and general staffing.

My Commission would like to put on record that following the clarification of the law in February, the entire Fijian Elections Office is reporting to the Electoral Commission through the Supervisor of Elections. We have adopted a businesslike approach to the day-to-day running of the Electoral Commission. Our meetings have proper minutes recorded by the secretariat, and our decisions are published as per our guidelines to the secretariat. The SoE has boosted the secretariat support to the EC with skilled and qualified staff recruited based on an open merit process. We have found that the FEO ensures that all our meeting necessities and other expenses are managed according to our directives.

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We would also like to state our view that the Supervisor of Elections, Mr. Saneem, has proven that despite the short timeframe in 2014, under his leadership and with the hard work of his team, it is possible to conduct a one-day election for the first time based on a completely new system and completely new set of staff, and achieve success and international acclaim in the process. Mr. Saneem very ably handled all aspects of the election relatively well and quickly became an electoral expert, if I may say so, for FIJI.

Post 2014, Mr. Saneem has led the FEO to become a regional leader in terms of developing election best practices as well as a resource person for regional and international election forums. In a short time, the FEO has achieved some major advancements, all directed at improving the delivery of elections, enhancing general voter comfort and strengthening the credibility of electoral processes.

Our Commission endorses the work by Mr. Saneem and his hardworking team at the FEO and assure this committee that we will provide the necessary support as well as oversight as progress is made towards the next general election. The latest of the achievements is the inclusion of a case-study on the Biometric Voter Registration system in Fiji in a publication by International IDEA.

We have considered the 2014 General Election Reports extensively and we have noted that most of it is now up to Parliament to determine what course of action it wishes to take. The Electoral Commission is not appointed to make any laws, nor are we authorized to amend or disregard any law. We can make rules of procedure that are consistent with existing laws.

We have been informed that this Committee has already heard the views of our predecessors and also those of various stakeholders regarding the 2014 Annual Report. With all due respect, we would like to state the position of this Commission as follows:

1. The Electoral Commission and the SOE will apply the laws as it is. We acknowledge that there are requests for amendments and changes, but we assure this committee that until the amendments are approved by Parliament, we will comply with the laws to the letter and expect the same from all election stakeholders.
2. This Commission does not propose or support any changes to the Constitution.
3. The Commission believes that the current rules relating to candidate eligibility are sufficient and that no further changes should be made.

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4. Following the amendments in February, the Commission now approves the first number in the ballot paper. The Commission approved that this process is to be done transparently by a ball draw. The first number in the ballot paper for the next General Election is 508.
5. The Commission believes that the Voter Instruction Guide that is given to all voters when they enter the Polling Station provides sufficient minimum information for voters to select the candidate of their choice. The Voter Instruction Guide offers the name, photo and number of each candidate. The success of this system is illustrated by 99.24% valid votes from the last election – a historic record for Fiji. In the next election voters will be more comfortable with this process.
6. The Electoral Commission notes that changes to the law are the responsibility of Parliament. Under the current system, processes prescribed in the Act are already designed to provide the most necessary and appropriate assistance to a voter when he or she goes to the voting screen to vote.
7. The February 2017 amendments by Parliament to allow Observers and Agents to carry prescribed materials into polling stations and this is welcomed by the Commission. The SOE has published the notice in the daily newspaper on 20 June 2017 outlining the prescribed materials.
8. The Commission agrees that too many of the formats of the National Candidates List will make it difficult for voters with low literacy. It is our view that the list in numerical order is what voters will look for when they come to vote and this will ensure consistency.
9. We note that the current criteria for postal votes ensure there is accountability in the postal vote system. They also ensure that the public holiday given by government for voting is utilized for that purpose. We wish to highlight that the February amendments to the Electoral Act have now allowed the SOE to deliver postal ballots through the best means practicable. We all know that our remote areas do not have postal service, and thus the SOE can now explore options to make the ballot available to approved applicants in these areas.
10. The Electoral Commission has noted that the FEO procedures already required the Presiding Officer to show the empty ballot box before the verification process begins.
11. The FEO has advised the Commission that it will develop special protocols of result for the different types of voting to allow for easy identification during the logistics drive as well as at the result centre.

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12. We have carefully considered the idea of having secret envelopes, and we are of the view that in 2014, the secret envelopes themselves were not an issue; rather, the glue used to seal the envelopes was inferior, and voters had difficulty sealing their envelopes. We have decided to keep the secret envelopes in the next election, but we have directed the FEO to investigate better mechanisms for sealing them. We might be able to include another step—for example, having the election official put cello tape on the envelope to seal it.
13. We are of the view that to ensure complete transparency, counting of ballots should continue to be done according to the polling station. It would be problematic to merge and mix votes from stations with low turnout because that would make reconciliation difficult.
14. We are firmly of the view that Fiji should maintain provisional results. We cannot reinforce how important this is to adding to the credibility and the certainty of the election process.
15. Considering that the D'Hondt system was only used in 2014 and there were no legal challenges about any aspect of interpretation of the seat-allocation system, the Commission believes the current rules on seat allocation are sufficient and should be retained to maintain consistency in the electoral process.
16. We understand that the invitation to observe elections is a sovereign decision by a state to its friends and development partners. This has always in the past been a decision of government, and we do not believe it should change.

We would like to thank the Committee for allocating time to the Commission to present its position, and we would like to assure the Committee that the Commission and the FEO will continue its preparation works for the next General Election. We hope our views will assist the committee in making its own assessments to Parliament.

The Commission has decided that it was in the best interest of all stakeholders that we clearly state our position to allow for consistency and certainty in the electoral process.

Vinaka Vakalevu.

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*Ref: Meeting Number 08/17
Decision Numbers 09-10/2017*

The Electoral Commission, having held a meeting on 23 August 2017 have resolved as follows:

1. Pursuant to Section 2 of the Electoral Act 2014 and in exercising its powers under section 3 (1) (h) of the Electoral Act 2014, the Electoral Commission approves the following forms to be used with immediate effect:
 - a. Section 25 of Electoral Act – **Nomination of Independent Candidate Form**
 - b. Section 26 of Electoral Act – **Party List for Nomination of Party Candidates by a Political Party**
 - c. Section 30 of Electoral Act – **Objection to Nomination of Candidates Form**
 - d. Section 31 of Electoral Act – **Appeals on Nomination of Candidates Form**
 - e. Section 6 of Political Parties (Registration, Conduct, Funding & Disclosures) Act 2013 – **Application for Registration of Political Party**
 - f. Section 24 of Political Parties (Registration, Conduct, Funding & Disclosures) Act 2013 – **Declaration of Income, Assets and Liabilities Form**

The approved forms are available from the Electoral Commission Website www.electoralcommission.org.fj

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2. In accordance with section 3 (1) (e) of the Electoral Act 2014, the Electoral Commission approves the Fijian Elections Office to carry out enhancements of the Result Management Information Systems [RMIS] by engaging the initial supplier, namely DATEC (FIJI) Limited.

Dated this 23rd day of August 2017



SURESH CHANDRA

Chairperson of the Electoral Commission





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