

# THE ELECTORAL COMMISSION

## REPUBLIC OF FIJI

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*Ref: Election Mode Meeting Number 02/22*

*Decision Number 18/22*

(ELECTORAL ACT 2014)

### **NOTICE**

(Section 67(8))

In accordance with section 67(8) of the Electoral Act 2014, the Postal Voting Application Form must be accompanied by the statutory declaration of the Applicant.

The Fijian Elections Office [**'FEO'**] has incorporated the Statutory Declaration in the Postal Voting Application Form. Section 3 of the Statutory Declarations Act 1970 requires that:

"A statutory declaration made in Fiji for use in Fiji must be made before qualified persons such as (but not limited to) a Notary Public or Commissioner for Oaths, a Barrister and Solicitor and a Justice of the Peace."

In the case of persons who are living outside of Fiji, section 4 of the Statutory Declarations Act applies. Section 4 states:

**"A statutory declaration made in a country other than Fiji for use in Fiji...shall be made before a notary public, Commissioner for Oaths or any other person authorized by the law of that country to administer an oath there for the purpose of a judicial proceeding."**

Furthermore, according to the Chief Justice [**'CJ'**] Directive No. 1 of 2016, the statutory declaration directive is a guide for qualified persons who are required under the law to carry out their Commissioner for Oaths duties. The CJ's directive are as follows;

1. Proof of identification should be asked for when witnessing statutory declarations.
2. Acceptable cards to be used for identification [if valid and up to date] are;
  - a. Voter Registration Card.
  - b. Driver's License.
  - c. FNPF Card.
  - d. Passport.
  - e. Tax Identification Card.

3. Qualified persons are not to witness a family member's statutory declaration form or affidavit as this may involve a conflict of interest as a Commissioner where the qualified person will not be independent of the persons or issues involved.
4. Qualified persons should avoid witnessing or signing documents originating from their work place if it may lead to a conflict of interest in the future.

The above rules and guidelines will assist all voters and persons holding the offices authorized to take declarations in completing the Postal Vote Applications. The FEO will apply the above provisions in the law when determining Postal Vote Applications.

Dated this 4<sup>th</sup> day of November 2022



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**MUKESH NAND**

*Chairperson of the Electoral Commission*