



NORTHERN PROVINCIAL ELECTION STEERING COMMITTEE

**SUBMISSION TO THE SPECIAL PARLIAMENTARY COMMITTEE ON 2022
NATIONAL GENERAL ELECTIONS**



INTRODUCTION

THE UNITED NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHTS RECOGNISES THAT ALL CITIZENS ARE ENTITLED TO PARTICIPATE FULLY IN GENUINE ELECTIONS – ELECTIONS THAT ARE PEACEFUL, FREE, FAIR, SAFE AND CREDIBLE; AND THAT SERVES AS A FREE EXPRESSION OF THE CITIZENS WILL. SECTION 50 OF THE CONSTITUTION OF PAPUA NEW GUINEA CONFERS ABOUT RIGHT TO VOTE AND RIGHT TO STAND FOR PUBLIC OFFICE.

The Preamble of the Constitution of Papua New Guinea states that “ALL POWER BELONGS TO THE PEOPLE – Acting through their duly Elected Representatives!!

This Write-Up will briefly cover the different stages of the election process as per TOR of the SPC, and highlight some issues faced during the 2022 National General Elections (NGE) conducted in Northern Province and put forward some recommendations for the Improvement of the Election Process in Papua New Guinea.

1. POWERS, FUNCTIONS & RESPONSIBILITY OF THE ELECTORAL COMMISSION

The Papua New Guinea Electoral Commission (PNGEC) was established as an Independent government institution as part of the Constitution. It was established as an Independent Constitutional Office and is not subject to direction or control by any person or authority.

It is the Prime Function of the PNG Electoral Commission (PNGEC) to organise and conduct all Elections for the Parliament and the Legislative arms of the Local Level Government (S.15 of OLNLLGE). The PNGEC is an Independent Constitutional Office established by the Constitution of PNG.

PNG Electoral Commission is headed by an Electoral Commissioner appointed by the Head of State (Governor General) on the advice of the Electoral Commission Appointments Committee.

The PNG Electoral Commissioner is supported by a permanent workforce operating from Head Quarters in Port Moresby, and by 22 permanent Election Managers (EMs), who are based in each of the 22 provinces, as well as 22 Assistant Election Managers (AEMs), also based in 22 provinces of PNG.

The Primary Responsibilities of PNGEC are to:

1. Plan, Organize and conduct elections for the National Parliament, LLG Assembly and Industrial Organizations as provided for under the Constitution
2. Prepare and maintain an **Accurate** Electoral Roll for the purposes of an election event (*Real challenge*)
3. Educate and inform the communities on electoral matters.

4. Support the work of the Boundaries Commission.

The **Organic Law on National and Local Level Government Elections (OLNLLGE)** is the principle legislation that regulates the constitutional functions, responsibilities and powers of the PNG Electoral Commission.

2. ENROLMENT /ROLL UPDATE

One of the main Responsibilities of the PNGEC is to prepare and maintain an Accurate Electoral Roll for the purpose of an Election.

Returning Officers are Appointed by the Electoral Commissioner to be in charge of the compilation of a Roll and can get the assistance from any person seen fit to act as an Enrolment Agent. (S.48,Ss3). **The Electoral Roll is the only Legal document that is used to identify an eligible voter during an Election.**

Hence, it is vital that PNG must have an update roll that is seen to be credible. It is worth stating here that Enrolment in PNG is compulsory (S.57 of OLNLLGE), voting is not compulsory. some important points to note are;

- Electoral Roll Update exercise in preparation for the 2022 NGE was planned to be carried out in 3 phases, (1.Roll Inspection & updating of voter information at ward level and request for enrolment forms. 2. New &Transfer Enrolment (Actual filling of enrolment forms/Form 11), 3. Roll Display and Objection).
- The 3 phases of the Roll work were not done as thoroughly as EC planned, due to very late availability of funds and limited timeframe.
- Roll work commenced in November and December of 2021 and onto January of 2022.
- The Ward Recorders were used as Enrolment Agents to update their respective Ward Rolls. PNGEC saw that it was necessary to work with Ward Recorders as they have knowledge/information of their respective wards and that it was necessary to compare EC and Ward Recorders data to compile an Accurate Roll.
- The Roll Update in the lead up to any Elections must be done well in advance, 1 or 2 years before the next election.

Issues Encountered:

- The three (3) phases of the Roll Work not completed, especially the third phase, for all LLGs. For the remote LLGs in Oro like Kira, Safia, Afore, Kokoda, there was no time to collect data for Request of Enrolment Forms, No Time for Roll Display and Objection.

- Ward Recorders engaged as Enrolment Agents, are not honest most times. Illegal claims for enrolment, enrolling an ineligible person, duplicate or double enrolment.
- Late release of funds for the exercise leading to insufficient time to thoroughly complete the Enrolment Work and achieve the desired results of an Accurate, Credible Roll.

Recommendations:

- Embark on Photo Roll starting 2023
- Work closely with Key stakeholders (Civil Registry/NID Officers, DPLGA) to share and compare data.
- Provide adequate funding and on time
- Citizens to change their attitude of being ignorant when Enrolment Agents visit their Wards for the Enrolment exercise.

3. NOMINATIONS

No person is qualified to be elected as a Member unless he/she has been duly nominated (S.83 OLNLLGE). This means all candidates must be nominated.

For the 2022 National Elections in Northern Province, a total of 169 candidates Nominated to contest the National Election. 11 female and 158 male candidates.

The Parliament is the highest forum in the country where National Leaders debate critical National issues, hence, citizens who wish to be a member of the National Parliament must be qualified and of course honest to represent their people on the floor of Parliament.

When Writs are issued we know that term of office of a Parliamentarian has expired and that the position is now vacant. Citizens who nominate to contest an Election, must be seen as Applying for that vacant position and the requirements for Applying/Nomination must be changed and raised to meet the requirements of the modern era.

Northern Province always seem to have the highest number of candidates during a National Election.

Issues Encountered:

- Deferral of Nominations by 7 days due to the death of the late Deputy PM. Some candidates challenged the deferral and influenced ROs to accept Nominations. Legality of the deferral was questioned. However, the Electoral Commissioner has the Powers to defer Nominations.

- Candidates who were illiterate coming forward to nominate. Do we want uneducated people to represent us on floor of Parliament?
- Overage candidates (82 years old).
- Too many Independent candidates with no proper Policies.

Recommendations:

- Review the Organic Law on NLLGE, focusing on the Qualifications of Nominations (S.87) and tighten up the Requirements. In the review look at increasing the Nomination Fee from K1, 000 to K5, 000 (Ss.C). Allow an age limit for candidates trying to contest. Candidates must provide attachments like Birth Certificates as evidence of citizenship, Bank Statements as evidence of them being not Insolvent, Police Clearance and Medical Reports, all documents to show they are Fit and Proper Persons to represent their people on the Floor of Parliament, not sick people that will get into Parliament or dumb people that cannot debate issues analytically. The above documents are just as important as the Deposit Slip and the Political Party endorsement letters that are always attached to the Nomination Form.
- Candidates who are being endorsed by a Political Party ONLY to Contest or those candidates who are financial members of a Political Party, so as to Limit unnecessary Independent candidates nominating. (Review OLIPPAC).

4. CAMPAIGN & APPOINTMENT OF SCRUTINEERS

For the 2022 National Elections, we witnessed a lot of candidates did not go out and do their campaign. How can one expect to receive votes when one does not do his/her Campaign? An important area that needs to be tightened is the Appointment of Scrutineers & their Qualifications. Section (S127, Ss1) of the OLNLLGE states that Scrutineers **May** be appointed by candidates to represent them at polling places, during polling. One scrutineer per candidate. Ss.2 states that the appointnemtms of scrutineers shall be done by notice in writing or electronic advice to the RO or PO and the notice shall be signed by candidates and shall give the name and address of the scrutineer.

Issues Encountered:

- Appointment of scrutineers not done properly. Meaning candidates just come with a blank Appointment Form and tell ROs to sign, without stating Names and Addresses of scrutineers.
- No specific timeframe for the Appointment of Scrutineers.
- Same scrutineers who were present at polling booth to be present at counting centres. However, that is not the case, during counting period we had candidates disturbing ROs at counting centres to sign Scrutineer Forms.
- Scrutineers with no idea of the poll and count process and confuse themselves and in turn give wrong information to their candidates.
- Scrutineers stopping the polling and counting unnecessarily. Which they have no right and power to do so. A good example, one scrutineer walked into the Counting Centre and demanded that we stop the counting and accused that we were counting illegally.

Recommendations:

- Tighten the Appointment Process and that appointment of a scrutineer must be done within specific timeframe, during campaign period and or before polling begin. From polling to counting no more appointments.
- Scrutineers must know that they have no right to interfere with the polling and counting process and that the decision of the RO is final. More Awareness.

5. POLLING

The 2022 NGE polling strategy for Northern Province was multiple days polling, because of the obvious reasons of remoteness and rugged terrains. The Polling Schedule was compiled taking into consideration limited Counting Period. Team Oro wanted to complete Polling early and utilise the remaining polling days for counting. However, the Logistics challenges especially with Air Transport hindered our initial plan.

The Polling Schedule is the basis of the Logistics Planning. Northern Province had 64 Polling teams for the 2022 NGE. The Pre-Election Logistics Planning was done in detail for the Land, Sea and Air Transportation. Polling teams to be deployed by chopper in the Kokoda, Afore, Safia and Kira LLGs; their deployment was delayed due to the unavailability of Chopper or when Helifix, which was supposed to assist Southern region pulled out at the last minute.

The Electoral Roll was seen to be an issue during the 2022 NGE, with some voters claiming their names not on the Roll which previously was. However, what citizens or voters need to know is

that when an Enrolment exercise is conducted, Enrolment Agents consider the 6 months residential qualification. If a person has not been living in that particular ward or location for a while, or has transferred to a new location, their names will obviously be removed from the roll of that particular ward. The Northern Province case was mostly this scenario. Voters who moved out of a location and currently living elsewhere, turned up to their previous place of residence, thinking their names would still be on that ward roll.

Issues Encountered:

- Chopper schedule though thoroughly planned at both the National and Provincial level was not followed, as last minute chopper company (Helifix) pulled out/ refused to assist Southern Region as initially planned which caused delay in deployment of polling teams.
- The Electoral Roll continues to be an issue. No time to conduct all 3 phases of the Roll Update exercise. Double voting and using other voters names to vote continue to be an issue every election.
- Mass Recruitment of Temporary Election Workers, who continue to give us an headache when there is delay in payment process.
- Dealing with candidate Petitions during polling period.

Recommendations:

- Logistics arrangements to be done way in advance and payments to be done to secure Land, sea, Air Transport before Polling.
- Continuous Update of the Electoral Roll starting 2023 to 2027, introduce photo roll and also voter ID. Voters to be properly identified before a Ballot Paper is issued. Present a valid ID to be identified.
- Increase the penalties of Election Offences (Double voting, voting using other voters names, deceased names, etc.). Have a special task force to specifically deal with Election Offenses during Election period. The Penalties are already there, but no one to enforce the law/penalty.
- Engage public servants only to be Temporary Election Workers (TEW), (both polling and counting). DPM to authorise the release of Teachers/public servants to be TEWs.

6. COUNTING & DECLARATION

The Counting of votes (LPV) usually takes around 14 to 21 days, however, for the 2022 NGE seven (7) days was allowed for the counting of votes. This caused the Electoral Commission to strategize and use the Decentralised Model of Counting. To meet the expected deadline of the ROW all officials worked under extreme pressure. The continuous disruptions by candidates and their supporters at the counting centre delayed and further prolonged the process of counting. Nevertheless, the Declarations of all 3 Open Electorates plus the Provincial Electorate were done on time and all 4 Writs for Northern Province were Returned on 5th August, 2022.

Issues Encountered:

- Unnecessary disruptions and even attacks by candidates and their supporters at the counting centre, almost every day, during the counting period hindered the fast completion of counting. This action by candidates was illegal as they are not even allowed near the Counting centre.
- Scrutineers stopping the counting process demanding that it was illegal to continue counting as ROW of Writ date lapsed. It is very important to note here that the Returning Officer is the ONLY Authorized person to start or stop the Counting process and not any counting official, scrutineer or police personnel for that matter.
- Dealing with Allegations and Trust Issues.

Recommendations:

- More Awareness on the Powers and Responsibilities of the Returning Officers and also that of Candidates, and scrutineers so all parties do not step on each other's foot.
- Embark on Electronic Counting in the near future to ease Allegations,
- Do Primary Counts at Polling Place right after close of polling, record and bring results to Central Count centre. Quality Checks and Eliminations to be done at central counting centre. This can greatly reduce the lengthy counting period; taking into consideration Security and Trust issues.

7. BUDGET & EXPENDITURE

The Budget for the 2022 National Parliament Elections as prepared by the Oro EC Office and submitted to PNGEC HQ was K4 million.

During the Nomination Phase of the Election Process, K85,000.00 was allocated and remitted to the Oro EC Trust Account, which helped in the Training, actual nomination period, and Order of Draw and Travel to Port Moresby to Return Nomination Forms to PNGEC HQ for Printing of Candidate Posters.

In the lead up to polling on the 15th June, 2022; Finance branch of PNGEC remitted K900, 000.00 to the EC Oro Trust Account for Polling Training for ROs, AROs and Polling officials, also fuel for Polling and Polling team Cash Advances for the 64 polling teams as well as ROs, AROs polling advances. This funding was used from polling period right through to Counting period, which included counting centre set up (Electrical, Carpentry) work for the decentralised counting centres of the 9 LLGs, and the Return of Writs travel to Port Moresby.

On the 28th July, 2022; Finance branch remitted K120, 000.00 to the Oro EC Trust Account mainly for Oro EC Office Admin use. However, EC Office used these funds to pay polling and counting officials who had completely missed out on allowances due to ROs and AROs not capturing their account details for transmission to PNGEC HQ or have mistakenly or deliberately put in someone else names in for allowances payments.

Hence, one can see that K1.1 million was released to Oro EC Office to organise and conduct the 2022 National General Elections. Which in itself was not sufficient, so the outstanding bills are all given to the Oro Provincial Administration to settle.

8. ELECTION SECURITY

Oro Provincial Police Commander (PPC) to give his brief to the SPC.

9. CONCLUSION

There is always light at the end of the tunnel. When there is a Will there is a Way. Political Will is crucial if PNG is to see Improvements in the way Elections are being conducted. Hence, whatever, issues being faced during the 2022 NGE and even previous elections brought forward to this committee and the recommendations being put forward, especially the Legislative changes recommendations is to be seriously looked at if PNG is

to better itself when it comes to conducting Elections. Setting up this Special Parliamentary Committee on the 2022 NGE indicates that there is a Political Will to see changes and that is a big step forward for PNGEC as an organisation and PNG as a country. And we look forward to see the outcome of all this when the committee presents its report to Parliament. God Bless PNG!!