The Chairman Honourable Alan Bird, Governor of ESP, MP Parliamentary Review Committee for 2022 NGE

This is what I complained about in Manus but my complaint was swept under the carpet and not addressed. I wish this review will make a swift reform to the whole Election laws and processes before the 2027 NGE.

15 August 2022

The Provincial Electoral Manager Lorengau Manus Provincial

Dear Sir/Madam.

RE: PETITION TO RESTART THE MANUS COUNTING BEGINNING FROM COUNT 1

Question remains to be answered in reference to the theme: Free, Fair and Safe Election

Purpose

- 1. To uphold the democratic processes stipulated in our Constitution and its system of Government pertaining to the election of its leaders to represent them in Parliament,
- 2. To walk the Theme of the Election "Free, Fair and Safe Election" and that means following the due diligent processes, and;
- 3. Manus is a peaceful province and so its people demands an honest and transparent counting of its people votes.

Introduction

As a candidate in the last 2017 NGE, I witnessed and became one of the victims of the fraud and corrupted handling of that election and its processes. I am dismayed and was very disappointed at the rigging of that election. I was hoping that the 2022 NGE would have learnt from that Election and so Manus would take corrective actions under law to conduct this election in accordance to the Theme. However; there are signs that all is happening again in Manus.

Allegation has been raised in relation to the Friday unidentified flight to Momote International Airport on Friday the 30th June 2022. Two ballot boxes were seen given to some unknown people and taken to an undisclosed place. Where?, it is unknown.

On Sunday the 3th July Candidates assembled at the Sapau House raising concerns and handed a petition by the Manus Petition Concerned Group on Monday the 4th July.

Petsul and his team did submit a petition as well to the Provincial Administrator and Chairman of the Provincial Election Committee. In its petition it demanded the following;

- 1. The production of the two (2) unidentified and suspicious ballot boxes and we further demand the Electoral Commission to explain the matters surrounding these boxes,
- 2. The contents of these two boxes be revealed and made public before the polling begin,
- 3. Any illegal materials found in these boxes should be recorded (photograph, etc) and immediate decision by the Electoral Commission to burn and/or otherwise taken,
- The person who if is an unofficial member of the Electoral Commission is behind this should be arrested and put behind bars until the Election processes is completed, thereafter referred to the court,
- 5. Candidate Petsul and his Team also demand some explanation as to why two candidates (the incumbents) were seen in the Electoral Commission Office in Port Moresby signing off the updating of the Seven Thousand Plus (7000+) new voters who turned 18 years. What is the reasons for them to be in that Office? It is suspected that the new names may be manipulated and designed to enhanced their chances of winning the election. It is suspected that the names will only be approved from specific areas and not for the proper and official Manus update,
- 6. The names of all the 7000+ new voters to be reveal and shown to all the candidates,
- 7. Team Petsul demand all persons who were involved in the last election be removed forthwith and replaced by a completely new team appointed by the Electoral Commissioner to come from other province to conduct the election in Manus, and;
- 8. Petsul and his team in compliance to the theme of the election "Free, Fair and Safe Election" demand that the present matter be of significant important and that they be handle with great sensitivity as it has corrupted this election.

QUALITY CHECK

The previous petition (before the electoral commission) has remained unanswered and its consequences are felt right now in the counting processes. And so it begs the question;

What is the purpose of the Quality Check? Was it to uphold the Theme?

People of Manus is fully aware of Ballot boxes flown from Port Moresby to Manus. During the Quality Check the ballot papers were checked and re-boxed for the conduction at the LLGs and Wards level. The result follows;

- 1. Quality check has revealed 43 Missing Ballot Books, some gave 48 Missing Books,
- Answers to these allegations have not been made available. This is a serious matter as it has flowed
 on and made its way into the counting processes and thus suspended the counting (today 19th July
 2022),
- 3. Manus must correct this now.

MANAGEMENT OF THE QUALITY CHECK

- 1. All missing books must be produced immediately, the Audit and reconciliation of the votes in Manus can only be trusted when this is done,
- 2. Missing books with its numbers, their serial numbers must be produced and revealed,
- 3. All missing books for each LLGs must be produced and destroyed or quarantine,
- 4. All unused books from each of the Wards be produced immediately,
- 5. All unused Ballot Papers (with serial numbers and ballot paper numbers) from all the Wards must be produced, recorded, quarantine and destroyed,
- 6. In the counting centre, any ballot papers found to be carrying the numbers of the missing books, unused books and unused papers of the used books that surfaces must immediately trigger a stop and action taken to remedy the situation, i.e., check all the papers carrying that serial numbers and taken out from the boxes,

COUNTING

- We have information that all informal, damaged papers and other related matters to the counting
 papers be produced and removed from the sorting table. It is critical that these papers must be
 isolated and excluded, they must be separated from the good-formal votes, we have information that
 they are still in the candidates' boxes,
- 2. Scrutineers directed to be far from the checking desk is against the rules of the elections relating to the counting, and note that the scrutineers are most important part as they represent the candidates, hence; we demand this be corrected immediately by applying the official distance of 1 to 2 meters,
- 3. We are well aware that there is high risk to the security of the Ballot boxes in the containers at the police station. We know that there are no seals placed in the inner section, hence; we demand that at the end of every day each candidate boxes containing the 1st preference votes must be sealed properly by putting in the inner seal and then all the outer seals be placed before transporting them back to the Police station to be locked. In the morning their seal numbers be announced back to the scrutineers before counting resumes. This is to prevent suspected new votes from the missing books, unused books and remaining unused ballot papers from entering the boxes. It must be stressed, any new preferences 2 and 3 may determine the outcome when the preference 2 & 3 are sorted out and distributed during the exclusion process.

Other evidences of foul play during polling and counting phases have been presented by other candidates and their scrutineers in the main Petition.

CONSTITUTIONAL REQUIREMENTS TO BE COMPLIED WITH FOR NGE

In accordance to the Independence State of Papua New Guinea Constitution, Section xxx Subsection xxx, Clause xxx it refers to Rights of its Citizen. Subsection xxx addresses Fundamental Rights of its

citizen and what it means and public office he/she can stand for and the responsibilities that must be accorded with.

The Fundamental Rights enshrined in the Constitution is directly link to the Powers, the Citizen has and so when the Issue of Writ was signed by the Governor General and passes to the Electoral Commissioner it signals;

- 1. The dissolved of the power held by MP of the Parliament and so the power moves from the Parliament back to the people (outside of Parliament),
- 2. The people (citizen) of PNG with its Absolute power as per the Constitution now has approximately eight (8) weeks to hold onto that power thereafter, he/she has to exercise his/her power by freely, fairly and safely voting for his/her choice of the candidates.
- 3. The Electoral Commissioner now exercise his/her power under the Organic Law governing the National Election to implement the **processes** of the Elections (2022 NGE). He/she receives nomination from citizen (not non-citizen) subsequently follow the due election processes to complete the election and Returned the Writs thus returned the power for the people back to the Parliament. Hence; upholding the Fundamental Rights of the Citizen.

Manus (2022 NGE) election

- 4. Nomination of Candidates was to have started on the 28th April but was not carried out by the Electoral Commission. It was postponed 12th of May but on the 11th of May the Deputy Prime Minister of PNG Mr. Sam Basil died in a horrific car accident in Wau and so the Prime Minister requested the Electoral Commissioner Mr. Simon Sinai to postpone the nomination a week further to the 19th May on the last day of the of the Official week (by the signed Issue of Writ) of the nomination.
- 5. Nomination in Manus attracted fifty-five (55) candidates of which nineteen (19) nominated for Provincial (Regional) seat while thirty-six (36) nominated for the Open Seat,
- 6. Of the 36 candidates who nominated for the Open Seat six (6) were female and 30 were males,
- 7. The Thursday the 19th of May 2022 should have been the final day of nomination (per the signed Issue of Writ). Any candidate who was declared winner but did nominate after the 12 midnight of the 19th May is not the duly elected MP because the Electoral Commission has not complied with the Constitution. Any disputed court of the Returns of the Writ of this declaration must be automatically declared "Null and Void".

I'm contributing to this Review of the National General Election (NGE) by raising some questions for the Parliament, Courts and other Civil organizations (such as NIO, ICA, others) to interpret the Constitution of the Independent State of Papua New Guinea as a matter of National Security. The NGEs are periods where the Sovereign PNG goes into election (a five-year cycle) and with or without knowing; subject this Country to the highest risk that we can know off. When the country sends it security forces (Army, Police and Correctional) to provide for the security of the NGE, it leaves critical part of the country vulnerable to some form of disturbance such examples, we can be invaded by another country, internal anarchy as we saw in the 2022 NGE and others.

So my concern is: NGE is the Highest Risk to the Constitution and therefore a National Security matter.

Every citizens and its civil systems in PNG including its international partners must all make sure that the Constitution is uphold.

Eligibility of Candidates

A female candidate by the name of Ms. Lynn Ozanne Roonie nominated to contest BUT she is not a Citizen of Papua New Guinea (documentations attached).

Is my (PNG Citizen candidate) right being infringed by the Electoral Commission who being the very Constitutional Office task to uphold the theme "Free, Fair and Safe Election" and protect (saved) my/our rights as citizen. The Electoral Commission protected my rights even though was given a letter written to him by the Chief Migration Officer? (letter attached). It was publicly clear she did not campaign fairly due to her being a business woman. She dishes out money, food and kinds.

She came third (3rd) of 36 candidates and I (Dr Peter Petsul) came 4th. She received a lot of votes from my based Local Level Government (LLG) area due to bribe.

My previous NGE of 2007, 2012 and 2017 results showed I have been collecting good votes under normal campaign parameters because this has been my local area (LLG and its adjacent LLGs) (see attachments). The current (2022 NGE) result is presented to show that her votes (numbers) had direct significant to the determination of the result. I should have performed better had she not contested in this election.

I did not have the funds at that time to seek court review of the result of the Manus Open Seat and declare it as Null and Void due to my Constitutional Right not be being protected and failure to accept Ms. Lynn Ozanne Roonie to contest the election by the Electoral Commission. She is NOT a CITIZEN.

Lynn Ozanne (Roonie) was born on the 30 January 1970 in Manus. However; before 16th September 1975, any child born to an Australian parent (father and/or mother) by law is an Australian citizen, hence; Lynn Ozanne was an Australian citizen as confirmed by her Australian Passport (a photocopied of a page is attached).

What does this (legal) means?

In my view the Manus Voters (PNG Citizens) listed on the Common Roll for the Open Seat who voted for Ms. Lynn Ozanne (Roonie) have been corrupted by the system. Moreover, those voters who not their fault for not knowing their constitutional rights have voted for a Non-Citizen (an Alien). She was assumed and assisted by the Electoral Commission has committed a High Crime by infringing the Powers of Citizen Rights as per the Constitution of PNG by virtue that all those Citizens who voted for her "voted for an Alien". This is a direct crime committed against the Constitution of the Independent State of Papua New Guinea.

She must be arrested forthwith by the Police and Immigration Officers for her part in the National General Election.

Furthermore, those aggrieved by these and did not wish to pursue it through the disputed court of the Returns of the Writ because it is very expensive for candidates to mount a case having just come out of a very expensive campaign and drained out. They should be compensated by the Electoral Commission, the equivalent of the amount the candidate spend during the election. After all; it is only fair because they followed the system but the very system failed them, hence, the system must correct itself by compensating the aggrieved candidate(s).

I attached an extract part of the result to substantiate my view.

Another candidate by the name Ms. Nolenne Hilalo Daniel Sabumei was allowed by the Electoral Commission to contest the Manus Open Seat. The Provincial Election Manager (Returning Officer) who knew very well the requirements to be complied with for all candidates to meet before he endorses them to contest. In relation to this particular candidate, she did not meet two of the principal requirements to contest, yet the Electoral Commission through the Provincial Returning Officer knowingly ignored the requirements and allowed her to contest. The two principal requirements are, she was not born in Manus and she never lived in Manus. The only link to her contesting is her Father who was originally from Manus but now a businessman and a permanent resident of Eastern Highland. The candidate being part of the business syndicate by virtue of her Father (Daniel) and Husband (Sabumei) spend a lot of money to bride her popularity with the voters.

She came 8th out of 36 candidates, the votes she collected is very significant in influencing the final outcome of the election in Manus Open seat. She should have not been allowed at the first instant had the Electoral Commission done its work diligently and acted on the two most important requirement to contest.

She is in my view an Alien to Manus. I attached an extract part of the result to substantiate my view.

SOME RECOMMENDATION FOR THE REVIEW

To: Chairman of 2022 Review of National General Election

This is my personal view arising from the 2017 NGE and now for your 2022 NGE

View Point #1: The Polling System, including Polling Periods and Polling Places

VP 1.1 Which voting system do you prefer?

Answer:

As someone who has already contested in three (3) National General Elections (2007, 2012 & 2017) under this very system, I believe I am placed in a better position to contribute to the review and comment. In my experience I would prefer option (c) under others. I'd like to see a hybrid system that accommodates both option (a) and (b). I will name it "weighted first-pass-the-post".

VP 1.2 Why do I propose this? Let me discuss viewpoints.

VP 1.2.1 First - Past - The - Post (FPTP)

This voting system was introduced during the colonial period in 1964 and was maintained after PNG gained Independence in 1975 till 2002 National General Election. The main reason this system was developed for Papua New Guinean is because of high volume of illiterate citizen. It worked well because it

was accepted by the people so the candidate who receives the highest votes is declared the winner. Up until the early 1990's there were few disputed court of return. The FPTP was not complicated, very simple, cost less and had less administrative organization of the system. However, after the 1987's election, two (2) obvious issues arises;

Question of the Fair Representation of the voters challenge the FPTP system.

It became clear to a more literate population that elections were now perceived to give the winning candidate power, authority, money and control. This led to increase bribery and therefore created a systemic corruption. The election was now attracting more people to nominate and so whoever was elected by the First-Past-The-Post assumes the perceived power, authority, money and control. The unsuccessful candidates then mount dispute court of returns.

The issue at hand here is the *fundamental constitutional requirement of fair representation of the citizen* has become the core issue. The more candidates who contest sees the votes counted and distributed among them resulted in the winner being voted by only a small number of people. In some Highlands electorates, only tribes elect the winner which may represent only about 10-20 percent of the electorate population, the other 90 - 80 percent of votes has been silenced or evaporated and having no impact.

The country needed a new system that can harness and accommodate the issue of fair representation. Hence, after 2002 election the organic law on election was amended to the current Limited Preferential Voting (LPV). In 2007 election, LPV was enacted and implemented.

The negativity of the first-past-the-post were many, the main obvious were;

- Bribery
- Tribal fights
- Destruction of properties and infrastructure
- Disputed court of returns which are prolong
- By-elections (cost etc.)
- Candidate settling out of courts, thus, establishing the systematic failure to systemic corruption
- Others

All of these issues arises simply because the person who was elected did not get the majority of votes. Today the majority of citizens are now more literate and so it need a new and better voting system.

VP 1.2.2 Preferential Voting (PV)

The PV was proposed for the principal reason that it will allow the citizens to elect its political leader by casting his/her preference so that every candidate is voted. The problem in PNG is that elections attract huge number of people contesting and so if say 50 candidates nominate a voter who exercise his/her rights through votes has the provide a preference for all the 50 candidates. Failure to mark all 50 would render the vote, (the only vote the citizen has) informal. This would then be against the spirit of constitution which oversee "one citizen-one right-one vote". There should be a better way in which it upholds the fundamentals right of a citizen to cast it vote and be counted.

VP 1.2.2.1 Limited Preferential Voting (LPV)

The LPV system allows the citizen to exercise his/her rights to cast one vote. However, the one vote is limited to three (3) choices; note the three (3) choices is still a one vote NOT three (3) votes. So back to our example of 50 candidates contesting then a citizen enters the polling booth is given one ballot paper and cast his/her one vote but limit its preference to three (3) candidates.

Easy! In 2007 this voting system went smooth. However; voters began to query their votes by questioning the administration of counting and elimination processes. It became very obvious the LPV has also suppress the "one citizen-one right-one vote (3 choices)" Instead of the one vote counted, the elimination of candidates has removed the one right by moving part of the right into an exhausted ballot box (preference # 1) and part of the right (preference 2 and 3) which still belong to the voter (citizen) and valid because of his/her one right thrown together within preference 1 into the exhausted ballot box. The LPV has again failed to uphold the Constitution under the spirit of one citizen has a right to cast a vote. It should be reiterated here that a one vote is a three (3) preferences, so all three (3) preferences must be counted.

These and systematic corruption has now question the constitution on the protection of its citizen rights to be represented in Parliament. Hence, LPV has seen more disputed court of returns than the first-past-the-post so; both first-pass-the-post and limited preferential voting failed to protect the rights of its citizen (voters).

VP 1.3 Option C (Other)

I would like to put to the review committee that "Hybrid Voting: Weighted Frist Pass-The-Post" (WFPTP).

The purpose of this hybrid voting system is:

- a) To uphold the constitution of PNG,
- b) To uphold the spirit of representation in Parliament by ensuring citizen (8 million) have a right which is expressed in a one vote (3 preferences).
- c) Reduce and Eliminate Dispute Court of Returns, and;
- d) Reduce Election Cost.
- e) Prevent tribal fights and destruction of properties.

VP 1.3.1 Development of the "Hybrid Voting" (WFPTP)

The weighted concept is centered on all preferences counted. But first all administrative matters be sorted out before counting proceed. The administration of informal votes, tempering of ballot boxes, scrutineers, etc... is achieved and confirm.

The Matrix

No	Voter (Name)	Preferences	Weight Values/pts
		1	1. = 5 pts,
		2	2. = 3pts,
		3	3. = 1pt

Back to our example of 50 candidates who contested in the electorate of <u>Ocean</u> (arbitrary name) whose eligible voting citizens is 50,000. These means that if there were no informal votes, there would be 50,000 preference #1, 50,000 preference #2 and 50,000 preference #3 assume all showed up and voted.

If a candidate A get 2,500 votes of preference 1, and gets 8,000 votes of preference 2 and gets 10,000 votes of preference 3, then his/her tabulate score would be;

			Pref 1		Pre	f 2	Pro	ef 3	Cumula tive Score	Rank	Declared Winner
N o	Candidat e	Counts	Wt	Points (Count x Wt)	Count x Wt	Points	Count x	Points	(P1 pts + Pr2 pts + Pr3 pts)		
1	A	2,500	5	12,500	8,000 x 3	24,000	10,000 x 1	10,000	46,500		
2	В	1,000	5	5,000	3,000 x 3	9,000	4,000 x	4,000	18,000		
3	С	6,000	5	30,000	10,000 x 3	30, 000	16,000 x	16,000	76,000		
50											
Su m		50,000	5	250000		250000		250000	750,000		

View Point # 2 How long should the campaign period be?

The three (3) options provided does not reflect what really transpire on the ground. In the past elections, 8 weeks is allowed but immediately after the issue of writs the 1st week is taken up by nomination of candidates hence the actual campaign period is only 7 weeks. In 2012 the campaign period was reduced to 5 weeks and the election went smooth. So in taking all three (3) options into consideration. I will go for the option of 6 weeks. I would like to propose that the 6 weeks be managed by allowing 1-week nomination, 1-week clearance of candidates from police, medical proceeded by allocation of box numbering of candidate. The actual campaign should take 4 weeks. Any candidate who is found to have issues relating to police (security) and medical clearance is not allowed to nominate.

VP 2.1 How long should the polling period be?

In Manus, for example, the longer the polling period, the greater risk of election rigging, this was exacerbated by long sea travel distance. Ballot boxes have been damage, replaced by bogus ones and list goes on. Hence, it would be proper and gain respect and confidence by the voters to have polling all at the same time and for two twelve (12) hours a day (no night polling). This will eliminate multiple voting due to people moving to different polling places.

VP #3 What polling method do you prefer?

In the 2017 election 10 million ballot papers were printed. Questions were raised in Parliament for justification why PNG has only about 4-5 million voters but twice the number of ballot papers were printed. No answers were justified by Electoral Commission. To date no public statement on what has

happened to the other 5-6 million ballot papers. This is a signatory of rigging and tempering with papers, even when citizens were told that about 12 security features appear on the ballot papers, yet papers were still tempered with.

We have not seen the electronic voting yet but the technology is available. The kind of system have been utilized through electronic doors, clocking in and out of work place, GPS and so forth. I would prefer PNG trial the biometric voting before 2022 and have it implemented in 2022 election.

VP # 4 Should we change the counting period?

This VP should be link to VP 2.1. Should the ballot papers be still used in 2022 than for transparency and accountability, 7 days is sufficient, 14 days have seen its share of protest/walk out of counting venues thus enhancing of falsification of counts.

PNG should approve the electronic voting and then should reduce the counting to 1 day. That is, when voters' walks into the polling booth and selects his/her preferences, every press of the three preferences are completed electronically the vote is automatic relay to a central tally room where graphical presentation is witness on the electronic screen.

View Point 5 The eligibility for nomination

VP 5.1 Should we strengthen the criteria for nomination eligibility?

(a) Yes

Apart from the existing criteria, new and efficient factors should be approved to add to quality nomination. Grade 10 person should be changed to tertiary qualification.

Thank you

Dr Peter Petsul (PhD)



CHARACAMERTER OF CLEVEL

Evidence of Australian Citizenship

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16	JAMES KIELE	31	865	7	872	8	880	81	961	18	979	10	989	7
35	JEFFREY MALIOU			46	484	15	499	0	499	16	515	429	944	00
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An Extract from the 2022 NGE for Manus Open

My LLG: Pomutu Ndrehet Kurti Andra (PNKA)

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13	NOELYNE SABUMEI DANIE	119	11	99	18	157	132	53	111	296	17	50	67	1122	10

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	4th								Total 3	14	13	_
	Excl			2nd	declared V	3th			32nd Exc Total 32 Final Excl 33			
		•			declared Winner at Excl 33				33			

Note: as seen by the 2017 NGE compared to the 2022, For example, Mr. Web Kanawi, I was not picking up well. From these data presentation candidates who ran a clean campaign did not do well. The incumbent and the the businessmen and women who also bride the voters,

the final result would have been different. As I allude to in my complaint, had the Electoral Commission not allow the two Female candidates Box (13 & 14) to contest because of the requirements they did not met 99902891911 WORKING RESIDENT EMPLOYMENT

Permit Holder(s):

SZANNE, LYNK

MULTIPLE EXTRIES

WORK PERMIT: 23070546

CHAUKA LODGE & CAR RE

This permit extends entry permit 99902513251 to entitle the holder to enter and stay in PNE until 1830123.



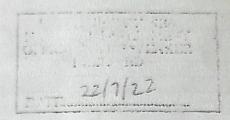




OFFICE OF THE CHIEF MIGRATION OFFICER

27th May 2022

Mr. Simon Sinni, ML
Electoral Commissioner
Papua New Guinea Electoral Commission
P O Box 5348
BOROKO
National Capital District



Dear Mr. Sinai.

SUBJECT:

AUSTRALIAN CITIZEN NOMINATED TO CONTEST FOR MANUS OPEN SEAT – MS. LYNN OZANNE

I write to inform you that an Australian citizen has nominated to contest the Manus Open seat in the 2022 National General Elections.

Ms. Lynn Ozanne, a 52 year old Australian citizen nominated on 23rd May 2022. Ms. Ozanne's mother is a Papua New Guinean and her father is an Australian. Ms. Ozanne acquired Australian citizenship on 3rd June 2005 as per the attached Australian Citizenship certificate and holds a valid Australian Passport Document No. PA6512191.

Ms. Ozanne has applied for Citizenship by Resumption: however her application is still being processed by the PNG Immigration and Citizenship Authority. Hence, Ms. Ozanne is an Australian citizen.

Attached are relevant documents confirming that Ms. Ozanne is not a Papua New Guinean citizen, hence is not eligible to stand for public office.

I trust this information is sufficient to assist the Electoral Commissioner in confirming the same and for appropriate action to be taken to address the matter and invalidate the nomination for Ms. Lynn Ozanne.

Please do not hesitate to contact me should you have any queries regarding this matter or similar matters.

Yours sincerely,

STANIS HULAHAU

"Chief Migration Officer

CC

Hon. Bryan Kramer, MP

Minister for Immigration & Border Security

attach/....