



**NATIONAL PARLIAMENT OF SOLOMON
ISLANDS**

BILLS AND LEGISLATION COMMITTEE

COMMITTEE REPORT

**Report on the Electoral (Amendment) Bill 2023 (No. 21 of
2023)**



Presented on 13 December 2023

National Parliament Office



COMMITTEE MEMBERS

The current members of the Bills and Legislation Committee (11th Parliament) are:

Hon. John Maneniaru, MP (Chairman)

Hon. Matthew Cooper Wale, MP

Hon. John Deane Kuku, MP

Hon. Rick Nelson Houenipwela, MP

Hon. Peter Kenilorea Jnr, MP

Hon. Lilly Maefai, MP

Hon. Derrick Rawcliff Manuari, MP

Hon. Silas Vaqara Tausinga, MP

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CHAIR'S FOREWORD



Mr. Speaker,

Pursuant to Standing Orders No. 71 (g) of the National Parliament of Solomon Islands, it is an honour and pleasure for me, Sir, to present the Report of the Bills and Legislation Committee on the Inquiry into the **Electoral (Amendment) Bill 2023 (No. 21 of 2023)** for laying before Parliament.

A handwritten signature in blue ink, which appears to read "John Maneniaru". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. John Maneniaru, MP

Chairman

Bills and Legislation Committee

13 December 2023

COMMITTEE FUNCTIONS

Standing Order 71 of the National Parliament of Solomon Islands.

There shall be a Standing Select Committee designated the Bills and Legislation Committee whose functions, in addition to the provisions in Orders 50 and 55, shall be to -

- a) examine such matters as may be referred to it by Parliament or the Government;
- b) review all draft legislation prepared for introduction into Parliament;
- c) examine all subsidiary legislation made under any Act so as to ensure compliance with the Acts under which they are made;
- d) monitor all motions adopted by Parliament which require legislative action;
- e) review current or proposed legislative measures to the extent it seems necessary;
- f) examine such other matters in relation to legislation that, in the opinion of the Committee, require examination; and
- g) make a written report to each meeting of Parliament containing the observations and recommendations arising from the Committee's deliberations.

EXECUTIVE SUMMARY

The Committee conducted an inquiry into the **Electoral (Amendment) Bill 2023 (No. 21 of 2023)** as mandated under Standing Order 71 (g) of the Parliamentary Standing Orders. During the inquiry, the Committee conducted hearings in Honiara on Thursday 30th November 2023.

The objectives of the Bill are:

- a) to amend certain provisions of the Electoral Act 2018 which were identified after the 2019 national general elections as requiring some adjustment to better facilitate parliamentary elections;
- b) to significantly enhance the ability of the Commission to cope with the increasing number of general complaints it is likely to receive about the conduct of electoral officials;
- c) to provide some flexibility to the current 56 days election activity timeline in case this is required in the context of elections being held on the same day for the National Parliament, Provincial Assemblies and Honiara City Council.

The Committee welcomes the reform proposals contained in this Bill and commends the Electoral (Amendment) Bill 2023 to the House.

The Committee makes two recommendation as follows;

Recommendation 1

That ballot papers have serial numbers.

The Bill should be amended to create offences for the piercing of the secret ballot and severe penalties for offenders.

Recommendation 2

That CCTV cameras are installed at all polling stations, and all counting centers to increase the security and transparency of voting and counting.

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1.0 INTRODUCTION

1. As required under the Standing Orders of the National Parliament of Solomon Islands ('the Standing Orders'), the Bills and Legislation Committee ('the Committee') conducted an inquiry into **Electoral (Amendment) Bill 2023 (No. 21 of 2023)** ('the Bill'). This Report presents the findings of that inquiry and the recommendations by the Committee.
2. The hearings on the Bill were held at the National Parliament of Solomon Islands, Conference Room II, Honiara on Thursday 30th November 2023.
3. Relevant stakeholders¹ including the sponsoring ministry were invited by the Committee to the hearings in Honiara. They presented their opinions and make submissions on the contents, policy matters and intentions of the Bill. The List of witnesses who appeared before the Committee, the minutes of the proceedings, and list of submissions received are contained in Appendix 1, 2 & 3.
4. Other relevant stakeholders that were on schedule to appear before the Committee but did not manage, submitted their inputs by way of Written Submissions.

¹ See Appendix 1,2 & 3

2.0 BACKGROUND

- 2.1 In September 2018, the Electoral Act 2018 took effect, superseding the National Parliament Electoral Provisions Act. It was initially put to use in 2019 at the most recent national general elections. As a result, the Electoral Commission determined that it would be beneficial to review the Electoral Act in light of the following –
- i. The Lessons Learnt exercise and report which was conducted shortly after the 2019 general elections; and
 - ii. Recommendations made by international electoral observer missions.²
- 2.2 A Taskforce on Electoral Reform was formed in 2021 by the Electoral Commission with Cabinet support. Among its duties were the examination of the Electoral Act of 2018 and the revision, updating, and harmonization of the legislation pertaining to the election of Honiara City Council members and members of the Provincial Assembly with the provisions of the Electoral Act.³
- 2.3 Since then, the Taskforce has consulted members of parliament, the Honiara City Council, the provincial assembly in all nine of the provinces, and other stakeholders in those provinces. Several of the suggested changes to the 2018 Election Act were discussed during these discussions.⁴
- 2.4 Cabinet approved twenty-two of the proposed revisions to the Electoral Act of 2018. The Electoral Commission resolved to pursue only nine of the original 22 clauses for amendment at this time. The proper operation of the electoral process both during and after the joint elections in April 2024 is thought to depend on these reforms. As the responsible Minister, the Hon. Prime Minister accepted the Commission's recommendation to only pursue nine of the suggested adjustments at this time.⁵
- 2.5 The main reason for this is the short parliamentary time remaining to consider any pending Bills and the limited legislative drafting capacity with so many competing urgent Bills.⁶
- 2.6 Following the election of the new government, the remaining thirteen clauses pertaining to voter registration, voting outside of one's constituency and nation, etc., would be presented for further review. This would encompass any additional modifications that may be

² Written submission #1, Solomon Islands Electoral Commission, 30 November 2023.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

suggested based on the insights gained by election authorities and the advice of many local and international observer missions.⁷

Purpose of the Bill:

- 2.7 The main purpose of this Bill is to –
- i. Amend certain provisions of the Electoral Act 2018 which were identified after the 2019 national general elections as requiring some adjustment to better facilitate parliamentary elections;
 - ii. To significantly enhance the ability of the Commission to cope with the increasing number of general complaints it is likely to receive about the conduct of electoral officials;
 - iii. To provide some flexibility to the current 56 days election activity timeline in case this is required in the context of elections being held on the same day for Parliamentary, Provincial Assemblies and Honiara City Council.

Consideration by the Electoral Commission:

- 2.8 Section 58(2) of the Constitution requires certain Bills to be referred to the Commission. The section states –

“(2) Every proposed Bill and every proposed regulation or other instrument having the force of law relating to the registration of electors for the election of members of Parliament or to the election of such members shall be referred to the Electoral Commission at such time as shall give them sufficient opportunity to make comments thereon before the Bill is introduced in Parliament or, as the case may be, the regulation or other instrument is made.”⁸

- 2.9 This Bill has been formally referred to and approved by the Commission since it deals with the election of members of Parliament. A copy of a certificate bearing the signature of the Commission's chairperson attests to the fulfilment of the conditions outlined in section 58(2) of the Constitution.⁹

⁷ Written submission #1, Solomon Islands Electoral Commission, 30 November 2023.

⁸ Ibid.

⁹ Ibid.

3.0 GENERAL ISSUES

Serializing of numbers on ballot papers

- 3.1 The committee is concerned that the serial number on ballot papers was removed since 2018. The Committee was informed that removal of serial numbers from ballot papers was done back then to protect secret ballots since Members of Parliament were accessing it for the purposes of distribution of rural constituency development funds.
- 3.2 The Committee pointed out that the initial reason for the removal of the serial number is very trivial compared to the issue it has created due to no serial number. Hence, the Committee is of the view that ballot papers should be serialized for the ease of counting straight after the polling day.

Recommendation 1

That ballot papers have serial numbers.

The Bill should be amended to create offences for the piercing of the secret ballot and severe penalties for offenders.

Technology for voting

- 3.3 The Committee stated that the technology for voting has been proven to be fairly reliable and jurisdictions that counts millions of votes have used such technology, and by using it election results would come immediately after the polling. Hence, the Committee is of the view that the Electoral Commission should start serializing the ballot papers so that counting of ballot papers does not have to be done manually but electronically.

CCTV (closed-circuit television)for all polling stations and counting centres

- 3.4 The Committee suggested that CCTV should be installed at all polling stations and counting centres for surveillance and security purposes, and also to capture any maladministration during the polling day and counting of ballot papers. It could help in petition case since this can be used as evidence.
- 3.5 The Electoral Commission acknowledge the suggestion and has taken note of it.

Recommendation 2

That CCTV cameras are installed at all polling stations, and all counting centers to increase the security and transparency of voting and counting.

Members found guilty of corruption

- 3.6 The Committee is concerned that the law allows for a member who has been found guilty or loses his or her petition case are still eligible to contest in the next elections. The Committee is of the view that this should be addressed in the constitution to ensure that any member who is found guilty of corruption should not be allowed to contest in the next election.

4.0 CONTENT ISSUES

Clause 4– section 30 amended (general complaints against electoral officials)

- 4.1 Clause 4 (a) states, *in subsection (4), substitute the word “complaint.” With the following: “complaint, and a decision reached by a panel is to be treated as a decision made by the Commission.” and*

Issues with the proposed clause

- 4.2 The Committee is concerned with this new provision that allows for decisions made by the two member panel that their decision deemed to be the decision made by the Commission. The Committee is of the view that at least the Commissioner is one of the 2 member otherwise decisions made by any two member panel shall not be deemed as decision made by the Commission.
- 4.3 The Electoral Committee Commission noted the Committee’s concern.
- 4.4 Clause 4 (b) (4a) states, *For the purposes of subsection (4), the Commission may:*
- (a) Appoint as many 2 panels as necessary to address the complaints within the timelines of subsection (3) (c)*

Issues with the proposed clause:

- 4.5 The Committee is of the view that this provision is not flexible for circumstances where a member of the panel is sick and could not make it, hence could delay matters that needs to be dealt with quickly.

Clause 8 – section 93 amended (appointment of date and time officials for pre-polling)

- 4.6 Clause 8 states, section 93 of the Principal Act is amended in subsection 93(1) as follows:
- (a) in paragraph (a) (i), substitute “a date and time” with “dates and times”; and
- (b) Substitute paragraph (a) (ii) with the following:
- “(a)(ii) the date by which applications for pre-poll voting are to be made, must be at least 7 days before the date for that particular pre-polling voting.”

Issues with the proposed clause:

- 4.7 The Committee noted that only election officials and police officers are allowed to do pre-polling since they will engage during the polling day. The Committee is of the view that pre-polling should also be open for everybody and that should also go with the out-of-

constituency voting or postal voting as practiced in other jurisdictions. Hence, this should not only run for seven days period but thirty days period.

END OF REPORT

5.0 APPENDICES

Appendix 1: Witnesses

Date	Name	Position & Organisation
Thursday 30 th November, 2023 09:47 am – 11:18 am	Ms. Dr. Lalotoa Mulitalo	Legal Drafter (Ag), AG Chamber
	Mr. Jasper Anisi	CEO, SIEC
	Ms. Florence Joel	DSTC, OPMC
	Ms. Kristina Mitini	Deputy CEO, SIEC
	Ms. Ha'a Haurae	CLC, AG Chambers
	Mr. George Mali	Legal Officer, SIEC
11:21 am - 11.57 am	Mr. Philip Kanairara	Chairman
12:02 pm - 12:12 pm	Mr. Stanley Pirione	Permanent Secretary
	Mr. Momodu Sawane	Advisor
	Mr. Robert D. Kaua	DS Governance
	Mr. Jeff Wanega	Senior Officer

Appendix 2: Minutes of Proceedings



NATIONAL PARLIAMENT OF SOLOMON ISLANDS

BILLS & LEGISLATION COMMITTEE

P.O. Box G19,
Honiara.
Tel: 28520/23424.
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Committee Hearing into the Electoral (Amendment) Bill 2023 (No.21 of 2023)

Day 1 /2023

Thursday, 30th 2023, CR II, Parliament House 09:47 a.m

1. Members Present

Hon. John Maneniaru, MP – Chairman
Hon Matthew Wale, MP
Hon. John Deane Kuku, MP
Hon. Rick Houenipwela, MP

Absent/Apology

Hon. Peter Kenilorea Jr, MP
Hon. Derrick Manuarii, MP
Hon. Lilly Maefai, MP
Hon. Silas Tausinga, MP

Secretariat

Ms. Ivory Iruha'a, Committee Secretary
Ms. Cordney Wale, Committee Secretary
Ms. Salome Pilumate, Committee Secretary
Ms. Monica Sekonga, Senior Admin Officer – Committees
Ms. Theresa Nori, Hansard Reporter
Mr. Duane Baiabe, Media Officer
Mr Sunjay Dhari, ICT Officer
Mr. Pamentha Golo, ICT Officer

2. Prayer

The Chief Electoral Officer said the opening prayer.

3. Welcome and Opening Remarks

The Chairman of the Bills and Legislation Committee, made his opening remarks. The Chair informed the witnesses of the Parliamentary privileges

4. Inquiry into the Electoral (Amendment) Bill 2023 (No.21 of 2023)

The hearing proper commenced and the following witnesses from the Office of the Prime Minister and Cabinet (OPMC), Solomon Islands Electoral Commission (SIEC) and Attorney General's Chamber were admitted:

Hearing 1 Witnesses

- i. Dr. Lalotoa Mulitalo, Legal Drafter (Ag), AG Chamber
- ii. Mr. Jasper Anisi, CEO, SIEC
- iii. Ms. Florence Joel, DSTC, OPMC
- iv. Ms. Christina Mitini, Deputy CEO, SIEC
- v. Ms. Ha'a Haurae, CLDC, AG Chamber
- vi. Mr. George Mali, Legal Officer, SIEC

The witness made their presentations before the committee.

The committee questioned the witness based on the evidences presented.

The examination concluded.

Hearing suspends at 11:18 am

The Hearing proper resumed at 11:21 am and the following witnesses from the Law Reform Commission (LRC) were admitted:

Hearing 2 Witnesses

- i. Mr. Philip Kanairara, Chairman

The witnesses made their presentations before the Committee.

The Committee questioned the witnesses based on evidences presented. Discussion ensued. Evidence concluded and witnesses withdrew.

Hearings suspends at 11.57 am.

The Hearing proper resumed at 12:02 pm and the following witnesses from the Ministry of Provincial Government and Institutional Strengthening (MPGIS) were admitted:

Hearing 3 Witnesses

- i. Mr. Stanley Pirione, PS
- ii. Mr. Momodu Sawane, Advisor
- iii. Mr. Robert D. Kaua, DS Governance
- iv. Mr. Jeffery Wanega, Senior Capacity Development Officer

The witnesses made their presentations before the Committee.

The Committee questioned the witnesses based on evidences presented. Discussion ensued. Evidence concluded and witnesses withdrew.

Hearings suspends at 12:12 pm.

5. Adjournment

The hearing adjourned at 12:20 pm

6. Table Documents

- i. The LRC views on the Electoral (Amendment) Bill 2023

Appendix 3: Submissions

Table Submission

No	Author
1.	LRC – The LRC views on the Electoral (Amendment) Bill 2023

Other Submissions

No	Author
1.	OPMC - BLC Generic Template Electoral (Amendment) Bill 2023
2.	
3.	OPMC - Drafting Instructions for Electoral Bill v2
	SIEC – Re: Submission on the Electoral (Amendment) Bill 2023
3 a.	SIEC – Annex ‘A’ – Commentary on the various clauses of the Electoral (Amendment) Bill 2023