



**NATIONAL PARLIAMENT OF SOLOMON ISLANDS
BILLS AND LEGISLATION COMMITTEE**

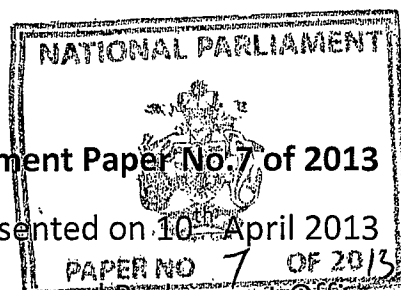
**Report on the National
Parliament Electoral Provisions
(Amendment) Bill 2013
(No.4 of 2013)**

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CONTENTS

EXECUTIVE SUMMARY	2
1. INTRODUCTION	3
1.1 Inquiry Process	3
1.2 Functions of the Committee	3
1.3 Terms of Reference	4
1.4 Membership.....	4
2 REVIEW OF THE BILL.....	5
2.1 Background	5
2.2 Purpose of the Bill.....	5
2.3 Expected outcome	5
3 ISSUES AND CONCERNS	7
3.1 Costs implications	7
3.2 Time factor	7
3.3 Practical implications	8
3.4 Confidence in the registration process	8
3.5 Eligible voters residing in other constituencies.....	9
4 CONCLUSION	10
5 RECOMMENDATIONS	11
APPENDIX 1: WITNESSES	12

EXECUTIVE SUMMARY

The current electoral system and processes used in the country at national general elections is fallible, deficient, inefficient and tarnished with mistrust and lacks peoples' confidence.

Whilst the whole system and process is in dire need for reformation, the Bill seeks to address an aspect of the deficiencies identified in the electoral process. This is in relation to the process involved in the registration of voters.

It is now common knowledge those electoral rolls are vulnerable to manipulation for political gains. The inefficiency of electoral rolls gave rise to double registration and therefore double voting because of the difficulties associated with identity of voters. This leads to mistrust and lack of confidence in the whole electoral process and system.

The proposed introduction of biometric technology in capturing voters' identification information is a step forward in reforming the electoral system and processes. It is hoped that this new measure will contribute to attaining an electoral system that is credible and trustworthy.

Whilst the use of biometric measures in the registration process is a welcomed reform, there are several issues that the Committee would like to bring out to the fore for further discussion and deliberation. These are in relation to –

1. Time limitation
2. Costs implication
3. Practical implication
4. Confidence in the registration process; and
5. Eligible voters residing in other constituencies.

The Committee acknowledges and appreciates the cooperation of all officers and witnesses that enables the production of this report.

1. INTRODUCTION

1.1 Inquiry Process

The National Parliament Electoral Provisions (Amendment) Bill 2013 (the ‘Bill’) was submitted and received by the Office of the Speaker of the National Parliament of Solomon Islands on 22nd March 2013. The Speaker certified and endorsed the Bill on the same day in accordance with Standing Orders 45 and 46 of the Standing Orders of the National Parliament of Solomon Islands.

The Bills and Legislation Committee (the ‘Committee’) resolved not to conduct a public hearing into the Bill because of time constraint. Instead relevant stakeholders were identified and invited to appear before the Committee. A list of the witnesses that appeared before the Committee is contained in Appendix 1.

1.2 Functions of the Committee

The Bills and Legislation Committee is established under the *Standing Orders*¹. The Order made pursuant to the *Constitution*² has the functions together with the necessary powers to discharge such, 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 deems 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.

¹ *Standing Order 71*

² *Section 62, Constitution of Solomon Islands 1978*

1.3 Terms of Reference

Pursuant to its mandate under the *Standing Orders*³, the terms of reference of the Committee in this instance is to examine the Bill and to report its observations and recommendations on the Bill to Parliament.

1.4 Membership

The members of the Bills and Legislation Committee are:

Hon. Manasseh D. Sogavare, MP (Chairman)

Hon. Dr Derek Sikua, MP

Hon. Milner Tozaka, MP

Hon. Mathew Cooper Wale, MP

Hon. John Maneniaru, MP

Hon. James Tora, MP

Hon. Douglas Ete, MP

Hon. Sam Iduri, MP

³ *Standing Order 71*

2 REVIEW OF THE BILL

2.1 Background

The *National Parliament Electoral Provisions Act* [Cap.87] (the ‘Act’) was enacted on April 3rd 1980. It is an Act to make provisions for the parliamentary constituencies, for registration of electors, for the conduct of national parliamentary elections, for the hearing of petitions in relation to such elections, and other related matters such as electoral offences.

The Act was amended on several occasions: in 1980, 1987, 1992, 1997, 2001, 2005, and 2010. This is the eight (8th) proposal to amend the Act.

2.2 Purpose of the Bill

The Bill seeks to make substantial amendments to sections 1, 2, 16, 17, 18, and the Second Schedule. It also proposes to insert two new provisions: sections 17A and 23A.

The principal objective of the Bill is to enable the Electoral Commission to incorporate the use of biometric technology in the process of registering voters in the national general elections. This includes capturing of finger prints and facial photographs of voters, in addition to the current practice of obtaining names and addresses of voters.

2.3 Expected outcome

Recommendation 1 of the **Report of the Pacific Islands Forum Secretariat’s Election Observer Team to the 2010 General Elections for the Solomon Islands**⁴ suggested that the Electoral Commission *conduct a review of the voter registration process, and take action to improve the integrity of the register of electors, as a matter of priority in advance of the next election.*⁵

The recommendation stemmed from the observations that are deficiencies in the electoral roll. Several factors were attributed to the deficiency. First, there are voters who had names in more than one constituency. This means that such person(s) can cast a vote in

⁴<http://www.forumsec.org.fj/resources/uploads/attachments/documents/PIFS%20Election%20Observer%20Report%20Solomon%20Islands%202010.pdf>

⁵ *Ibid*

more than one constituency. Secondly, it was noted that a large number of people had registered in a different Honiara constituency to that in which they resided, so as to vote for a particular candidate. This is a clear contravention of the Constitution⁶ and the Act, and also a subject of litigation.⁷

The current system of registering voters includes taking down names and addresses of eligible electors on an electoral roll. The removal of names relies either on the individual requesting the Chief Electoral Officer to remove their name from the list or a member of the public challenging a name on the list.⁸ This process created an environment for double registration and double voting.

It is envisaged that the introduction of biometric measures in the registration process will significantly enhance the integrity of the List of Electors by *cleaning* up the electoral roll. The list of electors or the electoral roll will be a totally new one instead of updating the current list.

The biometric measures provided for better identifying eligible electors includes –

- (a) manual finger printing;
- (b) computer recorded and recognised finger printing system;
- (c) use of identification cards with photograph image;
- (d) photographic images incorporated on the lists of electors; or
- (e) computer or other photographic or electronic system.

⁶ S.55 (2). *No person shall be entitled to be registered as an elector (a) in more than one constituency or (b) in any constituency in which he is not ordinarily resident.*

⁷ *Isaac Tosika Inoke -v- Attorney-General representing the Electoral Commission*, High Court of Solomon Islands, Civil Case No. 218 of 2010.

⁸ *National Parliament Electoral Provisions Act* [Cap.87]

3 ISSUES AND CONCERNS

There is a general acceptance of the Bill by all stakeholders consulted during the inquiry, given the deficiency in the current registration process and thus its vulnerability to manipulation for political gains. The Committee welcomes the initiative to rectify the process of registration of electors by tightening the collection, handling and storage of voter identification information during the registration process. There are, however, a number of issues that are of concern to the Committee. They are highlighted below.

3.1 Costs implications

The Committee is concerned that the proposed new measures will incur immense costs. It would require substantial financial and budgetary support simply because all eligible voters throughout the country would need to have access to identification cards and photographs images, a technological innovation that may not be too familiar, if not foreign, to most rural dwellers.

The Permanent Secretary to the Ministry of Home Affairs (the ‘Ministry’) informed the Committee that the Ministry has been allocated SBD40, 000,000 to implement the new measure.⁹ Budgetary support is also expected from international donors and stakeholders.¹⁰

3.2 Time factor

The Committee is cynical that there may be not enough time left to carry out the necessary exercises of implementing the new measures in time before the next general elections, which is approximately a year away.

The Committee was assured that recruitment of electoral officers is in progress.¹¹ These officers will be trained to facilitate and implement the proposed registration measures. The Bill also allows the Electoral Commission to extend the period of noticing an electoral roll in a particular polling station of a constituency.

⁹ Fred Fakari, *Hansard Transcript*, 6th April 2013.

¹⁰ *Ibid.*

¹¹ *Ibid.*

3.3 Practical implications

Under the current regime electoral officers goes out to collect and register names for the electoral roll. The Bill seeks to change this method of registration and instead establish voter registration centres throughout all fifty (50) constituencies where electoral officers will be stationed at a particular location for a given period. Nearby residents are expected to consult and register their identification information for entry into the system's database.

The Committee is concerned that, because of geographical features and lack of political will, not all eligible voters will eventually register their identification information. Even if a majority of eligible voters did actually register their identification information in their respective polling stations, there is a high probability that not all registered voters will turn up to cast their votes on the voting day.

The Committee was informed that since voting is voluntary, voters cannot be compelled to register and vote. However, the Committee was assured that the Electoral Commission will continue to encourage voters to come forward and participate in the electoral process.¹²

3.4 Confidence in the registration process

The Committee is mindful that since registration and voting is voluntary, it would not make any difference if registration centres are established in the constituencies because the decision whether or not to register and vote is an individual choice not subjected to any form of sanctioning.

It was explained that –

...what we are seeing now is reaction to or disillusionment which results from people not having confidence in the system. So they do not see the impact of their participation anymore because politics is hijacking the situation. People are bringing in names, and whether they participate in individuals does not affect the system anymore. As a result people become disillusioned about the system. But if we can show to them that there is a system that is in place, that will have integrity. That your participation will actually make a difference in the outcome of the process. And then with awareness and educating people about the particulars which the people might be uncomfortable with. We can

¹² Polycap Haununu, *Hansard Transcript*, 6th April 2013.

*tell them No, this is how it works. It is quite easy to operate, and you actually get yourself to participate. I think with that and with backing from the resources, we can make that happen.*¹³

The Committee is of the view that there is a pressing need for responsible authorities to engage in relevant awareness programs prior to, and during, the registration process.

3.5 Eligible voters residing in other constituencies

Another issue that was raised during the hearing is in relation to eligible voters who reside in other constituencies. Currently, if an eligible voter resides in another constituency other than his or her own, she or he would have to travel to his or her respective constituency to register and vote. Many eligible voters who would like to register and vote in their constituency of origin could not do so because the scatteredness of our islands coupled with financial difficulties is often a major obstacle.

However, the Committee was assured that in the next election, registration centres will be established here in Honiara for all fifty (50) constituencies to register their identification information leading up to the actual election. This means Honiara resident will be able to register their identification information in these registration centres without having to travel to their respective constituencies to register.

Although this initiative is welcomed, the Committee is still concerned that a voter would still have to travel to his or her respective constituencies for the actual casting of votes, as these registration centres provides for registration only and not casting of votes.

¹³ Dr. Philip Tagini, *Hansard Transcript*, 6th April 2013, p.24.

4 CONCLUSION

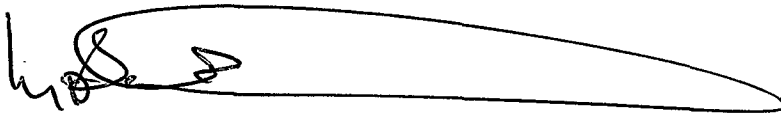
At the conclusion of the inquiry and after examining the evidences and submissions received during the hearing, the Committee:

1. Notes that much reformation is needed to improve the whole the electoral process.
2. Agrees that there is a great need to 'fix' the current electoral roll.
3. Welcomes the proposed initiative to give integrity to the registration process.
4. Is of the view that the proposed biometric measures of personal identification would ameliorate the identified deficiencies in the current electoral roll.
5. Concludes that mass national awareness need to be conducted prior to the registration and the election proper.
6. Is of the opinion that alternative electoral processes can be explored to replace the traditional first-past-the-post voting system.

5 RECOMMENDATIONS

After gathering evidences from the inquiry process and the submissions received, the Committee recommends that:

1. The Ministry of Home Affairs and the Electoral Commission immediately conduct a mass national awareness required in good time prior to the registration of voters and the election proper.
2. The Ministry of Home Affairs and the Electoral Commission must make available the necessary funds in good time before the next national general elections and have in place the necessary capacity to fully implement the new proposed registration process as well as other necessary major reforms anticipated.
3. Other necessary reformation to the whole electoral system and processes must be fully implemented and established in good time prior to the next general elections.
4. The *National Parliament Electoral Provisions (Amendment) Bill 2013 (No.4 of 2013)* is passed.



Hon. Manasseh Sogavare

Chairman

Bills and Legislation Committee

April 10th 2013

APPENDIX 1: WITNESSES

The Committee acknowledges and appreciates the attendance of the following witnesses who appeared before the Committee on the 7th of April 2013.

ORGANISATION	NAME/POSITION
Ministry of Home Affairs	1. Mr. Fred Fakari, Permanent Secretary
Electoral Commission	2. Mr. Polycarp Haununu, Chief Electoral Officer
Attorney General's Chamber	3. Mr. Ranjit Hewegama, Legal Draftsman
Office of the Prime Minister and Cabinet	4. Dr. Philip Tagini, Special Secretary to the Prime Minister

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