

The Electoral Framework and Preparations for the Elections

The Electoral Framework

There are a number of provisions of the Constitution that are of special significance so far as elections are concerned. For instance, it stipulates the functions of the Electoral Commission. It specifies a single Chamber of Parliament with a life of four years. It also stipulates that national parliamentary elections are to be held within four months from every dissolution of Parliament at a date proclaimed by the Governor-General.

Eligibility to vote is based on universal adult suffrage for citizens who have reached the minimum age of 18 years.

The Electoral Commission

The Electoral Commission is an independent supervisory body as provided for by the 1978 Constitution and consists of three members. The Chairman is the Speaker of Parliament and also Deputy Governor-General. The Governor-General appoints the other two members. A person shall not be qualified to be an appointed member of the Electoral Commission if she/he is a member of, or a candidate for the election to, Parliament or Honiara City Council or any Provincial Assembly. The Commission directs the whole electoral administration and supervises the operations and observance of the legal provisions in accordance with Section 58 of the Constitution of Solomon Islands. The Commission is not involved in the receipt or determination of the election petitions. The Honiara based office of the Electoral Commission is headed by the Chief Electoral Officer and is supported by expatriate and local staff members. Their main role is to assist the Commission with the executive and logistical operations of preparing for and conducting the elections.

The Electoral Laws

The election of members to the Parliament of Solomon Islands is conducted in accordance with the following:

- the Constitution of Solomon Islands 1978;
- the National Parliament (Electoral Provisions) Act 1980 (CAP 87);
- the National Parliament Electoral Provisions (Amendment) Act 1987 (No.1 of 1987, passed by the National Parliament on 2 March 1987);
- the National Parliament Electoral Provisions (Amendment) Act 1997 (No.3 of 1997, passed by the National Parliament on 2 May 1997);
- the National Parliament Electoral Provisions (Amendment) Act 2001 (No.5 of 2001, passed by the National Parliament on 14 August 2001);
- the Local Government (Registration of Voters) Regulations, 1964;
- Parliamentary Resolution of 16 December 1992 under section 54(4) of the Constitution in respect of Electoral Constituencies; and

.....
It should be noted that the Electoral Commission is not presently represented on the Constituency Boundaries Commission, and we recommend that the Electoral Commissioner should be an ex officio member
.....

- Parliamentary Resolution of 28 November 1996 under section 54(4) of the Constitution in respect of Electoral Constituencies.

The Electoral System

A total of 50 Members of Parliament are to be elected, one for each constituency under the uninominal ('first-past-the-post') voting system. The successful candidate is the person who secures a simple majority. Each registered elector may cast only one ballot paper for the candidate of their choice. Having received a ballot paper from the Presiding Officer at the respective polling station, the elector then proceeds to a voting room or compartment and in complete secrecy, places that ballot paper unmarked in a ballot box of the candidate of their choice.

The Constituency Boundaries Commission

The Constituency Boundaries Commission comprises of a Chairman and two other members appointed by the Governor-General acting in accordance with the advice of the Judicial and Legal Service Commission. The persons holding the offices of Chief Surveyor and the Head of the Government Statistical Services are *ex officio* members of the Constituency Boundaries Commission. It should be noted that the Electoral Commission is not presently represented on the Constituency Boundaries Commission, and we recommend that the Electoral Commissioner should be an *ex officio* member. Solomon Islands has 50 constituencies and their constituency boundaries were prescribed by Parliament following the recommendations from the Constituency Boundaries Commission.

The Constituency Boundaries Commission may review the number and boundaries of the constituencies whenever it considers it desirable, and such a review is required to be undertaken not later than 10 years after the boundaries were last reviewed. In accordance with section 54 of the Constitution, Parliament approved by resolution on 28 November 1996 the recommendation of the Constituency Boundaries Commission as contained in its Review Report of 1995/96, whereby the number of constituencies was increased from 47 to 50. However, in light of the high increase of registered voters and the apparent imbalance of voters in a variety of constituencies, provision should be made to review and to make alterations to existing boundaries before the stipulated deadline for such a review. Present constituencies range in number of registered voters from 2,584 in Makira/Ulawa/Ugi to 18,890 in East Honiara City, resulting in a serious under-representation in Honiara City and over-representation in some islands. However, this apparent situation is offset by the fact that many voters are registered both in their home constituencies and in the city or town constituencies and left the cities to vote in their home constituencies. Due to these double registrations, the voting registration numbers are inflated and the percentage turnout understated.

Preparations for the Elections

Voter Registration

Section 58(1) of the Constitution provides for the Electoral Commission to have general responsibility for and supervision of the registration of electors for the election of Members of Parliament.

The registration of electors was conducted under the provisions of the Local Government (Registration of Voters) Regulations, 1964 as provided for by section 6(2) of the National Parliament (Electoral Provisions) Act 1980. Registration and Revising Officers were appointed on 10 June 2001 by the Electoral Commission in each constituency to undertake the registration activities. Compilation of the Registers of Electors was carried out centrally through a computerised data entry centre established at the Electoral Commission Office in Honiara. This process was made possible by the provision of funds and technical assistance officers by donors, principally Australia, New Zealand, the European Union and the United Kingdom.

Registration of electors commenced on 30 June 2001 and ended on 31 October 2001. An initial Voters' List was published on 12 September 2001 and there was a period of claims and objections between 22 September and 1 October. This was followed by a revision of the voters' list which was completed on 12 October 2001. The settlement of lists and public inquiries by Revising Officers took place over a seven-day period at which time they were delivered back to Registration Officers. Where there were no claims and/or objections the settlement of the voters' list was undertaken and completed earlier. The final voters' list comprising 287,921 electors was published on 27 November 2001, which was clearly an inflated figure considering that the latest census suggests that of the 430,000 population, approximately 50 per cent are below the age of 18.

Voter registration saw an increase of about 81,000 more registered voters than for the last general election. The high increase in numbers of registered electors was attributed in the main to double registration and in some instances to the inclusion of dead people on the electoral list as well as to the registration of under-age voters. It has to be noted that in Solomon Islands, birth certificates are not normally issued and death certificates are not notified to the Registration Officer. It is therefore not possible to verify a person's age or to correct the register by completely excluding the names of those who have died. We understand that the base register was that used in the 1998 local government elections, which would tend to increase the number of deceased left on the register.

We noted that while the voter registration process aimed at ensuring the registration of as many eligible voters as possible, no provision was made to accommodate those voters who were not in their electoral constituency at the time of registration. There is no provision in the Local Government (Registration of Voters) Regulations, 1964 that the voter must register in the constituency in which she/he resides. It is common practice for persons to register at a place other than where they currently reside and there was considerable doubt in many potential voters' minds as to whether they could register where they now live or where they were born. As a result we witnessed many voters returning to their constituencies to vote by irregular and often hazardous means. There could also be important political reasons for

candidates to encourage voters to vote in their home islands particularly as some constituencies have so few voters.

We believe that the Electoral Commission should undertake a review of these practices and regulations relating to voter registration so as to ensure the accuracy of the voters' list and more comprehensive voter registration. This would also be enhanced by an extension of the time-frame for registration as well as for the publication of a Supplementary List of Voters which would reduce the risk of omitting eligible voters who for legitimate reasons had been unable to register during the designated registration period. The Claims and Objections period should also be extended. Many people to whom we spoke were dissatisfied with the voters' list, which was far from accurate.

We were concerned at the lack of facilities for ensuring the registration of the incapacitated voters as well as helping them to vote on polling day. In some instances, it appeared that a number of voters had not registered due to their own apathy. In other cases, it was clear that voters had not registered as they were frightened to do so.

Voter Education and Training

In our discussions with the Electoral Commission and other groups including political parties, the media and civil society, we formed the impression that the voter education process was objective and impartial. A joint awareness campaign was undertaken to inform electors about their rights and responsibilities, the importance of the forthcoming elections and the technical aspects of where and when to vote. This was communicated through role-playing and wide use of the print and the radio (there being no local television). Voting guidelines were widely circulated by organisations such as the Solomon Islands Christian Association (SICA) and the Solomon Islands Development Trust (SIDT), while detailed instructions were relayed by the Solomon Islands Broadcasting Corporation (SIBC) on a regular basis.

It was apparent that the Electoral Commission had provided ample training for election officers with international support. Detailed duties and instructions were issued for Election Managers and Returning Officers who in turn trained Presiding Officers, Polling Assistants and Counting Agents. Comprehensive notes on the electoral process were also provided for prospective candidates, while a manual to assist the police as well as terms of reference and a Code of Conduct for all international and local observers were instituted.

Nominations

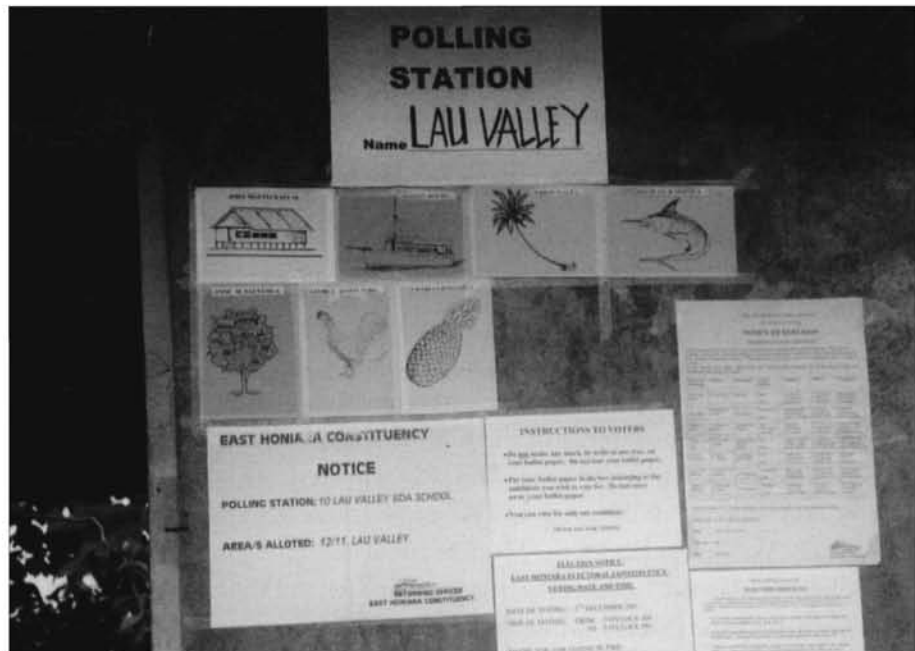
A general election of members of the National Parliament is held on a day fixed by proclamation directed by the Governor-General. The date of the election must not be earlier than 42 days after the proclamation. Following the proclamation, a Notice of Election (which must be published within seven days of the date of publication of the proclamation) is published by each Constituency Returning Officer under section 25 of the National Parliament (Electoral Provisions) Act 1980. The Act sets out the procedure for nominating candidates for election. It provides *inter alia* that Returning Officers are not to accept nominations of candidates unless they are proposed by three electors who are ordinarily resident in the constituency for which the

.....
Voting guidelines were widely circulated by organisations such as the Solomon Islands Christian Association and the Solomon Islands Development Trust, while detailed instructions were relayed by the Solomon Islands Broadcasting Corporation on a regular basis
.....

candidate is nominated and whose parents or either of the parents appear on the electoral list for that constituency or in the relevant province. (This stipulation does not apply to a constituency which is in, or partly in Honiara.)

Candidates can only be nominated once by a single elector and not more than in one constituency. A non-refundable deposit of two thousand (2,000) SI dollars must also be lodged on behalf of each candidate. Invalid nominations can be challenged through the presentation of election petitions to the High Court in its civil jurisdiction as provided for in sections 82 and 83 of the National Parliament (Electoral Provisions) Act 1980 (CAP 87). Provision is also made for the withdrawal of candidature.

SYMBOLS . . . notice-board at a polling station in East Honiara constituency shows the symbols allocated to candidates in that constituency on a first come first served basis



A list of 30 symbols, each on a coloured background, was approved by the Electoral Commission and allocated to each candidate on a first come first served basis. Symbols could not be used by more than one candidate in a constituency, neither could a symbol allocated to a candidate be used for any purposes by another candidate. While symbols are designed to assist the illiterate voter to vote, their impact was severely limited because they had no consistent political party relevance. We recommend that the use of such symbols be thoroughly examined and their future use possibly discontinued. They certainly played a very limited role in the electoral process.

External Assistance

The Electoral Commission received substantial financial and technical assistance from a number of countries and international organisations, principally Australia, New Zealand, the UK and the EU, to ensure the proper conduct of the elections. This included specialists in voter awareness and voter registration as well as in legal assistance and the production of election materials. It was clear that without such international support it would not have been possible to hold the elections due to the low state of preparedness of the Electoral Commission.