Comparative Election Administration in the Pacific

Revised paper

Presented by

Andrew Ellis  
Head of Electoral Processes  
International IDEA  
{a.ellis@idea.int}

and

Alistair Legge  
Secretary  
PIANZEA  
{alistair.legge@aec.gov.au}

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**Introduction**

This paper attempts to assemble materials which describe the detailed process of election administration in the Pacific. It is developed from the research currently under way for the EPIC Project, a joint venture of International IDEA, the International Foundation for Election Systems (IFES) and UNDP to collect, systemise and make available information regarding electoral laws and regulations worldwide (www.epicproject.org). EPIC gathers information through a network of regional organisations: the EPIC partner in the Pacific is the Pacific Islands, Australia and New Zealand Election Administrators’ Network (PIANZEA). Data is collected for a state or territory to be included in EPIC if that state or territory does not send elected representatives to a higher level elected assembly.

Why is electoral administrative detail of interest to a wider audience than election administrators themselves? When elections run well, nobody notices the electoral machinery – lack of interest is a sign of good news. But an election is a complex enterprise, in many countries the largest single organisational enterprise that ever happens. Legislators and electoral administrators have developed a rich range of approaches to the practical problems of delivering an election process, from registration through nomination, polling, counting, declaration of results and resolution of disputes. There is a great deal of scope for the sharing of ideas and good practice.

**Cautionary examples**

In addition, however good the decisions about the form of constitutions and electoral systems are and however inclusive the process of discussion and dialogue which has been used to shape them, the devil of electoral processes is truly in the detail. Matters which seem entirely technical can have serious political consequences. Here are two examples.

Cambodia in 1998 adopted a new election law which provided for the use of list proportional representation. The law itself did not specify which form of highest average or largest remainder formula would be used for seat allocation: this was left to regulations. A set of regulations were duly issued by the National Election Commission. A little while later, a second set of regulations was issued, with apparently minor changes: these revisions were contained in the middle of a large set of regulations made simultaneously. Nobody noticed the change.
The problem emerged as the tabulation of results progressed: it became evident that under the first formula the largest party had won 59 seats in a 121 seat National Assembly, whereas the revised formula gave it 64 seats. Unsurprisingly, the opposition cried foul, and there were many weeks of protests before they eventually decided to live with the results. Significant damage was done to the credibility of the electoral process.

Guyana in 1997 provided an even more stark example. The two major groups in Guyanese society are Guyanese of Indian and of African origin: voting patterns are very strongly ethnically based and the level of trust between communities is very low. The country is divided into ten districts: the district with much the largest single electorate is the capital, Georgetown, which is an opposition stronghold.

Tabulation was undertaken at district level, as is frequently the case in former British colonies. As results came in, nine districts were declared, leaving Georgetown last. This was as might be expected: the inevitable polling station which fails to deliver its results or needs rechecking is most likely to be in the biggest district. It is not, however, intuitive: the instinctive reaction of the opposition and of the Georgetown community was that results should arrive early from the district containing the National Election Commission office, and that therefore something fraudulent was going on. People took to the streets, and by the time the Georgetown result was finally declared, there was no hope of getting acceptance for the results – however accurate they may actually have been.

That is not to say, however, that election administration has to be perfect. There is always somebody whose registration has not been correctly processed! Real world elections are also limited by cost, especially in less wealthy countries where elections are a significant item of expenditure in the national budget. Cost limitations may dictate the synchronising of national and local elections despite possible political disadvantages. Administrative systems which are less good but less expensive may be more sustainable in the long run. Election administrators are also limited by time in a period of political transition. Politicians will always take the time they need to reach agreement on new systems, and negotiating concessions they make later are often more valuable than those made earlier.

The data
There is a wealth of material published about electoral systems themselves. However, little is available on other aspects of election administration, although the recent study of 63 countries by Blais, Massicotte and Yoshinaka (2004) is the first major contribution towards filling this gap. This paper draws on their work in the design of its presentation.

Information is presented about 16 Pacific states or territories which meet the EPIC criterion for inclusion. It addresses six areas: the form of the electoral management body (EMB), the electoral system and arrangements for boundary delimitation, the franchise and registration of electors, the nomination of candidates, arrangements for polling, and arrangements for counting and tabulation. The data captures technical information, but cannot in itself capture cultural aspects of the election environment: however, technical provisions may be moulded by the cultural environment, or may be written to respond to it. The data is not yet complete, and the authors would welcome further additions, clarifications and corrections.

**Colonial heritage**

While a maximum sample size of 16 is too small for much useful statistical analysis, it is possible to identify trends. In common with many other parts of the world, the legacy of the colonial power is visible in Pacific administration systems, with the heritage of the US, of France and of the UK, and the development of the latter by Australia and New Zealand, all visible. Vanuatu’s use of multiple ballot papers and ballot envelopes draws from the French model. Seven of the twelve systems for which data is provided conduct the count at district or regional centres rather than in the polling station – a characteristic strongly associated worldwide with British-inspired systems (Blais, Massicotte and Yoshinaka (2004): 147). It is perhaps true – though it requires a further depth of analysis than provided here - that the form of procedures, documentation and protocols is even more durable, lasting even when a political decision has been made to change the substance.

**Election Management Bodies**

Two of the three common forms of election management body are found in the region: the organisation of elections by or through a government ministry as part of the functions of the executive, and the establishment of an independent electoral authority or commission. The third model, with a commission supervised by a judicial authority,
is common in Latin America but not in the Pacific. The dividing line
between these two models is perhaps more blurred in small states.
The size of the task and of the available resources means that the
making of administrative policy and regulations by commissioners and
the implementing role of a secretariat are frequently not separated. In
addition, ‘independent’ commissions may be more or less independent
in practice. This depends on the procedures for appointing (and firing)
their members, as for example if the head of the secretariat is an
appointment of the Minister of Home Affairs rather than the electoral
commission. It also depends on the procedures for approving the
budgets and expenditures of electoral bodies.

Electoral Systems

The electoral systems of the region belong heavily to the majoritarian
family: eight contain at least an element of first-past-the-post, five
include at least an element of block vote, and there are two examples
of alternative vote. Many of these systems carry with them a
requirement for boundary delimitation. The criteria for the drawing of
boundaries laid down differ widely in detail, some based on population
and others on totals of registered voters, some including geographic,
cultural, language or communication considerations. In practice,
however, the simplicity of the island as a single electoral unit often
rules out other options, even at the expense of malapportionment.

The term of office of elected members varies. Eight of fifteen cases
where data is provided have four year terms. But Fiji, PNG and Samoa
have five year terms, Nauru, Niue and Tonga have three year terms,
and Pitcairn Island has annual elections.

Franchise and Registration

Outside Asia and the Pacific, 18 is almost universal as the minimum
age for registration and voting (Blais, Massicotte and Yoshinaka
(2004): 17): however, this holds in only ten of the fourteen systems
for which data is provided, the exceptions being Nauru (20) and Fiji,
Samoa and Tonga (21). Citizenship of the country is an almost
universal requirement for registration, although the franchise in both
the Cook Islands and Niue is wider. Other requirements, for example
residence in the country or in the electoral district, and
incompatibilities, for example incarceration or mental disability, vary in
detail. Active registration, with officials going door to door or setting
up village registration centres, is more common than passive
registration, where intending electors have to go to an electoral office
– but it is not universal. There is no common view on compulsory registration, with five of thirteen cases where data is provided adopting it, and eight regarding registration as voluntary. Perhaps again showing a characteristic of small states, registration is conducted by the electoral authority in all cases except one, Samoa – and the unification of registration with electoral administration is planned there also.

Nomination Requirements

Most countries require legislative candidates to be 21, although Nauru and Vanuatu set the minimum age at 25, and Micronesia at 30. All countries require candidates to be citizens, with Micronesia imposing the additional requirement of 15 years’ citizenship. Residence requirements vary: the Solomon Islands only requires current residence, while Fiji requires 2 years, Niue and Samoa 3 years, and Micronesia and Palau 5 years. The Marshall Islands, Palau and PNG all have additional rules based on residence in the electoral district where candidacy is sought, with the Marshall Islands also allowing registration in respect of land rights – which has led to substantial moves of the registered electorate between districts for successive elections. Other necessary qualifications vary: Samoa requires matai title, Tonga requires literacy in Tongan, and several countries require registration as an elector.

Incompatibility provisions also vary – and may also be implicit in the qualification of registration as an elector. Incarceration is a common bar to candidature, although the length of sentence varies: mental disability, disqualification for electoral offences and bankruptcy are also frequently found. Seven of the eleven countries where data is provided regard various forms of government or public office as a bar to candidature (as distinct from a bar to being elected).

The requirement for a monetary payment to accompany a nomination is a British legacy worldwide (Blais, Massicotte & Yoshinaka (2004): 61). Many Pacific states are unusual, however, in that the payment is a fee, sometimes used to assist with election costs, rather than the refundable deposit found in Samoa and common elsewhere.

Criteria for candidacy in direct presidential elections are unsurprisingly stricter than those for legislatures: Palau imposes a minimum age of 35 in addition to citizenship and residence requirements, while candidates in Kiribati have to be elected members of the legislature.
Both countries impose term limits, with Palau allowing a maximum of two presidential terms, and Kiribati three.

**Polling arrangements**

Most Pacific countries allocate electors to specified polling stations: however PNG, for example, allows electors to vote at any polling station within the electoral district, controlling multiple voting by the use of ink. Five of eleven countries where full data is provided – Fiji, the Marshall Islands, Niue, Palau and PNG - have some from domestic advance or off-site voting provisions. Three use postal voting, Niue uses advance voting at the election office, and the Marshall Islands uses mobile ballot boxes for those who are for example confined to hospital. In addition, Vanuatu allows proxy voting.

Overseas voting is becoming more prominent in debate on electoral systems worldwide, and has implications for electoral system design because of the differing complexity of the task of getting the right ballot papers securely to and from overseas electors. Again there is a variety of provisions: the Marshall Islands and PNG allow voting by post; Micronesia and Palau can set up polling stations in overseas embassies and consulates; Fiji allows both; and Vanuatu again has proxy voting. But there are no provisions in Niue, the Solomon Islands, Tonga or Tuvalu, and the overseas constituency in the Cook Islands is being abolished.

Twenty years ago this was not an issue. Today many Pacific countries now have significant overseas populations living and working abroad, with numbers large enough to possibly change election results. Where there are no overseas voting provisions, significant numbers of potential electors are effectively disenfranchised.

Ballot paper design in the region varies, although the British ‘mark in the box’ ballot paper is probably the most common. It would be useful to compare the percentages of invalid votes for different ballot paper designs in the region, but the data does not yet exist. Compulsory voting exists in Fiji and Nauru, with both having probably been influenced by the Australian experience.

Some countries, for example the Solomon Islands, set a target maximum size for each polling station, in order that everyone can vote within the set polling hours if the station is well run. In contrast, PNG does not divide polling stations in larger communities but has more than one ballot paper issuing point within the station, and controls
against multiple voting through the use of ink. In the Marshall Islands, neither approach is adopted, the close of polling hours sees not the close of the polling station but the close of the queue, and polling finishes only when everyone in the queue at the closing hour has voted.

**Counting and declaration of results**

As previously noted, Pacific counting procedures are divided between systems which count at the polling station, and systems which count at district or national counting centres. Where there is serious doubt as to the integrity of the electoral administration, polling station level counting is often adopted to provide parties, candidates and observers with the ability to verify the tabulation externally. There does not appear to be pressure in this direction in the Pacific, which can be interpreted as indicating a level of confidence in the administrators.

Five of nine countries where data is provided declare some form of preliminary results. While final results are declared by a central body, usually the EMB, in six of nine cases, in Fiji and PNG the declaration is made by each individual Returning Officer, and in Tuvalu by the Minister of Home Affairs. While all states have provisions for recounts, the criteria for requesting recounts, the persons who can request a recount, and the authority which can order a recount all vary.

**PIANZEA**

As a counter to the diversity of electoral administration and the isolation felt by electoral administrators in the Pacific, the Pacific Islands, Australia and New Zealand Electoral Administrators’ Network (PIANZEA) was established in October 1997 with the specific aim of:

> Establishing a close association of Pacific Electoral Administrators within an established networking arrangement to facilitate and encourage the free flow of electoral information among member countries and to provide assistance where possible. (PIANZEA Network Goal, Fiji, 1997)

The past seven years has seen the strengthening of the network primarily through peer encouragement, advances in administrative practice and in reforms of legislation. These advances have most often stemmed from the PIANZEA Workshops, held every two years
where election administrators from the region meet with each other to
develop broad frameworks which they can then take back with them to implement in their own domestic situations. For example, the development of codes of conduct, principles of independence and transparency, professional development of their staff and key stakeholders through the implementation of projects such as the Building Resources In Democracy, Elections and Governance Project (BRIDGE) and the implementation of better practices such the computerisation of the electoral registers.

One of the key understandings which the EMBs within the PIANZEA Network hold is the need for strong, independent, transparent and domestically sustainable electoral institutions which are capable of not only facing the challenges of a changing region but who can contribute to the direction it may take by working as an equal partner with the other key stakeholders in the democratic process.

Perhaps the biggest challenge for electoral administrators is in the area of legislative reform. Whilst much of the legislation in the region is sound in principle, it has not kept pace with the rapid changes and challenges confronting the region. As the EPIC data demonstrates, the electoral structures and legislation reflect a colonial past, a past with larger bureaucratic structures, a past without computer technology and a past where many Pacific islanders lived and worked “at home” rather than overseas.

The key to such reforms is the need for electoral administrators to engage with legislators and other key stakeholders to produce legislation which is acceptable to the electorate, reflects their needs and translates their will into parliamentary structures.

The EPIC data is gathered as a resource for such debate. There are however limitations in the nature of the data collection, which can sometimes fail to illustrate the reality of what is happening. For example, EPIC shows that many electoral administration bodies are independent in structure, that is, not under the direct control of the government of the day, but the reality is that many are subject to enormous pressure and influence from their governments. Administrators can be appointed and removed from office by government ministers with little or no due process and very little transparency, their budgets are tightly controlled and proposed reforms which would level the playing field are not implemented. Politics in the Pacific is very personalised, and Westminster type
legislation and structures are not always accompanied by the Westminster conventions which underpin them.

However, EPIC is a living document. As the legislation and administrative practices in the Pacific region change, so also will the information in the EPIC database, providing a valuable tool for researchers and practitioners alike.

References


EPIC Project, www.epicproject.org