

Ballot Paper A Nightmare For Voters

Voters throughout the country have unanimously rejected the proposed ballot paper for the 2014 general elections.

The National Federation Party has consulted voters since the promulgation of the Electoral Decree 2014 a month ago and voters have very strongly denounced the layout and composition of the ballot paper.

On 8th April the NFP wrote to the Chairman of the Electoral Commission registering the Party's concerns. We called upon the Commission to seek amendments. But the Commission has not responded to our letter.

Herein is the letter to the Commission written by NFP Leader Biman Prasad and President Tupou Draunidalo: -

The National Federation Party (NFP) registers its strong opposition to the design, nature and content of the actual ballot paper for the election of Members of Parliament in the 2014 General Elections (as contained in the Schedule (Section 37) of the Electoral Decree 2014 (Decree No. 11 of 2014).

The ballot paper contains a total of 280 numbers, from 135 to 414. Each number will be allocated to a candidate, either nominated by a political party or an Independent, following a draw after nomination of candidates.

Voters are required to either circle, tick or cross one number on the ballot paper to indicate their vote for a particular candidate.

The NFP had expressed its opposition to the design, nature and content of the ballot paper to the Electoral Commission and the Supervisor of Elections during a meeting jointly with three other political parties with the Commission and the Elections Supervisor on Wednesday 2nd April, 2014.

We had strongly urged the Commission to seek changes to the ballot paper to include names of candidates and symbols of political parties. This has been a basic and standard practice in all ten general elections held in an Independent Fiji from 1972 to 2006.

Free, Fair & Credible Elections Rendered Meaningless

The ballot paper renders meaningless any semblance of the elections being free, fair and credible. Voters are being denied their political rights to choose their representative in a manner which is simple, logical and conforms to a voter's political ideology and belief.

The ballot paper does not provide this. A voter's identity with a candidate, whether Independent or nominated by a political party, is by name and symbol in a general election. Not a number. This has been historically the norm both in Fiji and throughout the world.

Voters in Fiji have always voted a symbol alongside a candidate's name. This has been the practice in First Past The Post Elections from 1972 to 1994, municipal elections until 2005 as well as in three elections under the Alternative Vote (AV) preferential system in 1999, 2001 and 2006.

Under the AV system voters were required to either place their tick alongside the symbol of a party or an Independent candidate above the line on the ballot paper or write a number alongside the name and symbol of their candidate below the line on a ballot paper. Voters were instructed not to do both.

A vast majority of the voters simply chose to tick the symbol above the line on the ballot paper while only a small number listed their preferences by numbering alongside candidates and their symbols below the line on the ballot paper.

However, despite clear instructions and a massive voter awareness campaign for more than a year in the lead-up to the May 1999 general elections where the AV system was used for the first time, a lot of votes were invalidated.

The fact that a ballot paper for the Open List Proportional Representation system is being used for the first time should itself be a matter of concern to the Commission on how voters will adapt to a new system and how the possibility of a large percentage of invalid votes can be eliminated, albeit after a concerted voter education campaign for only a few months.

But a ballot paper full of 280 numbers, with no names of candidates or symbols of political parties and Independents, is a nightmare that will result in extraordinarily large percentage of invalid votes.

Unworkable

A ballot paper with 280 numbers will simply create utter confusion amongst voters.

Firstly, a voter is being asked to either circle, tick or cross a number. A voter is prone to confusion as to what number he/she is going to select. A voter is more than likely to forget and mark a wrong number and then suddenly remember the correct one. He/she is also more than likely to mark the correct number on the same ballot paper, thereby invalidating the vote. This will be due to lack of identification in the form of names of candidates and symbols of political parties and Independents. In addition where voters may need

assistance for voting, it may further erode the element of free and fair election. There could a possibility of vote rigging.

Secondly, past elections have shown that hardly any voter would ask the polling presiding officer for a new ballot paper to correctly indicate his/her preferred choice. This is due to human nature as most voters are simple ordinary human beings who do not because of culture and upbringing question issues or ask for things.

This was evident in the three general elections held under the AV system when voters ticked both the party symbol above the line as well as the candidate's name and symbol below the line on the ballot paper, thereby invalidating the vote.

This shows a voter's recognition of candidates best by name and symbol. This is sorely missing from the ballot paper full of numbers that resembles more a puzzle than a legitimate election ballot paper. There is no way of identifying a political party or candidate because lack of symbol and name. Further, the ballot paper provides no link to the political party and the candidates it nominates.

Violation of Constitutional Right

Section 23(2) of the 2013 Constitution (Bill of Rights) (Political Rights) states, "Every citizen has the right to free, fair and regular elections for any elective institution or office established under this Constitution."

We submit that the ballot paper with 280 numbers denies this constitutional right because it erodes the principle of free and fair elections.

A voter is unable to exercise a meaningful choice in the absence of names and symbols. The easiest numbers that a voter may remember are 200, 222, 300, 333 and 400. The five candidates who are allotted these numbers will have a unfair advantage over all others, further undermining the free and fair principle.

Parties and candidates will have only about three weeks to campaign and promote their number, excluding the time for nomination and objection period, finalization of the candidates' list, allocation of numbers and 48 hours campaign prohibition time before the polls.

Any massive voter education before nominations by the Commission or even until the polls will be meaningless because candidates' numbers will only be allotted after nominations and objections as mentioned earlier. Political parties are already experiencing obstacles in preaching their message through the media due to the regressive provisions of the Media Industry Development Authority and State Proceedings (Amendment) Decrees.

Recognition of Political Parties

Voters recognise political parties by their symbols. The Political Parties (Registration, Conduct, Funding and Disclosures) Decree 2013 requires political parties to set out the symbol of any proposed party. This is re-confirmed in the Decree's second schedule that outlines the contents of the constitution or rules of a political party, which amongst other things requires the logo and symbol of a party.

The symbol is the identity of a political party and candidates that are sponsored under its banner.

This identification is totally missing from the ballot paper, as is the link between a candidate and his/her nominating party.

The NFP therefore strongly submits that the Commission seek an immediate review of the ballot paper to ensure free, fair and credible elections.

Conclusion

The ballot paper must have names of candidates and symbols of political parties and Independent candidates in order for voters to easily identify which candidate and which party they wish to vote for.

Anything less will render the general election as a sham.
