

Getting feedback from a scrutineer about names missing from a roll (Commonwealth Secretariat/Flickr CC BY-NC 2.0)



Disenfranchised at high price: PNG's electoral roll woes

By Sam Koim
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Nine consecutive elections held since independence and yet Papua New Guinea is still struggling to update its common roll on time for elections. As polling gets underway in PNG, complaints of common roll discrepancies are emerging from across the country. In a kneejerk reaction to these complaints, the Electoral Commissioner issued an instruction to revert to an updated version of the 2012 rolls. This is despite [earlier assurances](#) that everything was under control.

The opportunity to exercise the voting franchise comes every five years and the Electoral Commission (EC) has that number of years to prepare for the elections. Subject to very limited qualifications, section 50 of the Constitution of PNG confers on the citizens of PNG the inalienable right to stand for public office and vote. The EC is mandated to administer the process of exercising that right in democratically held elections. The EC has the duty to ensure that the practical application of the electoral laws protect and advance the entitlement conferred by the Constitution. It must not be used to defeat that franchise.

The Organic Law on National and Local-Level Government Elections (OLNLLGE) demands in mandatory terms that all persons who are qualified by law to vote must be enrolled prior to polling. Since the last polling, there may have been deaths, movements of people, or voters becoming eligible or ineligible. An updated roll is therefore necessary to capture these demographic changes before the next election.

Whilst the voters may be blamed for failing to verify their names against the roll, that is only possible if the EC's updated roll is accessible as required by law. It is unclear whether ample opportunity was accorded to the voters to check the roll.

For those who were previously registered as voters in an electorate but had their names omitted on the current roll, the law permits the Returning Officers to make alterations to allow them to vote. However, unregistered voters who do not have their names on the current roll are not allowed to vote. Section 61(a) of the OLNLLGE imposes a cut-off point

for claims of new names to be registered or transferred to another roll, and that is 4:00pm of the date of issuance of writs. These new names are not allowed to be registered until after the last day of polling.

Section 214 of the OLNLLGE prohibits the National Court from inquiring into the correctness of the roll. The National Court must assume that the roll is correct. That is shattering news for candidates who had not been registered in a particular electorate but are contesting that seat on the understanding that they were either born there or lived there for more than 5 years. They are disqualified at the threshold and there is no redress from the Courts.

The OLNLLGE gives wide powers to electoral officials to conduct the elections and in most cases the Courts are prohibited from intervening until after the results are out. This is not only to allow the elections to run smoothly without interruptions, but more so to respect the professional judgement of those officials. However, when the judgements of these officials are compromised to favour particular outcomes, it is another story.

Many were asking whether the discrepancies in the common roll constitutes grounds for declaring the elections 'failed'. Section 97 (2) of the OLNLLGE provides two grounds for the Electoral Commissioner to do that, and electoral roll discrepancies is not one of them. In circumstances where no candidate is nominated, or where no candidate is returned as elected, the Commissioner can make that call. This provision is designed to address instances on an electorate-by-electorate basis, not for blanket decisions covering an entire election, although such was the case in the [last](#) local level government elections. So the Electoral Commissioner's powers are limited to those two determinants.

One other issue I find interesting is that there is no specific date for the close of rolls as is found in [section 155 of the Australian Electoral Act](#). The lack of time limitations had provided a breeding ground for laxity to flourish, resulting in the repeated disorganised elections like the present one.

How much have the taxpayers of PNG paid for the common roll discrepancies? For the failed National Identification Card (NID) project undertaken by the National Statistical Office, the government [allocated](#) almost AUD 104 million. The EC was also given millions of dollars to update the rolls. This was a duplication of resources but both agencies failed. It is also understood that [technical expertise was provided by Australia](#) and New Zealand. With those resources and the availability of technology to do data-matching, this was a terrible failure.

To cover for the failure, the EC is reverting to an older version of the rolls. Arguably, the law does not restrict that. But it would be another issue if the EC is using the 2012 rolls.

In 1997, the principal common roll was not properly updated, hence the then Electoral Commissioner issued Circular Instruction No 26/97 on the eve of polling to revert to the Preliminary Listings of the years prior. 20 years on and the same problem is recurring unabated.

Dreams are shattered, resources are wasted and decisions are on halt -all because someone has failed to do his job. People's right to vote and stand for public office is robbed by a supposedly independent government institution's incompetence.

Whatever the outcome of the election is, it will come at a high price for the country. PNG will definitely come out of this election and things will surely get back to normal as they always have been. But I wonder how much longer PNG will continue to tolerate and pay for the same mistakes over and over.

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