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Elections in the Autonomous Region of Bougainville, Papua New Guinea

2020 General Elections

Frequently Asked Questions

Asia-Pacific

International Foundation for Electoral Systems

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Frequently Asked Questions

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Disclosure:

These FAQs reflect decisions made by the Bougainville elections authorities as of July 29, 2020, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

When is Election Day?

Elections for the Autonomous Bougainville Government are a multiple-day event. Polling is currently scheduled to start on August 12 and by law must be completed within three weeks.¹ In practice, the polling schedule is “front-loaded,” so that the vast majority of polling will be completed within one week. The remaining two weeks can be used for contingencies, as a combination of poor infrastructure and unpredictable weather can render remote islands and mountainous regions temporarily inaccessible.

There will be approximately 618 polling stations inside and outside Bougainville.

Why are these elections important?

These are the first elections to be held since the 2019 Bougainville referendum to determine its political status, which returned a 98 percent preference for independence from Papua New Guinea² (PNG). Actual independence for Bougainville will be, as per the Constitutions of both Bougainville and PNG, the subject of negotiations between the two governments.³ Bougainville’s new president and representatives will be counterparts to the PNG government in negotiating what the ultimate outcome of the referendum process will look like.

The Bougainville referendum was a pillar of the Bougainville Peace Agreement,⁴ which ended the Bougainville Crisis in 2001, during which an estimated 20,000 people died.

What are election authorities doing to safeguard the elections and voters during the COVID-19 pandemic?

Although there have not been any confirmed cases of COVID-19 in Bougainville, a state of emergency was declared on March 23, 2020,⁵ in response to the pandemic. A state of emergency controller was appointed, who issued orders to mitigate the spread of the virus. Contained within those orders was an instruction to delay the fourth general elections from spring 2020 until a later time when certain safety measures could be implemented to ensure the safety of all those participating in the electoral process.

The Office of the Bougainville Electoral Commissioner (OBEC) has established a set of guidelines for electoral stakeholders that focus on maintaining social distance and the use of proper hygiene to mitigate the spread of the virus during the electoral process. The guidelines cover the voter roll update, nominations, polling and counting and are in line with the orders issued by the state of emergency controller. Despite its resource limitations, OBEC has procured personal protective equipment for polling and counting staff.

¹ Article 70 and Amendment 10/2014, Bougainville Elections Act 2007

² Final Report, Bougainville Referendum Commission, 2020

³ Article 342 of the Constitution of the Autonomous Region of Bougainville and Article 342 of the Constitution of the Independent State of Papua New Guinea

⁴ Bougainville Peace Agreement, August 30, 2001

⁵ Declaration of State of Emergency, Bougainville Executive Council, March 23, 2020

What is the government structure and electoral system?

The Autonomous Region of Bougainville is a representative democracy with a 40-member Bougainville House of Representatives, made up of 33 open constituencies, three regional seats reserved for women, three regional seats reserved for former combatants and a president.⁶ The president and members are elected by limited preferential vote.⁷ Each voter receives four ballot papers and selects his or her three preferred candidates on each.

What is the election management body? What are its powers?

Article 106 of the Constitution of the Autonomous Region of Bougainville establishes the position of electoral commissioner, tasks the commissioner with conducting elections in accordance with the applicable electoral laws and establishes the commissioner's independence.⁸ The Office of the Bougainville Electoral Commissioner (OBEC) comprises the secretariat. Neither the commissioner nor OBEC have the power to issue regulations; this power is retained by the Bougainville Executive Council,⁹ which comprises the president and ministers. The budget for OBEC and funding for each electoral event depends on allocations from the Autonomous Bougainville Government.

Who is eligible to run as a candidate?

Eligibility requirements for candidates are set out in the Constitution of the Autonomous Region of Bougainville.¹⁰

Candidates for president must:

- Be at least 40 years old;
- Be eligible to vote in elections for the Bougainville House of Representatives (BHOR);
- Be Bougainvillean (i.e., belong to a clan lineage);
- Not have served two terms as president already;
- Not be contesting another seat in the BHOR;
- Not have had the right to vote removed by a court;
- Not be sentenced to death or incarceration for more than three months; and
- Not have been declared bankrupt.

Candidates for seats in the BHOR must:

- Be at least 25 years old;
- Be Bougainvillean (i.e., belong to a clan lineage);
- Belong to a clan lineage that holds land within the constituency for which they are contesting;

⁶ Article 55 of the Constitution of the Autonomous Region of Bougainville

⁷ Article 109 of the Constitution of the Autonomous Region of Bougainville

⁸ Article 106 of the Constitution of the Autonomous Region of Bougainville

⁹ Article 233 of the Bougainville Elections Act 2007

¹⁰ Articles 91 (for the Presidency) and 56 (for members of the House of Representatives) of the Constitution of the Autonomous Region of Bougainville

- Have been born in the constituency for which they are contesting; and
- Have resided continuously in the constituency for which they are contesting for at least five years immediately preceding their nomination.

Those running for the reserved seats for women must be women. Those running for the reserved seats for former combatants must have been a combatant with either the Bougainville Resistance Force, the Bougainville Revolutionary Army or the Me'ekamui Defense Force during the Bougainville Crisis.

A total of 446 candidates are running for office in the general elections: 25 for president and 421 for 39 seats in the Bougainville House of Representatives.

What is the process for nominating candidates and the campaign timeline?

Nominations took place from June 18-23, followed immediately by the start of campaigning. There is no objections period following nominations.

Nominations must be made on the appropriate form. There are different nomination forms for the presidency, the single-member constituencies, the reserved seats for women and the reserved seats for former combatants. Candidates for the ex-combatant reserved seats must provide affidavits asserting participation in armed groups during the crisis, which are submitted to the returning or assistant returning officers for their constituencies.¹¹

Nomination forms are available from returning and assistant returning officers. The nomination form must be fully completed and signed by both the candidate and a witness who personally knows the candidate.

Candidates will be asked to complete a candidate information form when they are nominated. Returning officers should also complete the Nomination Checklist to ensure that they have completed all the necessary steps.

Candidates are asked to submit four copies of a passport-size photograph. If no photograph is supplied, there will be no photograph on the ballot paper. All photographs should have the candidate's name written on the back.

Once the returning officer is satisfied that all the necessary information has been submitted, including a nomination deposit, the nomination is received and recorded on Form BE 13 Declaration of Nominations.

What is the level of women's representation?

Three Bougainville House of Representatives (BHOR) seats are reserved for women – one for each of Bougainville's three regions. In the last elections, in 2015, only one woman won an "open" seat. For these elections, 44 women are contesting, including two for the presidency, 27 for the women's

¹¹ Part XIII of the Constitutions of the Autonomous Region of Bougainville

reserved seats and 14 for the open seats. This is the highest number of female candidates ever seen in Bougainville. One of the women contesting an open seat is 29 years old and is running expressly to capture the youth vote.

How are voters registered and how many registered voters are there?

The voter roll is based on the roll used for the referendum and contains 206,913 voters.¹² The roll is being updated for the elections to remove those voters who were eligible for the referendum but not for these elections, such as non-Bougainvilleans and to register youth who have reached voting age since the 2019 referendum. While no census has been done in Bougainville since 2011, Bougainville has a young population, and it will be the first election in Bougainville in which those born after the conflict will be eligible to vote.

To update the rolls, the Office of the Bougainville Electoral Commissioner relies on “ward recorders,” who work with the Department of Community Government to maintain records at the ward level and are more trusted by their communities than outsiders. Ward recorders either post copies of the voter rolls in a public place within the ward or go house to house with the voter rolls to provide an opportunity for members of the public to check their details on the roll and to lodge objections against the inclusion of ineligible voters.

Who is eligible to vote?

To be eligible to vote in these elections, a person must¹³:

- Be at least 18 years of age at the start of polling;
- Be a Bougainvillean, which is defined in the Constitution¹⁴ as someone who:
 - Is a member, by birth or adoption, of a Bougainvillean clan; or
 - Is married to a member of a Bougainvillean clan; or
 - Is a child of a member of a Bougainvillean clan;
- Be a citizen of Papua New Guinea;
- Not have had the right to vote removed by a court; and
- Appear on the voter roll.

What outreach strategies are being employed to encourage youth participation?

To encourage youth participation, the Office of the Bougainville Electoral Commissioner (OBEC) will be reaching out to young voters in the region’s high schools, secondary, technical and vocational schools in the last week of July. Awareness-raising activities will include a voting simulation, which will demonstrate to young people what Election Day looks like in a polling booth. OBEC’s youth outreach

¹² Final Report, Bougainville Referendum Commission, 2020

¹³ Article 110 of the Constitution of the Autonomous Region of Bougainville

¹⁴ Article 7 of the Constitution of the Autonomous Region of Bougainville

activities will culminate on International Youth Day, when the best voter education messages created by youth will be posted on OBEC's Facebook page.

What provisions are in place to guarantee equal access to the electoral process for voters with disabilities?

If a voter requires assistance to vote, the presiding officer of that polling booth will permit a person chosen by the voter to assist. The law provides for a penalty of 200 Kina (approximately USD 57) or a three-month jail sentence should the assistant disclose how the voter voted or attempt to influence the voter in any way.¹⁵

Are there provisions for voters living in other parts of Papua New Guinea or abroad or working away from their home area?

In addition to Bougainville, polling will take place in six provinces of Papua New Guinea (PNG). Eligible voters in PNG may vote in any of those provinces.

Eligible voters who are in Bougainville but outside of the constituency where they are registered to vote will also be able to vote for their home constituencies by attending special polling locations set up in each of Bougainville's three regional capitals.

How will election disputes be adjudicated?

Aggrieved parties can file petitions against the validity of an election through the Bougainville High Court, which can arbitrate election disputes. Petitions must include testimony from two witnesses and detail the relief to which the petitioner claims to be entitled. Petitions must be submitted within one month of the announcement of results.

What are elections offenses?

The Election Act of 2007 lists 16 electoral offenses and their sanctions.¹⁶ They are primarily concerned with voter impersonation and fraud during polling. Penalties range from Kina 200 (approximately USD 57) to six months of jail time.

Who can be an election observer and how are observers registered?

There are two types of observers who may observe these elections: those appointed by a candidate – called "scrutineers" – and those representing international organizations and civil society.

Each candidate may deploy one scrutineer at a time to each polling booth and the law details sanctions against scrutineers who attempt to influence voters. By law, the presiding officer can order the removal of any scrutineers from the polling booth if they interfere with or attempt to influence a voter.

¹⁵ Article 115 of the Constitution of the Autonomous Region of Bougainville

¹⁶ The list of offenses can be found here: http://www.abg.gov.pg/uploads/acts/Act_2007-2-Bougainville_Elections.compressed.pdf

Scrutineers are selected by their candidate and their details are submitted to the returning officer for accreditation.¹⁷

By contrast there is little in the laws regarding election observers. The Office of the Bougainville Electoral Commissioner (OBEC) does not formally accredit individual observers, only their organizations. However, it does register individuals in a Register of Observers and issues them individually numbered badges.

For these elections, OBEC has requested prospective observers to submit an expression of interest by July 27. OBEC will then write back to each organization supplying them with accreditation forms. Organizations must return these forms by July 31 to receive accreditation.

Each electoral observer group is responsible for all arrangements and costs related to their observing duties, such as transport, communications and lodging. Furthermore, to preclude any perception of a conflict of interest, no electoral observer group or representative of such group may utilize any OBEC resources, such as facilities or motor vehicles.

The only international observers for the 2020 general elections will be members of the local diplomatic community.

How are votes counted and tabulated?

The Autonomous Region of Bougainville uses the limited preferential vote system, by which each voter ranks their three preferred candidates on the ballot paper. During counting – called “scrutiny” in Bougainville – there are two distinct phases: the primary count and the elimination phase.

In the primary count, ballots are sorted by the first preference and then counted. If a candidate has at least 50 percent plus one of votes in this phase, he or she is declared the winner and counting ends.

If no candidate receives at least 50 percent plus one votes, counting proceeds to the elimination phase. In the first elimination round, votes for the candidate who received the least first-preference votes are redistributed according to the second preferences listed on the ballots and that candidate is thereby eliminated. If there is still no candidate receiving at least 50 percent plus one, then the votes for the candidate who received the second-least first-preference ballots are redistributed according to the second preference, and so on until a candidate has reached at least 50 percent plus one. If a voter’s second preference has already been eliminated, the vote is counted toward the voter’s third preference.

If all of a voter’s preferences have been eliminated, the ballot is deemed to be “exhausted” and the vote is henceforth excluded.¹⁸

¹⁷ Articles 103 and 124 of the Bougainville Elections Act 2007

¹⁸ Part XV of the Bougainville Elections Act 2007

When and how will final results be released?

Final results are released when the writs are returned by the returning officer to the electoral commissioner. Each writ shows the winning candidate for each election, along with other information.¹⁹ Writs are scheduled to be returned on September 15.

¹⁹ Part XVII of the Bougainville Elections Act 2007

Resources

- [Bougainville Elections Act 2007](#)
- [Constitution of the Autonomous Region of Bougainville](#)
- [Constitution of the Independent State of Papua New Guinea](#)
- [Bougainville Peace Agreement 2001](#)
- International Foundation for Electoral Systems' Frequently Asked Questions on [Elections in Bougainville, Papua New Guinea: 2019 Referendum](#)