



## *PACIFIC ISLANDS FORUM SECRETARIAT*

### **PACIFIC ISLANDS FORUM SECRETARIAT ELECTION OBSERVER MISSION REPORT ON THE 2018 COOK ISLANDS GENERAL ELECTION**

#### **EXECUTIVE SUMMARY**

On 14<sup>th</sup> June 2018 the Cook Islands went to polls to elect 24 members of parliament by secret ballot under universal suffrage. 58 candidates contested the election, 12 women and 46 men from three political parties and independents. The Pacific Islands Forum Secretariat Election Observer Mission observed the pre-polling environment and polling in Rarotonga and Aitutaki.

Of the 10,917 registered electors, 8,250 votes were cast, 11 seats were won by the Democratic Party (DP) and 10 seats were won by the Cook Islands Party (CIP). The remaining 3 seats were won by independent candidates and one seat to One Cook Islands Party. Both major political parties fell short of an overall majority. The Cook Islands Party, while winning 10 seats to the Democratic Party's 11, was able to form government with the support of two independents and the One Cook Islands Party member to establish a majority.

The Members of Parliament were elected from the 24 constituencies throughout the Cook Islands. Following the general election, six petitions were lodged in the high court and one byelection resulting CIP gaining one extra seat and confirmation as government.

Overall, it is the view of the Forum Team that polling was safe, free and fair. There were no incidents of voter intimidation in the lead up to the election while the Forum Team was in the Cook Islands; nor were attempts observed to disrupt polling on election day. There are however, a number of improvements to the electoral process proposed by the Forum Team for the consideration of the Cook Islands Government.

## **RECOMMENDATIONS**

*The Pacific Islands Forum Secretariat Election Observer Mission to the 2018 Cook Islands General Election respectfully submits for the consideration of the Government of Cook Islands the following recommendations:*

1. *That a feasibility study be conducted to ascertain the establishment an independent Electoral Office, taking into account the socio-economic conditions prevailing in the Cook Islands and to make recommendations to government on the best way forward;*
2. *That the Electoral Office and Ministry of Justice introduce mechanisms for voter identification to avoid multiple voting, such as the use of indelible ink;*
3. *That the Electoral Office strengthen processes for the maintenance of the Electoral Roll, including:*
  - a. strengthen section 13 of the Electoral Act 2004 to include voters registering with official Cook Islands identification to ensure voters are not registered with more than one name; and the development an electronic database for this purpose; and*
  - b. conduct advance voting and inspection of the electoral roll in a more accessible location;*
4. *That Electoral Office election materials be made more readily available and accessible to the public, including for the elderly and people with disabilities;*
5. *That electoral boundaries be amended to be more equitable and to reflect current demographics;*
6. *That the Electoral Office develop guidelines on the use of social media during the elections; and*
7. *That sections 74(2) and 76(3) of the Electoral Act 2004 be amended to enable accredited election observers to observe the full electoral process, including the counting of votes.*

## **INTRODUCTION**

8. On the 13 of April 2018 the Queen’s Representative, His Excellency Mr. Tom Masters, dissolved the Cook Islands Parliament and called for an early election to be held on the 14<sup>th</sup> of June. On the 13 May 2018, the Pacific Island Forum Secretariat received an invitation from the Prime Minister of the Cook Islands, the Honorable Henry Puna, to the observe Cook Islands 2018 General Elections.

9. The Pacific Island Forum Election Observer Mission (Forum Team) to the 2018 general election comprised Mr. Darren Tohovaka the Secretary to Justice, Registrar of the Niue High Court

and Chief Electoral Officer of Niue (Team Leader) and Mr. Joseph Ma'ahanua, Solomon Islands Trade Commissioner, Ministry of Foreign Affairs & Trade, and supported by Forum Secretariat staff (see annex 1 for list of team members). The Pacific Islands Forum last observed Cook Island's general election in 2010.

10. The Forum Team was divided in two and deployed to the main island of Rarotonga and the neighboring island of Aitutaki. The teams observed the pre-polling environment, campaigning, opening of polls, polling and the closing of the polls.

11. Prior to the election the Forum Team held extensive consultations with a wide range of stakeholders including the Prime Minister's Office, the former speaker of Parliament, Ministry of Justice, the Electoral Office, the office of the Police Commissioner, candidates and political parties, faith based organisations, representatives of civil society organisations and private sector, the media, and the diplomatic corps-

12. This report details the Forum Team's observations and recommendations as well as incorporates discussions with the wide range of stakeholders the Forum Team met with.

## **BACKGROUND**

13. The Cook Islands is made up of 15 volcanic islands and coral atolls scattered over approximately 1,994,291 square kilometers of the south Pacific. The two main groups of islands in the north and south are located between American Samoa to the west and French Polynesia to the east. The main island of Rarotonga is in the southern group and is the main commerce center, home to 70% of the resident population. The main driver of the economy is tourism, much of which is centered on Rarotonga (about 80%) with Aitutaki being the other significant tourist destination.<sup>1</sup>

15. The Cook Islands became a British protectorate in 1888. By 1900 administrative control was transferred to New Zealand. In August 1965 the Cook Islands became a self-governing state in free association with New Zealand under which the Cook Islands is responsible for its own domestic and foreign affairs, and makes its own laws.<sup>2</sup>

16. The Parliament of the Cook Islands is unicameral and consists of a single chamber of 24 elected members, who are voted in under a "first-past the post" electoral system. The Parliament is supported by the House of Arikis (House of Chiefs) which advises the Government on customary issues including land use. The House of Arikis has no legislative power and members are appointed

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<sup>1</sup> Central Policy and Planning Office, Office of the Prime Minister. (2016). *Te Kaveinga Nui*. Rarotonga: Office of the Prime Minister. Retrieved from <https://www.adb.org/sites/default/files/linked-documents/cobp-coo-2017-2019-ld-01.pdf>

<sup>2</sup> Cook Islands Ministry of Foreign Affairs and Immigration Summary Sheet: *The Cook Islands and Free Association: Understanding the nature & practice of the special relationship with New Zealand*.

by the Queens Representative under Article 8(3) of the Constitution. Local governments also operate in the Cook Islands.

17. There are a total of 24 constituencies with an average voting population of 455 voters per constituency. According to the 2016 Census of Population and Dwellings, Rarotonga was the most populous island of the Cook Islands with 75 per cent of the population residing there.<sup>3</sup> The Southern group of islands account for 19 per cent of the population while 6 per cent were in the Northern Group of islands during the last national census.

## **THE INSTITUTIONAL FRAMEWORK AND ENABLING ENVIRONMENT FOR CONDUCTING ELECTIONS IN THE COOK ISLANDS**

18. General elections are conducted in accordance with the Constitution and the Electoral Act 2004 (the Act). Constitutional provisions include Articles 27, 28, 29, 37 and the first and second schedules. The election of Members of Parliaments is invoked through Article 37 of the Constitution, the size of the Cook Island Parliament is prescribed in Article 27(2) and Article 28 and section 7 of the Act prescribe the qualification to be an elector.

### ***Electoral Administration***

19. The Cook Island does not have a permanent electoral office or permanent position of Chief Electoral Officer (CEO). However, the Act provides that the Government Statistician, working in the Ministry of Finance & Economic Management, may also serve as the CEO of the Electoral Office.

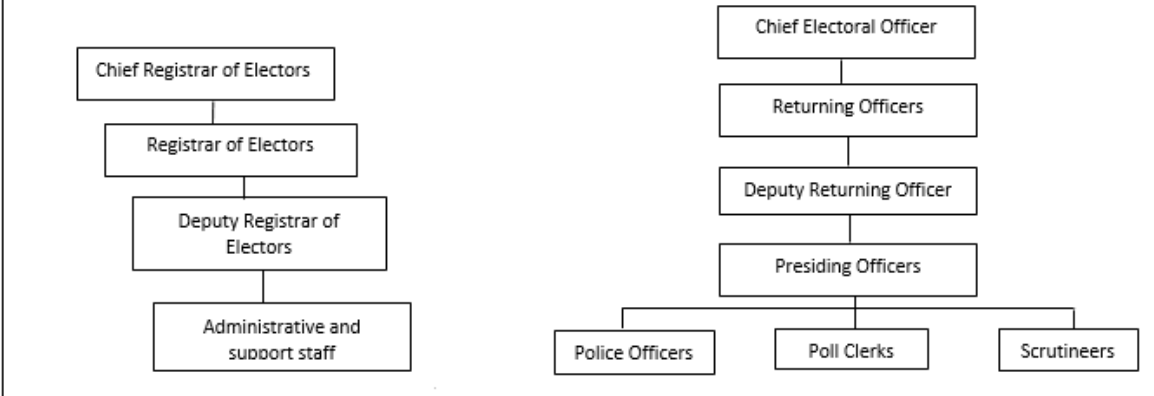
20. The Act provides for the Electoral Office to be commissioned by the Minister of Justice for the purposes of administering any election. The Secretary of Justice, shall provide the Electoral Office with appropriate office space, adequate furniture, fixtures and relevant logistical support.

21. The CEO appoints Returning Officers (ROs), Deputy Returning Officers (DROs), Presiding Officers (POs) and Poll Clerks (PCs) (Fig. 1) to administer the elections. The Returning Officers and Electoral Office staff are appointed as soon as the election is called and remain so until all electoral petitions are dealt with. Additionally, temporary staff are usually appointed for a certain period (typically 18 to 20 Hours) on Election Day and at least 8 to 10 hours at the Scrutiny and final count of votes in each constituency.

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<sup>3</sup> See <http://www.mfem.gov.ck/census>

**Fig 1: The Electoral Structure – Extracted from the “*Election Handbook for officials*”**



22. During the Team’s consultations the question was raised of whether a permanent electoral office should be established, to oversee on-going registration of voters, update the voter roll, attend to public awareness programmes, and ensure overall readiness in case of a by-election or snap election. A permanent electoral office would also enable staff to undergo training programmes as well as commence timely preparations for a general election, before the end of each parliamentary term. Most stakeholders agreed that a full time office would be helpful and that they would like to see a full-time electoral office set up, particularly with the ongoing issue of the voter roll. Concerns were raised however over the cost of establishing an office and that the work this office would carry out, apart from registration, would be minimal.

### **Recommendation 1**

That a feasibility study be conducted to ascertain the establishment a full time Electoral Office, taking into account the socio-economic conditions prevailing in the Cook Islands and to make recommendations to government on the best way forward.

### ***Polling Officials***

23. Returning Officers are responsible for the overall management of polling booths assigned to them and the conveyance of results of their respective polling booth to the Chief Electoral Officer. For the purposes of impartiality and as a matter of practice, polling officials do not belong to the electorate that they oversee. This has costs implications especially for the outer islands, but reflects the Cook Islands’ commitment to transparency in elections. Returning Officers are also responsible for maintaining the environment at the polling booth to allow voters to cast their votes without interference and in secret. They are also required to ensure that the voting process, with the exception of balloting, is transparent and open to the public.

24. Other responsibilities of Returning Officers include: receiving candidates' nominations;<sup>4</sup> identifying polling venues;<sup>5</sup> recruiting, training and managing Presiding officers and polling clerks;<sup>6</sup> providing services to parties, candidates and voters within their electorate; responding to any queries relating to the election within their electorate; and scrutiny of the electoral roll and the counting of votes.<sup>7</sup> It was noted that some of these functions are normally undertaken at the CEO level. However, in the context of the Cook Islands, in remote constituencies Returning Officers assume some of the roles of the CEO out of necessity.

25. Presiding Officers assist the Returning Officers to manage preparation and conduct of the general elections. They manage the polling venue and are also expected to be helpful and assist members of the public during election day. Their responsibilities include processing ordinary votes, processing declaration votes, and enabling voters to cast their votes without interference and in secrecy.

26. Candidates may also appoint scrutineers, no more than two per candidate, to represent them at the polling booth in the constituency they contest. The scrutineers' main duty is to ensure on the candidate's behalf, that the election is conducted fairly and impartially. The Forum Team was informed by stakeholders that many electors have decided who they will vote for prior to election day, however, due to the small size of some constituencies, electors may be familiar with scrutineers which may influence how they vote. Some examples given of this were small gestures such as a frown or smile and even the direction of their faces that gave an indication to a scrutineer of how they had voted.

### ***Electoral roll and Registration***

27. The Team noted that the Register General of Births, Deaths and Marriages may be appointed under the Act as the Chief Registrar of Electors or may nominate a person to carry out the provisions of Part 3 of the Electoral Act which includes; Registration of Electors, appointment registration officials, the maintenance of the electoral roll and also the closing and printing of rolls for the purposes of a general elections. As outlined by section 15(a) of the Act, the main rolls are closed 7 days following the date on which the Queen's representative announces the general election date.

28. There are two electoral rolls. Section 14 of the Act provides that there is a main roll compiled and maintained for each constituency, and a supplementary roll compiled for the purpose of an election or a by-election. The main electoral roll closes 7 days following the announcement of an election date and the supplementary electoral roll opens on the following day following the closing of the main roll and closes 14 days after.

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<sup>4</sup> see section 32(2) and section 34(3) of *Electoral Act 2004*

<sup>5</sup> See section 44(2) of the *Electoral Act 2004*

<sup>6</sup> See Section 5(5) of the *Electoral Act 2004*

<sup>7</sup> See Section 76(2) – (9) of *Electoral Act 2004*

29. Registration to vote is compulsory but voting is not in the Cook Islands. Section 7 of the Act stipulates the eligibility criteria to vote - residency of three months immediately before the election. The exemptions to the residency requirement is absence overseas for education or medical reasons for a period not exceeding four years.

30. The Team was informed that inconsistencies and inaccuracy of the electoral roll was a common and ongoing issue in the Cook Islands. A party representative informed the Team that in some cases a single elector could register twice under different names allowing that elector to vote twice at different polling booths. The Team also noted that there were no provisions in the Act for electors to present any form of official identification during registration and at the polling venue prior to casting their votes.

31. The Team observed a media report of electors whose names did not appear on the roll being able to vote. According to a scrutineer in Rarotonga, a number of electors were voting even though their names did not appear on either of the two rolls (main roll and Supplementary roll) and no requests were made to prove who they were.<sup>8</sup> The same article reported cases of a few electors voting up to 3 times.

32. Additionally, it was reported that there were more votes than voters in two of the constituencies. According to the final vote count released by the Cook Islands Electoral Office on June 28, 63 votes were cast in the constituency of Rakahanga and 273 in the constituency of Pukapuka-Nassau.<sup>9</sup> On June 12 the Ministry of Finance and Economic Management website published a list of the total registered elector population of *Rakahanga at 61 and 271 for Pukapuka-Nassau.*<sup>10</sup>

33. The Forum Team recommends that there be provisions for the use of official identification during registration and on the day of voting. This needs to be enforced by the Electoral office and polling officials.

34. Another issue raised in consultations was the use of smartphones in the voting booth. A number of party representatives the Team spoke to alleged that in some cases young voters were coerced into using their smartphones to take a picture of their ballot paper, as evidence to either candidates or close family members that they had voted for a particular candidate.

35. The Team was informed that another key challenge for the elderly and special needs electors was accessibility to the voter rolls and registration facilities at the electoral office. The Team noted that the Electoral office was located on the second floor of a building that did not have an elevator or a disability access. The Team was informed that accessibility to online registration was also a challenge for the disabled.

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<sup>8</sup> See <http://www.cookislandsnews.com/item/69860-vote-allegations-grounds-for-concern/69860-vote-allegations-grounds-for-concern>

<sup>9</sup> See <http://www.cookislandsnews.com/item/70102-count-shows-more-votes-than-voters/70102-count-shows-more-votes-than-voters>

<sup>10</sup> <http://www.mfem.gov.ck/elections>

36. Key information such as how to register, places of registration and when to register was also highlighted as an issue for elderly electors and disable electors. Similarly, information was not available in a disability friendly format in many cases.

37. As advance voting was carried out at the Electoral Office this also proved to be a challenge for people with disabilities and elderly voters in terms of accessing the second floor. It was also noted that a few of the polling booths had issues with accessibility, however the Team was pleased to note that this did not discourage peoples with disabilities and elderly in participation.

### **Recommendation 2**

That the Electoral Office and Ministry of Justice introduce mechanisms for voter identification to avoid multiple voting, such as the use of indelible ink.

### **Recommendation 3**

That the Electoral Office strengthen processes for the maintenance of the Electoral Roll, including:

- a. strengthening section 13 of the Electoral Act 2004 to include voters registering with official Cook Islands identification to ensure voters are not registered with more than one name; and the development an electronic database for this purpose; and
- b. conduct advance voting and inspection of the electoral roll in a more accessible location.

### **Recommendation 4**

That Electoral Office election materials be made more readily available and accessible to the public, including for the elderly and people with disabilities.

### ***Electoral reforms***

38. An election management body should have responsibility to periodically review the functioning of the electoral process and legislation and make recommendations to parliament for improvement.<sup>11</sup> In 1998 the Commission of Political Review recommended a number of changes to the Cook Island Constitution, including reducing the number of Parliamentary seats to 17. There was also support in 2003 for political reform that called for a political and electoral system reform.

39. The Team noted that equal representation was a growing concern with a clear disparity in the size of constituencies between the Northern and Southern Island groups. As of 12 June 2018, the total voting population stood at 10,917. The constituency with the lowest number of voters was Rakahanga with 61 electors and the largest constituency was Tupapa-Maraerenga with 1252 electors. Currently the average number of voters per electorate in Rarotonga is 1028 and in the combined outer islands is 2,549 making the outer islands vote worth almost 6 times a vote in Rarotonga.

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<sup>11</sup> Commonwealth Electoral Network working group



40. This disproportional representation was a key issue that was raised in consultations, where the idea of grouping smaller constituencies together and reducing the number of seats was brought up. Although the idea was widely accepted as a logical solution, some concerns were raised on the issue of identity for the smaller constituencies. One of the independent candidates consulted mentioned that smaller constituencies were at an advantage of having a representative and would be disadvantaged by merging with other constituencies.

41. In the build up to the elections the Prime Minister Hon. Mr Henry Puna confirmed that he would push for political reform to redraw constituency boundaries if voted back into parliament.<sup>12</sup> The Team noted that depopulation was a significant issue with the Cook Island as a large percentage of its population live overseas, approximately 160,000 out of the 178,000. Combined with mobility of its population and an economic boom this has led to a large expatriate population of New Zealanders, Australians, Tongans, Samoans, Fijians, Indonesians and Filipinos working the country (Filipinos being the largest group).

42. The Forum Team understands the critical importance of servicing and supporting outer islands, a common national development issue throughout the Pacific Islands Forum and a reflection ensuring that the voices of rural and remote communities are heard in Parliament and attended to. However, the large constituencies on Rarotonga have the potential to diminish specific localized issues. The Forum Team believes that constituency sizes (and boundaries) should be amended to reflect current residency and therefore local issues and representation in Parliament.

## **Recommendation 5**

That electoral boundaries be amended to be more equitable and to reflect current demographics.
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### *Media*

43. The Team noted that the media played an important role in keeping the public informed before and during the election period. The media also provided updates on the progress of the preliminary counts throughout the islands on polling day and during the final count.

44. The major media groups in the Cook Islands include Elijah Communications, which is a subsidiary of the Pitt Media Group (PMG), a family-owned company that dominates much of the local media industry in the Cook Islands. The company previously owned the former public broadcasters Cook Islands TV (CITV), Radio Cook Islands and the Cook Islands Herald newspaper. Cook Islands TV (CITV) is the former public broadcaster.

45. A second TV station is Aitutaki Television Ltd. Both TV stations broadcast a lot of international content, especially from the Australian Broadcasting Corporation. There are five commercial radio stations. The only radio station with close to national coverage, including all outer islands, is Radio Cook Islands, the former public broadcaster now owned by Elijah

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<sup>12</sup> <https://www.radionz.co.nz/international/pacific-news/358042/cooks-pm-backing-calls-for-political-reform>

Communications. Mervin Communications Ltd (three Cook Islanders and one Tahitian) own Matariki FM.<sup>13</sup>

46. Although the media in the Cook Islands is impartial and independent, there were still incidences of candidates facing challenges with local media groups. One candidate the Team spoke to did give examples of the biases of media groups against independent candidates.

47. The Forum Team noted that social media applications such as Facebook have become a vital campaigning tool for the major political parties, especially in encouraging the 18-25 age bracket to exercise their right to vote. Results of the preliminary and final count were readily available on the Cook Island Electoral Office Facebook page on the night of the preliminary count. Television Media was also present at “candidates’ camps” to report on reactions from candidates and their supporters.<sup>14</sup>

48. The Team noted that some candidates were able to campaign on social media during on the day of voting despite the media ban and was an issue raised by some interlocutors. Although the Cook Islands has communications legislation, the Team noted there was a lack of legislative and regulatory requirements in the Electoral Act. The Team suggests that the Electoral Office develop guidelines on the use of social media during the elections. The Team also suggests that there be amendments to the Electoral Act to include some legislation on the use of social media platforms.<sup>15</sup>

## **Recommendation 6**

That the Electoral Office develop guidelines on the use of social media during the elections.
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### ***Youth***

49. There are roughly 2,347 residents in the Cook Islands aged between 18-29 who are eligible to vote.<sup>16</sup> The Team was informed that there was a challenge in getting youth involved in the electoral process and that there is an increased apathy among young voters. There also appears to be a cultural tradition of young people being told by the head of the family or family elders on how to vote.

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<sup>13</sup> See 2013 state of Media and Communication report <http://www.abc.net.au/cm/lb/9250226/data/cook-islands-state-of-the-media-report-data.pdf>

<sup>14</sup> See <https://www.facebook.com/Electoral-Office-Cook-Islands-2323175714575459/>

<sup>15</sup> Legislation relevant to communications in the Cook Islands includes the Broadcasting Act of 1989 and the amendments in 1997, the Official Information Act 2009, the Telecommunications Act of 1989 and the amendments of 1991, 1992, and 1997, and the Cable and Wireless plc (External Telecommunications Agreement) Termination and Compulsory Acquisition Act 1991. Section 64 of the Constitution guarantees freedom of speech but there is no specific guarantee of freedom of the press.

<sup>16</sup> See <http://www.mfem.gov.ck/elections>

50. The Team observe that there is still work to be done to support youth and future leaders to be involved in political processes. Concerns raised during discussions with some interlocutors that were that a large number of young people unengaged and disinterested in politics.

51. However, the Cook Island National Youth Council was pleased with the increase in the number of women candidates particularly the youngest candidate to contest the election, 22-year-old Te-Hani Brown, who won the election in her electorate. This is a positive development for young Cook Islanders and youth participation in leadership roles.

### **Women in politics**

52. The Team commends the Cook Islands on its efforts in encouraging the participation of women in elections, noting that the 2018 elections had a high number of women candidates. A total of 12 women stood in the 2018 Elections out of the total 58 candidates, representing just over 20 percent, an increase of five female candidates over the seven who contested the 2014 elections.<sup>17</sup> Three women were elected to Parliament, bringing the percentage of women to 12.5%, well below the 30% recommended by international best practice. However it is still higher than in other Pacific countries and the people of the Cook Islands should be congratulated and supported in this important area. In 2014 Hon. Ngamau Mere Munokoa, Hon. Selina Napa, Hon. Tetangi Matapo and Hon. Vevinetutai Rose Toki-Brown were elected into parliament, including a woman Speaker.

53. Of the twelve women candidates, three ran as independents, one as a member of the One Cook Island Party, six (6) as members of the Democratic Party and two (2) as Cook Island Party candidates.

54. Women also play a key role in voting in the Cook Islands, the Team noted that women make up 51% of all registered electors in the Cook Islands<sup>18</sup>. One stakeholder informed the Team that women electors were more likely to practice their constitutional right to vote than men. However, women are more likely to be told who to vote for by male heads of the household. This was a common trend particularly for women outside Rarotonga.

## **THE CONDUCT OF THE 2018 COOK ISLAND ELECTIONS**

### ***Pre-Polling***

55. The Forum Team observed the pre-polling period in Rarotonga a week before polling. The Team noted that the pre-polling environment was quiet and was advised that was uncharacteristic. In the past it was not unusual for candidates' supporters to drive around with banners and music. The Team did observe a number of posters and billboards on the road sides and in some constituencies, there were candidates that held fund raising events, selling food packs to local supporters. The Team was informed that one of the reasons for the quieter period was the high migration rate for employment.

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<sup>17</sup> See <https://www.pacwip.org/current-elections/cook-islands/>

<sup>18</sup> As at May 2017.

56. The Team noted the recommendation in the 2010 election observation report which highlighted inconsistencies and mishaps during their observation of the elections and commends the Cook Islands for addressing this issue through development of training manuals for both polling officials and scrutineers. The Team was pleased to note that the trainings were extensive and covered all aspects of the election and the roles of each polling official.

57. The Team attended training for election officials, where officials were instructed on the various roles and responsibilities of each polling official before, during and after elections. A similar training was conducted for scrutineers. A training manual was developed and provided to the officials and scrutineers which outlined roles and responsibilities. Trainings were conducted a week before elections. Election officials are civil servants seconded to the electoral office to carry out the duties of election officials, generally for a six-month period prior to election day.

58. The Forum Team observed campaigning on the main island of Rarotonga, which included the distribution of pamphlets and party manifestos. There was also a number of billboards of party and independent candidates on the side of the roads. It was also observed that there were a number of parties that had set up social media sites that were used as a platform for online campaigning.

### ***Polling***

59. The Cook Islands uses the First-Past-The-Post voting method. Voters can cast their votes a number of ways, through: *Postal Votes*, *Advance Votes*, *Special Care Votes*, and *Vote by Declaration* and *Ordinary vote*. There were forty-one (41) polling booths and five (5) mobile Polling Booths for ‘*Special Care Electors*’.

60. The 2018 election was held on Thursday 14 June 2018 from 9am to 6pm. As it was a working day and as required by the Act, employers allowed staff time to vote.

### ***Special Care Votes***

61. Section 61 of the Act, provides that a voter who is unable to be present at the polling venue on the day of voting due to old age, illness or disability can exercise their right to vote through via mobile polling booths. To receive this service, a voter must submit a written application to the RO, which must reach the RO no later than noon of polling day. Each written application must provide sufficient information specific to the voter including the location of the elector. Patients at the main hospital did not need to apply as all applications for patients were made directly to the CEO. The procedure for administering a special care vote is no different to that of an ordinary vote except that no voting screen was present. The Presiding officer had to ensure that the special care voter cast his or her vote in secrecy. Government vehicles were used as mobile polling booths during polling day.

### ***Ordinary Votes***

62. On election day once the polling booth opened at 9am, ordinary votes were cast with the help of polling officials. Voters were ushered into the polling venue where the Polling Clerk called

out the number, line number and full name of the voter so that polling officials and scrutineers could hear. Scrutineers also had a copy of the roll to cross reference the names being called out. Once this had been verified, the elector proceeded to the booth to vote. Once the elector has voted the votes were folded and placed in the ballot box in clear view of the polling clerk and polling officer. If an elector arrived and his/her name does not appear on the roll, they could still vote by way of casting a ballot by *Vote by Declaration*.

#### *Vote by Declaration*

63. A declared vote may be cast provided verification was carried out by the PO by asking information such as 'other names this person is also known by'. Once the form was completed the PO would issue an ordinary voting paper allowing the voter to vote together with Form 11 attached in a sealed envelope and deposited in the 'vote by declaration' ballot box.

#### *Postal voting and Advance Votes in Advance*

64. Any voter of who is unlikely to be in their constituency may vote in advance of polling day. Any elector who will be outside the Cook Islands on voting day and who has notified the CEO of his or her address may vote by Postal vote.

#### *Electoral procedures on voting day*

65. The duties of polling official is outlined in part 5 of the Act. Along with assisting on the day of elections the staff also undertakes various duties, key ones being; compilation of electoral rolls, ensuring that the rolls are complete and accurate and ensuring that objections to electors' names are dealt with accordingly.

66. It was observed that the night before the elections, one polling venue in Aitutaki was changed due to a complaint by a candidate that questioned the venue's suitability on the basis of impartiality due to the venue's alleged affiliation to one of the candidates. The Team notes the late change to the venue did raise a few issues with accessibility, as the original venue was more accessible to people with disabilities and elderly voters.

67. The Forum Team observed the opening and closing of polls on the main island of Rarotonga and the three polling stations on the island of Aitutaki. On the island of Aitutaki the Team had observed opening of polls at Vaipae and closing at Amuri polling station, while on Rarotonga the Team observed the opening at Akaroa and the closing at Takuvaine, including all venues on Rarotonga.

68. At the opening of the poll the Team observed that there were no major inconsistencies, and operations went smoothly without incident. Polling booths opened on time, polling officials were accommodating, with the presence of police officers ensuring things were in order. Polling officials were courteous and professional.

69. The Forum Team and scrutineers witnessed the sealing of the boxes where the Presiding Officer called out the serial number on the seal, the box was opened by the Returning Officer and

shown to the polling officials and scrutineers to verify it's contents. Three ballot boxes were placed on the polling officials' table, for Ordinary Votes, Special Care Votes, and Votes by Declaration. The Team also observed that there was clear signage informing voters where to vote. The opening hours for the poll were also clearly stated outside the polling stations.

70. For the poll itself, the Team observed that there were adequate numbers of voting booths to cater for voters. The Team noted that there was an increase in declared votes. On the island of Aitutaki, the Forum Team was informed that votes by declaration increased by 10%, which was a significant number. The Forum Team noted this could have a significant impact on the outcome of the elections in terms of recount for contested seats because votes by declaration may be considered invalid.

71. Many of the stakeholders the Forum Team met with agreed that there was a need for an improvement in the updating of the electoral rolls. The Team was informed that in some cases voters voted at two different polling booths under different names, resulting in a double vote. The Forum Team did not observe this but noted that in smaller constituencies, it would be difficult because of the close knit communities.

### ***Closing and the count***

72. The Forum Team observe the closing of polls at 6pm with no incident.

73. Although the Forum was given the opportunity to observe counting, noting the legal restrictions on individuals to observe the count, the Team respectfully declined.

### **Recommendation 7**

That sections 74(2) and 76(3) of the Electoral Act 2004 be amended to enable accredited election observers to observe the full electoral process, including the counting of votes.

74. At the final count, the incumbent Cook Island Prime Minister Henry Puna had retained his seat, but no single party had a majority in the Cook Island Parliament. The Democratic Party won 11 seats, while the Cook Island Party secured 10. Both major political parties fell short of the majority required, 13 seats. The Cook Islands Party, while having 10 seats to the Democratic Party's 11, was able to form a coalition with the two independents and a One Cook Islands Party member to reach the threshold needed to form a government.

### **CONCLUSION**

75. The Forum Team congratulates the Cook Islands Election Office for successfully conducting the 2018 general elections. Similarly, polling officials conducted themselves in a professional,

courteous and impartial manner and voting conducted efficiently and in accordance with legislated timeframes.

76. The Forum Team also congratulates the candidates and voting public for exercising their democratic right in a peaceful and orderly manner. The Forum Team is of the view that the 2018 general election, within the confines of the law, was conducted in a peaceful, free and fair manner.

## **ACKNOWLEDGEMENTS**

The Pacific Islands Forum Election Observer Team acknowledges with gratitude:

- The Cook Islands Electoral Office and specifically the Government of Cook Islands for the invitation to observe the elections;
- The Chief Electoral Officer and staff of the Electoral Office for providing briefings and taking time to meet with the Team;
- the polling and security officials at all booths visited by Team members for taking time to speak with Team members;
- all the interlocutors the Team met with including Government representatives, civil society, and members of the public; and
- the people of Cook Islands for their warm welcome and hospitality.

## **FORUM TEAM MEMBERS**

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