



PACIFIC ISLANDS FORUM

PACIFIC ISLANDS FORUM ELECTION OBSERVER MISSION TEAM REPORT

2019 REPUBLIC OF THE MARSHALL ISLANDS GENERAL ELECTION

EXECUTIVE SUMMARY

1. The Pacific Islands Forum observed the 2019 Republic of the Marshall Islands General Election held on 18 November 2019. The Pacific Islands Forum is appreciative of the invitation and opportunity to observe the election and grateful to the Government and people of the Republic of the Marshall Islands and the Republic of the Marshall Islands Electoral Administration (Electoral Administration) for the hospitality and manner in which the Pacific Islands Forum (Forum Team) was received.

2. The Forum Team observed the pre-enabling environment, which included consultations with key stakeholders in the election. On election day, the Forum Team observed polling at 44 polling and special polling places across 13 venues on Majuro. It is the view of the Forum Team that polling was safe and free. The Forum Team also observed counting, which in general was conducted in an inclusive and transparent manner.

3. The Electoral Administration is commended for administering the election, and relevant stakeholders for their participation in the electoral process. The Forum Team noted several issues from its consultations and observations that are addressed in the report, including:

- the Electoral Administration being housed under the Ministry of Culture and Internal Affairs;
- the challenges faced in the preparation phase and readiness of the Electoral Administration to conduct the election;
- the lack of coordinated voter and candidate awareness initiatives;
- overseas-based voters casting their votes in the election;
- the impact of the State of Health Emergency due to the outbreak of dengue fever;
- the low number of women candidates and elected representatives;
- the lack of training provided to polling day officials;
- the preservation of the secrecy of voters' ballots; and
- the tightening of measures and procedures to reduce polling day inconsistencies.

4. The Forum Team is obliged to report on its observations and the relevant election issues raised during stakeholder consultations, and bring them to the attention of the Marshall Islands Government and Electoral Administration as relevant.

SUMMARY OF RECOMMENDATIONS

5. The Forum Team recommends the following for the consideration of the Marshall Islands Government and Electoral Administration, as appropriate:

6. **Recommendation 1**

That the voter registration period be extended to allow eligible voters more time to register to vote, which would in turn support the development of an Electoral Register that is more representative of the Marshall Islands electorate;

7. **Recommendation 2**

That due consideration be given to the establishment of an independent Electoral Management Body to address the preparedness and independent delivery of elections in the Marshall Islands;

8. **Recommendation 3**

That the Electoral Administration and relevant stakeholders collaborate on civic awareness opportunities at all stages of the electoral cycle, and develop inclusive election awareness programmes and materials that inform voters and candidates, and are cognizant of underrepresented groups in the Nitijela;

9. **Recommendation 4**

That the Electoral Administration, in consultation with the Registrar-General (Births, Deaths and Marriages):

- i. update the Electoral Register; and
- ii. collaborate on initiatives, such as signing a *Memorandum of Understanding* on disclosure of data, to maintain an accurate Electoral Register that accurately reflects the Marshall Islands electorate.

10. **Recommendation 5**

That options to restore the ability of registered overseas voters to vote from abroad be explored as soon as possible to allow the Electoral Administration sufficient time to implement;

11. **Recommendation 6**

That legislation to support the delivery of general elections be implemented, including flexibility of the date, during a State of Emergency;

12. **Recommendation 7**

That voting screens be used in the next general election to preserve the secrecy of the ballot;

13. **Recommendation 8**

That the Electoral Administration develop detailed polling and counting manuals that outline all relevant processes to ensure consistency across all election material distribution centers, and polling and counting places. Comprehensive training, refresher and information sessions prior to general elections with all candidates, poll watchers, BoE and CTC members would align with legislation and the manuals;

14. **Recommendation 9**

That the counting and tabulation of all election results in the Marshall Islands be undertaken in politically neutral premises;

15. **Recommendation 10**

That the Electoral Administration introduce measures to tighten all aspects of activities within counting and tabulation centers, including access and monitoring activity that could lead to malfeasance; and

16. **Recommendation 11**

That the Chief Electoral Officer prepare a report to the Nitijela on the conduct of the 2019 General Election.

INTRODUCTION

17. On 11 October 2019 the Pacific Islands Forum Secretary General, Meg Taylor, DBE, was invited by the Government of the Marshall Islands to deploy a PIF election observer mission to observe the Marshall Islands General Election scheduled for 18 November 2019. Accepting the invitation, a Pacific Islands Forum Election Observer Mission was deployed to the Republic of the Marshall Islands from 9 – 22 November 2019. The Forum Team comprised Ms Fetogi Vaai, Assistant Electoral Commissioner, Office of the Electoral Commission Samoa, and Ms Joy Manu, Acting Deputy Director of Operations, Solomon Islands Electoral Commission. The Forum Team was supported by two Forum Secretariat staff (see **Annex 1** for the list of Team members).

18. Prior to the election day, the Forum Team met with the Caretaker Government including Her Excellency, President Dr Hilda Heine; Members of the Nitijela; senior government officials; the Electoral Administration; candidates; civil society organizations; and private sector representatives.

CONTEXT

19. Located in the northern-central Pacific Ocean, the Marshall Islands is a nation spread across 29 atolls and five islands, with a total land area of 181.3 square kilometers. The estimated population of the Marshall Islands is 58,413 (2018, World Bank), and the capital is Majuro.

20. The Marshall Islands has a long history of colonisation spanning from the 16th to 20th centuries, namely under the rule of Spain, Germany, Japan and United States (US). Under a 1947 Trusteeship Agreement with the United Nations, the US was the final colonial ruler of the Marshall Islands until independence on 21 October 1986. As a Trust Territory of the US, the Marshall Islands was the testing ground for 67 nuclear weapons. The displacement of Marshallese and detrimental human health and environmental effects of the weapons testing is still evident today, a lasting legacy of colonial rule in the country.

21. The Compact of Free Association (CFA) now establishes and governs the relationship between the Marshall Islands and the US. Significant terms of the agreement include the visa free access for Marshallese to live and work in the US and economic assistance to the Marshall Islands. Today, Kwajalein Atoll has a US Army garrison, which conducts base operations and installation management functions. By virtue of the CFA, an estimated 30-35% of Marshallese live outside of the Marshall Islands, particularly in the US states of Hawaii, Arkansas and Washington.

22. The Marshall Islands has a unicameral parliamentary system consisting of a 33-member Nitijela. A consultative upper house for traditional leaders, the Council of Iroij, is also provided for by the Constitution and advises on customary issues. Members of the Nitijela are elected from across the Marshall Islands' 24 electoral districts - five for Majuro; three for Kwajalein; two for Ailinglaplap, Arno and Jaluit; and one for Jabat, Mili, Ebon, Lib, Namdrik, Maloelap, Wotje, Likiep, Ailuk, Aur, Namu, Wotho, Enewetak & Ujelang, Bikini & Kili, Rongelap, Mejit, Utrik, Lae, Ujae. Voters are eligible to vote for as many candidates as there are seats to be filled for their

electoral district. The requisite number of candidates that receive the greatest number of votes are elected to represent that electoral district in the Nitijela.

23. The Local Government elections were conducted at the same time as the General Election, with ballot papers for each constituency containing names of candidates for both the Nitijela seats as well as seats for the respective Local Governments. For the purpose of the Forum Team’s report, and to keep within the remit of the mission’s Terms of Reference (**Annex 2**), the Forum Team only observed the election to the Nitijela.

PART 1: THE INSTITUTIONAL FRAMEWORK AND ENABLING ENVIRONMENT FOR CONDUCTING ELECTIONS IN THE MARSHALL ISLANDS

The legislative framework

24. The primary legislation under which elections are conducted in the Marshall Islands are the:

- Constitution of the Republic of the Marshall Islands 1979;
- Elections and Referenda Act 1980;
- Elections and Referenda Regulations 1993; and
- Elections Offences Act 1980.

25. To vote in Marshall Islands general elections, a Marshallese citizen must have reached the age of 18 years, and be eligible to vote pursuant to Article IV Section 3 of the Constitution. Marshallese citizens are responsible for applying to the Electoral Register and ensuring that their details on that register are correct. The Chief Electoral Officer (CEO) is responsible for the compilation and maintenance of the Electoral Register. Eligible voters who have attained the age of 21 years are able to contest an election as a candidate, provided they comply with Part 2 Sections 108, 109, 109A of the *Elections and Referenda Act*. 122 candidates contested the General Election, 14 women and 108 men. The Forum Team was informed that candidates are often the most active stakeholders in encouraging eligible voters to register.

26. Noting that under Part VI Section 136 of the *Elections and Referenda Act* registration is only open during the first three years before the fourth calendar year of which a general election takes place, a number of Marshallese may not have been registered and therefore could not vote. The Forum Team is of the view that public activity and interest in elections tend to heighten closer to an election. It therefore believes that allowing voter registration closer to an election would allow for an Electoral Register that captures a more accurate representation of qualified voters in the Marshall Islands.

Recommendation 1

That the voter registration period be extended to allow eligible voters more time to register to vote, which would in turn support the development of an Electoral Register that is more representative of the Marshall Islands electorate.

The Electoral Administration

27. The Electoral Administration is responsible for the conduct of general elections in the Marshall Islands. Under the *Elections and Referenda Act*, the Electoral Administration is a part of the Ministry of Internal Affairs (now “Ministry of Culture and Internal Affairs”), and consists of the Secretary of Culture and Internal Affairs; the CEO; the Boards of Elections (BoE); Counting and Tabulation Committees (CTC) and Local Counting and Tabulation Committees; electoral staff; and certifying officers.

28. During its consultations, the Forum Team were informed by several stakeholders that the independence of the Electoral Administration, as a part of the Ministry of Culture and Internal Affairs, was inherently compromised. No allegations of wrong-doing as a result of the arrangement were made, however, the independence of an Electoral Management Body at the functional and perception level is important for electoral integrity and administration. The Forum Team was informed that the timeliness and preparedness of past Electoral Administrations was an ongoing issue, something that must be addressed. The Forum Team understands that the financial, personnel and equipment resourcing of elections has been an ongoing issue that has often hamstrung Electoral Administrations to effectively prepare for elections throughout the electoral cycle in its entirety.

29. The Forum Team believes that establishing an independent elections body, sufficiently resourced with appropriate legal powers and financial resourcing to administer an election, would strengthen the electoral cycle for the electorate and candidates.

Recommendation 2

That due consideration be given to the establishment of an independent Electoral Management Body to address the preparedness and independent delivery of elections in the Marshall Islands.

Voter Turn-Out: Civic Awareness and the Electoral Register

30. Of significant concern to the Forum Team was the 37.8% voter-turn out, 17,834 of 47,133 registered voters voting in the 2019 General Election. The Forum Team made three primary observations that contributed to the low turn-out:

- i. a lack of civic awareness programmes and initiatives;
- ii. an inflated Electoral Register due to lack of updating and cleaning; and
- iii. an unknown number of registered voters unable to cast their votes due to living abroad (addressed in the following section).

31. Civic awareness is an integral component of the electoral cycle, an ongoing process that is crucial to ensure that voters and candidates are empowered to participate in the electoral process and are equally aware of their responsibilities. The Forum Team observed that voter and candidate education in the Marshall Islands is conducted by several stakeholders, formally and informally, and often without much collaboration. The Forum Team understands that this practice has developed over several past elections, arising primarily from a lack of comprehensive and targeted

electoral awareness programmes offered by Electoral Administrations. Attempts to address this gap over time has been supported by Non-State Actor (NSA) groups, education providers, independent media and candidates. Increasing social media use has also played a prominent role in the dissemination of voter and candidate information, which also correlated with greater youth participation in the electoral process.

32. While in Majuro, the Forum Team saw very little by way of billboards or posters from the Electoral Administration creating awareness. Throughout its consultations, the Forum Team referred to primary electoral legislation and general content, which some candidates and most voters were unaware of. It is the view of the Forum Team that a lack of public awareness and information was a contributor to the low voter turn-out, the spread of ‘fake news’ on social media, and several unreported alleged offences, for example the alleged defacing of candidate posters by rival candidates and their supporters. The Forum Team believes that while the Electoral Administration conducted much of its election awareness outreach through radio, a more comprehensive approach to voter and candidate education is necessary.

33. Further contributing to the low voter turn-out is the strong likelihood that the Electoral Register is inflated due to a lack of updating and cleaning. The Forum Team understands that there is greater emphasis and focus on registering citizens to the Electoral Register than their removal from it as a result of death. The implication of inflated Voter Lists on election day is vulnerability to election offences like double voting.

Recommendation 3

That the Electoral Administration and relevant stakeholders collaborate on civic awareness opportunities at all stages of the electoral cycle, and develop inclusive election awareness programmes and materials that inform voters and candidates, and are cognizant of underrepresented groups in the Nitijela.

Recommendation 4

That the Electoral Administration, in consultation with the Registrar-General (Births, Deaths and Marriages):

- i. update the Electoral Register; and
- ii. collaborate on initiatives, such as signing a *Memorandum of Understanding* on disclosure of data, to maintain an accurate Electoral Register that accurately reflects the Marshall Islands electorate.

Overseas voters

34. A significant topic dividing the electorate and candidates, particularly in Majuro, was the issue of overseas voters and their ability to vote in the 2019 election. In 2016, a law passed by the Nitijela eliminated the offshore postal absentee voting system. The law, often referred to as ‘Bill

Six', was heavily criticized and was a topic raised by interlocutors in almost all the Forum Team's consultations.

35. On 9 October 2019, the Marshall Islands Supreme Court ruled that *Bill Six* was unconstitutional as it did not offer an alternative voting option to Marshallese living abroad. It however further added that the time between the issuance of their ruling and the election date would be insufficient for the relevant stakeholders to administer and receive offshore absentee voting. The ruling would therefore not come into effect on or before the November election. The Forum Team noted that some Marshallese traveled from abroad to vote in-country, however it can be assumed that this voting option was only available to those with the financial means to do so.

36. The Forum Team is of the view that had the Supreme Court ruling been issued to come into effect for the 2019 General Election, the Electoral Administration would not have had the capacity to mobilize and organize an election to receive votes from abroad. The State of Health Emergency (SoHE) was a significant issue in itself for the Electoral Administration, and preparing for a significant unplanned activity less than two months from the election probably would have affected the integrity of the election as a whole.

37. The Forum Team acknowledges the issues associated with offshore postal voting, such as the heavy reliance on international and domestic postal services and the difficulties in monitoring the integrity of the ballot. The Forum Team encourages exploring options that preserve the secrecy of offshore voter ballots, under controlled environments, such as utilizing existing platforms like diplomatic missions abroad. Early Voting can also be explored in this context.

Recommendation 5

That options to restore the ability of registered overseas voters to vote from abroad be explored as soon as possible to allow the Electoral Administration sufficient time to implement.

State of Health Emergency

38. A SoHE was declared in August 2019 due to a dengue fever outbreak. Soon thereafter, efforts were taken to prevent the spread of the mosquito-borne disease, including the eventual halting of travel to some atolls and islands. The precautions were made due to the limited resources and capacity in health care facilities. A 10-day quarantine process to outer islands travel was introduced to allow for those needing to travel to do so. The SoHE eventually continued beyond the month of November, prompting the Electoral Administration to adapt their efforts to cater for the significant obstacle.

39. Issues arising from the SoHE included the:

- transportation of polling day officials (including BoE and CTC members) to the outer atolls and islands who had travelled to Majuro prior to the election date, and could not return;
- transportation of election materials to outer atolls and islands; and

- additional and significant monetary cost of transporting polling officials and election materials.

40. The Electoral Administration commissioned shipping vessels to transport polling officials, police and election material to the outer atolls and islands. The vessels and their passengers were quarantined at sea, one mile from land (Majuro). The Forum Team was able to board a small vessel that was delivering election material to a quarantined vessel, which provided for an opportunity to observe the measures. The Forum Team commends the commitment of the Electoral Administration, polling officials, police and others on the vessels to the electoral process.

41. Adding to the complexity of the issue is the date of the election specified under Article IV Section 12 (3) of the *Constitution*, which requires that it take place on the third Monday of November in the year that the Nitijela is dissolved. The *Emergencies Act 1979*, nor relevant electoral legislation, provide for electoral arrangements during a State of Emergency. The Forum Team understands that deferment of the election was considered but not explored deeply. The Forum Team commends the Marshall Islands Government and Electoral Administration for seeking adaptive measures to ensure that polling day was conducted per the *Constitution*. However, the Forum Team is of the view that during a time of significant threat to health, life or property, legislation ought to be strengthened to ensure that voters are not disenfranchised by an emergency, and are able to vote under *normal* circumstances.

42. While the Forum Team observed great effort on the part of election officials to ensure that polling went ahead on the scheduled date, the Forum Team is of the view that the unprecedented SoHE, and its duration, proved to be the greatest obstacle to the efforts of the Electoral Administration. The unforeseen event contributed significantly to administrative and organizational difficulties and challenges that the Forum Team witnessed, and interlocutors raised.

Recommendation 6

That legislation to support the delivery of general elections be implemented, including flexibility of the date, during a State of Emergency.

Women in politics

43. The election marked a significant increase in women running for the Nitijela, from five in the 2015 General Election to 14 in the 2019 General Election. The Forum Team was encouraged by the significant increase in female candidates, noting from its consultations that increasing interest to file for nomination by female candidates was due to a large extent the concerted efforts of several stakeholders in the CSO space and the Nitijela, and through targeted women's platforms. The Forum Team understands that the platforms were an opportunity for women to discuss issues and learn about the electoral system and the Nitijela and parliamentary systems of Government in general. The platforms assisted in building confidence among women, and in their right and opportunity to contest elections.

44. The Forum Team commends the effort of relevant stakeholders in encouraging more women to contest the General Election as candidates. However, the Forum Team is concerned that

only two female candidates were elected to the 33-seat Nitijela in former President Dr Hilda Heine, and newly elected Cabinet Minister Ms Kitlang Kabua. Honorable Minister Kabua also became the youngest member elected to the Nitijela at the age of 28. As a matrilineal society, the Forum Team was informed that it has traditionally been the role of women to keep the peace, which has at times meant ‘staying quiet’. The Forum Team further noted that societal perceptions of women and their election to the Nitijela needs to be addressed, particularly that one less female MP was elected to the Nitijela than the previous legislature. As such, more work on the important role of women in the body politic and their right in today’s society to be a part of and contribute to the political discourse is necessary, and that relevant stakeholders as such consider targeted voter awareness programmes as a part of the process to sow acceptance of the importance of the role of women in politics.

45. The Forum Team acknowledges that the low number of female candidates or elected representatives is not particular to the Marshall Islands nor the Pacific, and is in fact a global issue that requires greater societal attention.

Non-state actors: Civil Society Organizations and the Private Sector

46. The Forum Team was pleased to note that NSA participation in elections was relatively high in the Marshall Islands. While some organizations mentioned that they would like to be more involved, the Forum Team was impressed with the interest and the effort made by NSA groups to engage in the electoral process. One organization expressed interest in having domestic electoral observers at future elections. The Forum Team supports this initiative, as domestic observer groups contribute to the electoral process in a way that international observers cannot, and vice versa.

47. The Forum Team also noted the involvement of the Private Sector in the lead up to the election, members of which organized platforms and forums for candidates and voters alike to attend. The Forum Team understands that the platforms were primarily used for voters to ask questions about the election, its process, and for candidates to debate. The Forum Team commends the private sector for the initiative, noting that there were few other opportunities for candidate debate.

48. As a primary depository of election information and statistics, the Electoral Administration can support NSA to develop initiatives that support underutilized platforms and underrepresented groups, and vice versa, as alluded to by *Recommendation 3* of the Report.

PART 2: THE 2019 GENERAL ELECTION

The Marshall Islands International Convention Center: The processing center

49. On polling day, the Forum Team began its observation at the Marshall Islands International Convention Center (ICC) where polling officials in Majuro gathered to collect polling materials. Also present at the center were police, who accompanied polling officials to their designated polling places. The Forum Team is of the view that the processes and atmosphere at the ICC was frantic and lacked planning, particularly the orderly assignment of election material to polling officials and

thereafter partnering them with police. There was no clear direction to guide the officials, which subsequently led to partnered polling officials and police resorting to their own methods to find each other.

50. While polling places were due to open at 7am, the Forum Team noted that some polling officials departed the ICC after 6:40am, which would not have allowed adequate time to open their designated polling places on time. The Forum Team eventually did observe delays in the opening of some polling places, which could have been avoided. In a rush to open polling places on time, necessary procedures were sometimes applied incorrectly, like the securing of ballot box lids with incorrect zip ties.

Polling

51. The Forum Team observed the opening of polling at Rita Elementary School, which was the venue for the Majuro Rita and Aenkan polling places, and Lae, Lib, Jabat and Jaluit special polling places. The Forum Team observed a significant number of voters ready to cast their votes at 7am.

52. While most polling places were at schools, their setup arrangements differed considerably. Some were almost entirely outside the polling place, which meant polling officials marked voters off the relevant lists and issued them with ballots before they entered rooms to mark them. Others had the entire process inside the polling place's room. In these polling places, the Forum Team observed voting tables that were at times in clear sight of other voters, some voting tables positioned at the entrance to the room itself. As voting tables did not have voting screens, at times, voters had to hide their ballots with their arms to preserve the secrecy of their ballots.

53. Under the *Elections and Referenda Act*, each candidate is entitled to have a maximum of two poll watchers at each polling place, an entitlement that the Forum Team can report was well utilized by candidates. Wherever the Forum Team observed, poll watchers were respectful and courteous. Notwithstanding the commendable behavior of poll watchers, the Forum Team did note that at polling places where poll watchers were inside the voting room, it could be intimidating to voters. In one polling place, voting tables were facing and in clear sight of poll watchers less than three metres away, again compromising the secrecy of the ballot.

Recommendation 7

That voting screens be used in the next general election to preserve the secrecy of the ballot.

54. The Forum Team understands from discussions with interlocutors that training for all polling officials and BoE members was very limited, and in some cases non-existent. As a result, there was a heavy reliance on experienced BoE members and polling officials to carry out polling, which led to inconsistencies in polling processes. Some polling places also obtained the help of supporting police officers during polling, which presented its own set of problems. This included

having police officers mark the fingers of voters with ink as they exited polling places, which at times was not applied if the police officer was busy.

Recommendation 8

That the Electoral Administration develop detailed polling and counting manuals that outline all relevant processes to ensure consistency across all election material distribution centers, and polling and counting places. Comprehensive training, refresher and information sessions prior to general elections with all candidates, poll watchers, BoE and CTC members would align with legislation and the manuals.

Postal Voting

55. Available to some members of the electorate was Postal Voting, which could be requested by a registered voter who was confined due to illness or physical disability from attending a polling place, or, would be outside of the Marshall Islands temporarily on election day. Eligible voters wanting to use this method would need to supply the CEO with sufficient information to be granted a postal ballot, of which the voter could mark a ballot and return it with a completed affidavit to cast their vote.

56. The Forum Team commends the Electoral Administration for an initiative whereby voters casting postal ballots could take their ballots to the Electoral Administration office in Majuro and cast them personally into a designated postal ballot box. The Forum Team understands that the intention of the initiative was to minimize the pressure and reliance on postal services. Nevertheless, the Forum Team did observe inconsistencies such as some voters' fingers being marked with ballpoint ink after casting their postal votes, and others not.

Closing

57. The Forum Team observed the close of polls at 7pm on polling day. Polling officials packed all polling materials with the assistance of police. Once all polling places at a venue had completed the close, polling materials, BoE members and police boarded buses and were transported to the ICC, escorted by police vehicles.

The Count

58. The counting and tabulation of ballots cast in Majuro took place at the ICC. While the ICC provided for a large space to conduct counting and tabulation of vote results, the Forum Team was concerned that it is also the site for several government ministries and offices. The Forum Team is of the view that no election preparation or counting activities should take place at the ICC, in order to preserve the integrity of elections in the Marshall Islands.

59. Before counting could commence, all ballot boxes needed to arrive from all polling places around Majuro. Due to the long distances from the ICC and long lines of voters at 7pm in some polling places when polling closed, the count could not commence until the early hours of the

following day. The Forum Team also observed delays at the ICC with regards to the printing of tallying sheets for CTCs.

60. Once all ballot boxes had arrived, they were assigned to individual counting tables and CTC teams. As candidates or authorized representatives were permitted to observe counting, they too sat behind the counting tables relevant to their electoral districts and/or wards. Members of the public were also present at the Count.

61. The Forum Team commends the CTC counting process, which was very transparent. It included a member of the CTC calling out the votes on each ballot for both the elections to the Nitijela and Local Government, and those results being recorded by several other CTC members on tally sheets. After the vote of each ballot was recorded, a police officer would take the ballot and show all count watchers around that table the ballot for their confirmation. Large electoral districts and wards with many candidates could take up to two minutes to count a single ballot. Although lengthy, the Forum Team commends the transparency of this process.

62. While the Forum Team commends the process, it did observe instances that it believes needs to be addressed. These include:

- CTC members talking and texting on their mobile phones during the counting process;
- CTC members having their personal bags under counting tables; and
- a lack of control for non-Electoral Administration or CTC personnel entering the counting center.

63. The Count in Majuro was broadcast live on YouTube by the National Telecommunications Authority (NTA) for viewers to watch online. The NTA was also involved in the transmission of results from some atolls and islands to Electoral Administration officials in Majuro, using their radio services. The Forum Team was happy to note that the frequency was accessible to the public who could tune in to hear the transmission of results.

Recommendation 9

That the counting and tabulation of all election results in the Marshall Islands be undertaken in politically neutral premises.

Recommendation 10

That the Electoral Administration introduce measures to tighten all aspects of activities within counting and tabulation centers, including access and monitoring activity that could lead to malfeasance.

Report by the Chief Electoral Officer

64. Under Part X Section 197 of the *Elections and Referenda Act*, the CEO shall submit a report to the Speaker to present to the Nitijela after an election to the Nitijela or Local Government. The Forum Team understands that no reports for several previous elections have been submitted by CEOs. The Forum Team is of the view that internally prepared reports assessing the conduct of an election are crucial to ensuring that EMBs are able to document, adjust and learn from past practices.

Recommendation 11

That the Chief Electoral Officer prepare a report to the Nitijela on the conduct of the 2019 General Election.

ACKNOWLEDGEMENTS

65. The Pacific Islands Forum Election Observer Team acknowledges with gratitude:

- The Government of the Republic of the Marshall Islands for the invitation and facilitation of the Forum Team’s mission to observe the 2019 General Election;
- The Acting Secretary of the Ministry of Culture and Internal Affairs, the Chief Electoral Officer and staff of the Republic of the Marshall Islands Electoral Administration for their support of the mission including facilitating access for the Forum Team to polling places and the Count center;
- The polling and security officials at all polling places visited by the Forum Team;
- All the interlocutors the Forum Team met with; and
- The people of the Marshall Islands for their warm welcome and hospitality.

Pacific Islands Forum Election Observer Mission to the 2019 Republic of the Marshall Islands General Election

20 April 2020

FORUM OBSERVER TEAM MEMBERS

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Pacific Islands Forum Election Observer Mission to the Republic of the Marshall Islands 2019
General Election

Terms of Reference

1. The Forum Election Observer Mission shall deploy in-country to observe pre-polling (including campaigning), polling, and the count. Where possible, the Pacific Islands Forum Election Observer Mission (PIF EOM) would like to observe the announcement of results and formation of government.

2. With the consent of the Republic of the Marshall Islands Electoral Office, the PIF EOM will have free access to the electoral process and have the ability to meet with relevant stakeholders.

3. The conduct of observer team members shall be guided by the Code of Conduct for International Observers in the United Nations Declaration of Principles for International Election Observation:

- (i) respect sovereignty and international human rights;
- (ii) respect the laws of the country and the authority of the electoral bodies;
- (iii) do not obstruct electoral processes;
- (iv) provide appropriate identification;
- (v) maintain accuracy of observation and professionalism in drawing conclusions;
- (vi) maintain strict political impartiality at all times;
- (vii) refrain from making comments to the public or the media before the mission speaks;
- (viii) cooperate with other electoral observers; and
- (ix) maintain proper personal behavior.

In addition:

(x) the Forum requires team members to respect cultural and traditional protocols of the host country (including with regard to dress codes and traditional vicinities/venues of limited access);

(xi) the Forum team shall abide by supplemental conditions set by the host government if these do not undermine the terms of reference as set above (paragraphs 4-6); and

(xii) the Secretariat shall decline to participate in any electoral observer mission under which the conditions proposed by the host government are incompatible with the ToR above and the Forum's commitments to the principles of good governance.

ENDS