

## Code of Conduct for Scrutineers<sup>1</sup>

The Organic Law defines an **Interested Party** as the Government of Papua New Guinea, the Autonomous Bougainville Government and Recognised Interest Groups. Interested parties can nominate scrutineers. This code applies to all scrutineers appointed by any Interested Party.

### 1. Ethical Principles

In order to encourage wider public interest and involvement in ensuring that the Referendum is conducted in a free, fair and credible manner the Bougainville Referendum Commission calls for strict observation and respect for these ethical principles by Interested Parties and their scrutineers in carrying out their activity:

*Legality* – Scrutineers must at all times and under all circumstances, recognise and respect constitutions, referendum laws, the BRC Policy for Promoting Public Involvement and this code of conduct.

*Respect* – Scrutineers must respect each other’s rights and views and honour the secrecy of the vote to enable a free and fair vote.

*Commitment to the process* – All scrutineers must acknowledge and protect the interests of the process and the fundamental values of democracy, subordinating to these any personal interests or political preference.

### 2. Rights and Privileges of Scrutineers

In undertaking their activities, scrutineers have the following rights and privileges:

- 1) To observe the polling exercise on behalf of her/his Interested Party, subject to specific limitations (geographic or otherwise) set out by the BRC for each Recognised Interest Group (RIG)<sup>2</sup>. Scrutineers are entitled to be present at the opening of polls, during the poll and close of poll when various packets of documents are opened and/or sealed. In addition, scrutineers and accredited observer groups are the only organisations

<sup>1</sup> Scrutineers can be appointed by Interested Parties – the Government of Papua New Guinea, the Autonomous Bougainville Government and Recognised Interest Groups. This Code applies to all scrutineers appointed by any Interested Party.

<sup>2</sup> As allowed in Schedule 1.10(3)

permitted to be present during the transport of votes to the counting centre(s), and during the scrutiny of votes.

- 2) To observe proceedings inside polling places in a manner that does not disrupt polling and that maintains the secrecy of the ballot.
- 3) To request the Presiding Officer to ask any of the following questions provided under Sch.1.81 of the Organic Law, if the scrutineer is suspicious or spots any irregularity about a voter before the voter is issued a ballot paper:
  - (i) "Have you already voted either here or elsewhere in this Referendum?"; and
  - (ii) "Are you at least 18 years of age?"; and
  - (iii) for voters on a roll for a voting district in Bougainville - "Did you reside within this voting district for a period of more than six months before your claim for enrolment?"; and
  - (iv) for voters on a roll for a voting district in Bougainville - "Are you qualified to vote in National Elections?"; and
  - (v) for non-resident voters - "Are you a non-resident Bougainvillean entitled to vote?"; and
  - (vi) "Are you the person whose name appears as [here state that name] on the certified list of voters for this voting district?"

Under no circumstances are these questions to be addressed directly to voters by scrutineers, but must be asked by the presiding officer.

- 4) Accept that a voter's answer to a question (refer to paragraph 3) put to him by the presiding officer is conclusive, and the matter shall not be further inquired into during the polling. This means these questions cannot be asked to a voter more than once, nor can the voter's answers be further challenged by the scrutineer.
- 5) To observe the scrutiny in a manner that maintains the secrecy of the ballot.
- 6) To (a) make a claim to the officer conducting the scrutiny at the count centre that a ballot paper is informal according to Sch.1.102 of the Organic Law and request the officer to reject the ballot, or (b) to object to a determination of the officer that a ballot paper is informal. The officer will mark the ballot "admitted" or "rejected" based on his/her determination.
- 7) Scrutineers have access to training and information offered by the BRC and its officers in order to facilitate their activities.

### **3. Duties and obligations of scrutineers**

In undertaking their activities, scrutineers must:

- 1) Uphold the principles of this Code of Conduct issued by the BRC.
- 2) Must comply with the limit placed on number of scrutineers in a polling place, with only one scrutineer from a particular Interested Party to be present at any one time.
- 3) Comply with the direction of the Presiding Officer as to where they can sit or stand during polling, noting that the Presiding Officer will allocate a space for scrutineers from which they can see the polling be conducted but not infringe the secrecy of the vote.
- 4) Must not touch any polling materials, including ballot papers.
- 5) At the request of the Presiding Officer shall leave a polling place if she/he is not complying with his/her obligations.
- 6) Comply at all times and under all circumstances with the laws and rules applicable in Bougainville and Papua New Guinea relating to the conduct of the referendum.
- 7) Act in a way that promotes peace and unity and does not contribute to communal friction.
- 8) Are not to interfere with the polling, ballot transportation and counting processes in any way.
- 9) Respect the role, status, and authority of referendum officials and exhibit a respectful and courteous attitude to referendum officials and voters. Equally, scrutineers should refrain from any defamatory public statement regarding the BRC.
- 10) Abstain from interfering with or impeding the normal course of the referendum process. In every case, scrutineers must refrain from preventing referendum officials from exercising their duties and obligations.

**IMPORTANT NOTE**

Presiding Officers, Returning Officers, and the Bougainville Referendum Commission may require the removal of a scrutineer from polling or counting locations if they interfere with the normal conduct of the referendum process or otherwise fail to abide by this Code of Conduct.

Furthermore, the BRC may at any time cancel the recognition of any interest group that violates the terms of its recognition.

- 11) Wear the identification badge issued by the Bougainville Referendum Commission at all times when engaged in their activities. Scrutineers must identify themselves to the officer in charge when entering a Polling Place or Scrutiny or other BRC space, structure, or building.
  - a) During their activities, scrutineers must carry an alternative means of identification, complete with signature and photograph, to enable referendum staff to confirm their identities.
  - b) If a scrutineer does not possess any form of identification apart from their BRC badge, and if the scrutineer is known to the polling or counting official, the polling or counting official may identify the scrutineer without the need for additional identification documents.
- 12) Refrain on polling day from any communication intended to influence a voter or in any other manner interfering with the secrecy or orderly conduct of the voting process.
- 13) Maintain the secrecy of any information they see in a polling place or scrutiny (count centre), including not announcing or commenting on referendum results before the referendum authorities' official announcement.
- 14) Refrain from attempting to provide guidance or information to people involved in the referendum process or from providing interpretations of the applicable law.

I hereby acknowledge that I have read the code of conduct and will comply with it.

Date.....

Place of Residence.....

Name of Scrutineer.....

Signature.....

Interested Party.....