



Issuance

Transmission and Scrutiny of Postal and Declaration Votes

29 August 2019

Section 62 of the *Organic Law on Peace-Building in Bougainville-Autonomous Bougainville Government and Bougainville Referendum 2002* (hereafter “Organic Law”) provides that the BRC may resolve difficulties arising from an inconsistency, gap or uncertainty in the operation of the provisions of the law.

The BRC has determined that there is a difficulty in the operation of Part XI of the Organic Law regarding the secrecy and preservation of postal votes during the transmission process, and Part XIII of the law regarding the integrity and secrecy of postal votes and votes cast under Division 4 of Part XII (hereafter “declaration votes”) during the scrutiny process.

To remedy these difficulties, the following administrative process will apply to ensure the integrity, secrecy and physical integrity of postal votes and declaration votes is preserved:

PART XI -POSTAL VOTING

1. When a postal voter is issued a ballot-paper and postal vote certificate under Sch.1.50, the Returning Officer will also provide to the voter a secrecy envelope and a transmission envelope, along with instructions for their use.
2. Under Sch.1.55 of the Organic Law, after a postal voter has marked the ballot paper, he or she will place the ballot paper into a secrecy envelope, which shall be free from any mark that would indicate the identity of the voter, in order to protect the secrecy of the vote. This secrecy envelope will be placed inside the completed and signed declaration envelope.
3. The declaration envelope will then be placed inside a transmission envelope for the purpose of delivery to the Returning Officer for the voting district for which he or

she is entitled to vote. The transmission envelope shall be free from any mark that would indicate the identity of the voter, in order to protect the secrecy of the vote. The transmission envelope will also protect the postal votes from the risk of inadvertent damage or destruction in the transmission process.

4. On receipt of the postal votes, the Returning Officer will place the unopened transmission envelopes into a separate, locked ballot box in preparation for scrutiny.

PART XII – POLLING: Division 4 Declaration Votes

5. Under Part XII, Division 4 of the Organic Law, after a declaration voter has marked the ballot paper, he or she will place the ballot paper into a secrecy envelope, which shall be free from any mark that would indicate the identity of the voter, in order to protect the secrecy of the vote. This secrecy envelope will be placed inside the completed and signed declaration envelope and deposited into the locked ballot box.

PART XIII – THE SCRUTINY

6. Under Division 4 (Scrutiny of Postal Votes), the Returning Officer will accept postal votes for further scrutiny if, following an examination of the postal vote certificate, the Returning Officer is satisfied that the person making the vote is a voter enrolled for the voting district, the declaration is signed or marked by the voter, and the declaration is witnessed by an authorised witness to verify authenticity.

7. Under Division 5 (Scrutiny of Declaration Votes) of the Organic Law, the Returning Officer will accept votes cast under Division 4 of Part XII for further scrutiny if, following an examination of the declaration, he or she is satisfied that the voter is entitled to vote in the voting district, the declaration indicates that the voter has not already voted elsewhere and/or received a postal ballot-paper, and the declaration is signed or marked by the voter and witnessed by an authorised witness to verify authenticity.

8. Under Division 4 (Scrutiny of Postal Votes) and Division 5 (Scrutiny of Declaration Votes) of the Organic Law, after the envelope bearing the declaration is opened, the secrecy envelope bearing the ballot-paper shall be marked with a number corresponding with the declaration envelope from which the secrecy envelope has been withdrawn. The unopened, numbered secrecy envelopes will be placed in a parcel, which will then be passed to another officer engaged in the conduct of the scrutiny.

9. This officer will withdraw from the secrecy envelopes each ballot-paper and, without inspecting or unfolding the ballot-paper or allowing any other person to do so, place on it a number corresponding with that placed on the secrecy envelope from which the ballot-paper has been withdrawn. The officer will then deposit the folded ballot-paper in a locked ballot-box for further scrutiny.

10. The Returning Officer will place the secrecy envelopes in a separate parcel endorsed with the words "secrecy envelopes from which ballot-papers have been withdrawn for further scrutiny", fasten the parcel, add the name of the voting district, his or her signature, and the date.

11. Once the preliminary scrutiny of postal votes and declaration votes has been completed according to Sch.1.105 and Sch.1.109 respectively, the locked ballot boxes containing the accepted postal votes and declaration votes will then be opened and scrutinised along with other ballot boxes at the Voting District level, in the same manner as for ordinary votes, as set out in Sch.1.103. This is to ensure that the identity of postal voters and declaration voters is not disclosed during the scrutiny process, thus preserving secrecy of the vote.