# COMMISSION OF INQUIRY INTO THE

# 2007

# GENERAL ELECTIONS

## FINAL REPORT AND RECOMMENDATIONS


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# PART I – PRELIMINARY

## A. INTRODUCTION

Pursuant to the Commissions of Inquiry Act, 1986, and a Warrant of Appointment dated February 3, 2008 (see Appendix A), President Litokwa Tomeing established this Commission of Inquiry (the "Commission") into the 2007 General Election.

The 2007 General Election (the "2007 Election") was described in the Marshall Islands and the Pacific region as "chaotic," a "fiasco," and an "election debacle." Suspicions were raised as the nation awaited the results of the protracted counting process.

In constituting the Commission, the President stated that an inquiry into the conduct of the 2007 Election was necessary, not only to avoid a future election debacle, but, most importantly, to restore voter confidence in the electoral process.

Consistent with its terms of reference the Commission inquired into the overall preparations for the 2007 Election. In this regard, the Commission inquired into the pre-election activities, Election Day activities, the counting and recounting processes, and the overall fairness of the election. Some of the specific issues examined included voter education, the decision to depart from the original voting system on Majuro, the problems related to the opening and closing of polling stations in Majuro, the security of the ballots, the counting process, the recounting process, the issue of challenged votes, the problems associated with postal ballots, violations of election laws and regulations, allegations of tampering with ballot boxes, the hiring of the current Chief Electoral Officer (the "CEO"), the transfer of former Chief Electoral Officers, and other matters.

During March and April, 2008, the Commission held 17 days of hearings, examined 30 witnesses (see Appendix B), and examined and received into evidence 91 separate documents (see Appendix C).

This report is organized into four principle parts. Part I, "Preliminary," contains the Introduction and the Executive Summary. Part II, "Finding of Facts," sets out the Commission's findings. Part III, "Conclusions and Discussions," contains discussions and conclusions on major issues concerning the 2007 Election. Part IV, "Recommendations," contains recommendations by the Commission for changes in the way future elections should be held.

For the most part, the Commission examined and inquired into the conduct of the 2007 Election in a chronological manner, beginning with the preparations and other pre-Election Day activity, the Election Day itself, the counting and tabulation of ballots, and the recount petitions and recounts.

## B. EXECUTIVE SUMMARY

The following section provides a summary of the final Report of the Commission of Inquiry into the conduct of the 2007 Election.

The principle conclusion of the Commission is that while the basic or initial causes of the numerous problems during the 2007 Election and its myriad failures were the actions of then-Minister of Internal Affairs Rien Morris ("former Minister Morris"), contributing causes included the actions or inactions of the Public Service Commission (the "PSC") and Chief Electoral Officer Carl Alik.

Former Minister Morris's actions doomed the 2007 Election even before the process began by (i) his unconstitutional interference with the PSC's process of selecting the Chief Electoral Officer; and (ii) his reallocation of the funds necessary to properly conduct the 2007 Election.

The PSC further doomed the 2007 Election (i) by allowing former Minister Morris to interfere with the PSC selection process of the Chief Electoral Officer; and (ii) by ignoring its own Selection Committee's recommendation that Laju Sawej be appointed as the Chief Electoral Officer.

Once the improper selection was made, Chief Electoral Officer Carl Alik insured, through his incompetence and inexperience, that the 2007 Election would be a debacle of the worst magnitude.

A sample of the numerous election problems encountered in the 2007 Election include: delays in the opening and closing of polling stations on Majuro; polling stations running out of ballot papers during the voting process; postal ballots not being processed in time to allow postal voters to cast their votes; the hiring of casual workers who (i) had no basic job skills, (ii) were inadequately trained, and (iii) committed serious violations during the voting process; allegations of ballot boxes bearing additional votes than when originally tallied; ballot boxes being reopened in contravention of the election laws and regulations; challenged ballots not being processed and being returned to the ballot boxes after the initial count in violation of the election laws; the lack of preparation and dissemination of election material prior to Election Day; ballot papers still being printed on the morning of Election Day; the new interpretation of the law regarding the date of the postmark on postal ballots; the lack of transparency throughout the election process; and the inexplicable delays in certifying the final unofficial results and the final official results. Although previous elections had certain shortcomings, they have, for the most part, been accepted as the "standard-setting" elections and have become the yardstick by which elections in the Marshall Islands are now judged. The conduct of the 2007 Election fell woefully below those standards, leading to new levels of frustration and suspicion in the voter community.

# PART II - FINDING OF FACTS

On the basis of its investigations, the Commission makes the following findings:

## A. PRE-ELECTION

**1. Transfer/Appointment of the Chief Electoral Officer.**

(a) Joseph Jorlang:

Joseph Jorlang, 64, has over 30 years of experience working in electoral administration. He was first employed in the Electoral Office as a clerk in 1971. In the 1980s, he was appointed the Elections Registrar. During his tenure at the Electoral Office, Joseph Jorlang received extensive training from his predecessor, Shiro Riklon, and succeeded Shiro Riklon as CEO when Shiro Riklon retired in 1990.

Joseph Jorlang conducted the 1991, 1995 and 1999 General Elections with little controversy. As is the case with the elections that were conducted by Shiro Riklon, the 1991, 1995 and 1999 General Elections provide the standard by which other elections are judged in the Marshall Islands. Clearly, the conduct of the 2007 Election fell well below these standards.

For reasons that were not made clear to the Commission, Joseph Jorlang left the Electoral Office just prior to the Special Election in 2002. A witness described him as having "walked out" when preparations for the Special Election in 2002 were underway.

(b) Hemley Benjamin:

Hemley Benjamin, 53, was appointed the CEO in January of 2003, and conducted the General Election in November of 2003. He held the post until his transfer to the Ministry of Internal Affair's Division of Sports in June of 2005. The most likely explanation for the transfer was that former Minister Morris was unhappy with the way the 2003 General Election (the "2003 Election") was conducted by Hemley Benjamin. In his testimony to the Commission, former Minister Morris stated that he believed the 2003 Election was poorly run. He supported this assertion by adding that many election petitions were filed in the High Court disputing the results in certain races in the 2003 Election. He erroneously stated to the Commission that there

was only one case filed against the CEO in the 2007 Election. The Commission takes "judicial notice" that there were 7 cases filed against the CEO in the 2007 Election.

(c) Carl Alik:

To fill the vacancy created by the transfer of Hemley Benjamin, the Public Service Commission solicited applications for the CEO position. The qualification requirements for the position were 10 years of public service experience and 5 years of Electoral Administration experience. A Selection Committee composed of then-Secretary of Internal Affairs Wilbur Allen and two Assistants or Deputy Commissioners of the PSC was formed to review applications for the position, and to recommend an appointment and an alternate to the PSC. This followed normal PSC hiring processes.

The Selection Committee reviewed the applications. At its initial screening, the Selection Committee rejected the application of Carl Alik, 31, due to his "lack of maturity" and "poor attitude." The Selection Committee took issue with the fact that Carl Alik had signed his application using Chinese characters, indicating lack of maturity, poor attitude and lack of respect. The Selection Committee recommended Laju Sawej as its first choice for the position of CEO due to his maturity, his many years of public service experience, and his prior electoral administration experience having worked in past elections. The Selection Committee also recommended a qualified alternate. On the basis of the Selection Committee's recommendation, the PSC appointed Laju Sawej to the post of Chief Electoral Officer.

Upon learning of the appointment of Laju Sawej, former Minister Morris became angry and agitated. He refused to sign off on Laju Sawej's Personnel Action, a normal part of the hiring process of the PSC. Former Minister Morris then called in Secretary Allen and, in the presence of Internal Affairs staff, scolded the Secretary while protesting the appointment of Laju Sawej. Former Minister Morris testified that, *"I told him [Wilbur Allen] again that I was not satisfied with that…"* Former Minister Morris then telephoned the PSC and in a loud, angry

voice, vigorously expressed his disagreement and insisted that Carl Alik was the more qualified applicant.

Questioned by the Commission on these points, former Minister Morris admitted that he refused to sign the Personnel Action of Laju Sawej because he thought that Carl Alik was the better candidate. Morris testified: *"I was really concerned because to my understanding I thought he [Carl Alik] was the most qualified. I asked if he [Wilbur Allen] can go to Public Service and raise my question as the Minister of this place [Internal Affairs]."*

Former Minister Morris further testified that he refused to sign Laju's Personnel Action by stating, *"I said I think Carl is much more qualified. So my recommendation and my decision is that Carl is the right [person]…as a Minister of that place, I choose what I want, I didn't hire him but I made a recommendation through the Secretary to the Commission [PSC]…My own interpretation is that he [Carl Alik] has more qualifications..."*

Former Minister Morris also indicated that he physically confronted PSC Commissioners Cent Langidrik, Raynard Gideon and Lomes MacKay, in violation of the Constitution, to express his disagreement with the appointment of Laju Sawej: *"I went and talked to them [PSC] and said you know I feel that Carl is much more [qualified]…because he [Wilbur Allen] wouldn't go--he is my Secretary--he wouldn't go so I had to go…I talked to Cent, I talked to Raynard, and Lomej…I said I think you guys have to take a look... After Wilbur went and came back, he said you have to talk to them. I said I still believe the selection is not right because you can see that Carl is much more qualified…After telling them [PSC] and opening their eyes as to how these guys look like according to their qualifications, not telling them but approaching them about my concern…"*

Surrendering without protest to the political pressure by former Minister Morris, thereby compromising its Constitutional mandate to act independently, the PSC rescinded the appointment of Laju Sawej as CEO and reopened the position. At this point, former Minister

Morris reminded the PSC to look for Carl Alik's application. This subsequent reopening of the position specifically was designed to facilitate the appointment of Carl Alik as CEO and to appease former Minister Morris.

Approximately two weeks after the public scolding incident, Carl Alik was appointed to the position of Chief Electoral Officer. This appointment of Carl Alik was made without recommendation from the Selection Committee, which did not again meet after recommending Laju Sawej. On the date of his appointment, Carl Alik had less than one year of public service experience and no electoral administration experience. Upon examination by this Commission, the PSC Chairman Cent Langidrik conceded that Carl Alik did not meet the qualification requirements set out by the PSC for the position of Chief Electoral Officer. The PSC Chairman testified that, "*According to the documents in the file, he [Carl Alik] did not have any experience…The review process is made by the Selection Committee and this would include reviewing all the qualifications and so forth, afterward their recommendation is forwarded to the Commission [PSC]...*"

With regard to the PSC hiring someone with no qualifications, the Chairman of the PSC testified, in contradiction to the testimony of former Minister Morris, that "*You are right in your questions, but I didn't know if the other applicant who had experience had applied for the position. The Commission [PSC] is basing its recommendation on the Selection Committee recommendations. In terms of our decision making process, we are fully independent.*"

Asked if he received any direction from former Minister Morris to hire Carl Alik, the Chairman of the PSC further testified that, "*I don't believe that a Minister can tell PSC what to do…*"

**2. Poor General Preparation for the 2007 General Election.**

In the elections run by the more experienced CEO, Joseph Jorlang, preparations for conducting the elections in November began in January of each election year. Some of the preparations at this stage involved:

a. preparation, vetting and finalization of the master Voters List;
b. setting up of mobile teams for the outer islands to train the local Boards of Elections;
c. arrangements with PSC to engage government workers in the elections;
d. hiring of casual workers to fill in where no government workers could be engaged;
e. public announcements in both print and radio media concerning election matters, candidate nomination deadlines, postal ballot requirements, etc.;
f. preparation of the postal ballot register, and for the receipt and dispatch of postal ballots;
g. building of the actual ballot boxes;
h. training of casual workers;
i. arranging of the polling station locations with landowners; and
j. communication with the Office of the Attorney-General to clarify any issues that may arise.

Many of the government workers and casual workers engaged in the elections prior to the 2007 Election were persons who had been engaged in prior elections and were, therefore, persons with election experience.

In the 2007 Election, many of these preparations did not take place until very late in the year. Although voter registration closed on December 31, 2006, the Electoral Office was not able to compile a master Voters List until March 2007, and only then after repeated inquiries by the Nitijela for a production of the list. However, even at this time, the Voters List was not accurate and was still being updated—10 months after voters' registration had closed. Specimen Ballots

were never distributed to the public and were only available in the Electoral Office. Unlike previous elections, Specimen Ballots were not posted in public places to educate the voters on how to mark their ballots.

No prior arrangements were put in place with landowners for the use of lands for polling stations until very late into the election cycle. There was a lack of communication between the Office of the Chief Electoral Officer and the Office of the Attorney-General resulting in the reversal of some of the CEO's initial publicly-announced decisions because they violated the law or regulations governing the election.

**3. Poor Communication with the Media and the Public.**

From the beginning, the entire election process suffered from a lack of transparency. As early as the voter registration period, there was clear indication of a serious lack of organization. From the close of the Electoral Register in December of 2006, until Election Day on November 19, 2007, the Electoral Office failed to adequately communicate with the local media and the general public. Information was not readily available from the Electoral Office. The local newspaper, general public, and even people involved with the election, made repeated requests for information, but they received little or no response.

The location of polling stations was not advertised in the local newspaper due to a lack of funds to purchase advertising. The Electoral Office did not even provide a press release or an interview to the local newspaper regarding the location of the polling stations. The locations of polling stations were not announced on the Government radio station until the day before the election. Even then only general locations (e.g. "Rita") were announced rather than specific locations of the polling stations, (e.g. "Rita Elementary School"). The difficulty in extracting election related information from the CEO in 2007 is in stark contrast to the experience in previous elections in which such information was readily forthcoming from former CEOs and the staff of the Electoral Office.

**4. Reduced, Inadequate and Untimely Funding.**

The Electoral Office has an annual operating budget of approximately $80,000. For each General Election a special appropriation is made for the conduct of that election. The 2003 General Election had a special appropriation of $660,000. The 2007 General Election, on the other hand, had a special appropriation of only $410,000. However, this special appropriation was inexplicably made for Fiscal Year 2008. Therefore, the funds from this special appropriation were not available until after October 1, 2007. Thus, preparation expenses prior to October 2007 had to come from the Electoral Office's annual operating budget. In some instances important purchases could not be made until October 1, 2007, a month before the election.

To compound this situation, the annual operating budget for the Electoral Office had been reduced by the reallocation of funds to support other Ministry of Internal Affairs activities such as travel to a Guam Trade Fair, a Seattle Handicraft Show, the South Pacific Games, and the hosting of an Internal Affairs-sponsored Women's Conference on the eve of the election. The original operating budget of $75,145 was reduced by $20,000 to $55,145. The actual operating expenditures for the Electoral Office in FY 2007 totaled only $50,358. The Electoral Office expenditures were drastically lower in FY 2007 in contrast to FY 2003 (another election lead-up year) when the Electoral Office spent $80,439.

A number of problems that directly resulted from the reduced funding include the inability of the Electoral Office to:

a. print the master Voters List in March 2007;

b. buy RMI stamps to mail out the postal ballots;

c. buy US stamps for postal ballot return;

d. buy and order materials and equipment for the election;

e. produce and prepare the ballot papers in a timely manner;

f. hire and train an adequate number of casual electoral workers; and

g. publicize important election deadlines and ballot samples in the print media.

**5. Unqualified Persons Hired as Casual Workers.**

In past elections, RMI Government employees were "seconded" or "loaned" from their government employment to work in elections. These workers had basic work skills, and due to their continuing government employment, carried over election experience from previous elections. In the 2007 Election, the CEO did not engage *any* RMI government employees, for the reason that he believed they would want overtime compensation. Instead, the CEO hired 120 unemployed individuals, many of whom had never held a job in their adult lives. Despite being given a rudimentary screening test, many of the hired individuals lacked basic job skills and were completely unqualified for the intense, high-pressure demands of Election Day and vote tabulation.

**6. Lack of Training for Casual Election Workers.**

Of the 120 workers hired, 90 were given 3 days of training at the Long Island Hotel in October of 2007. The top 60 workers were sent to the Outer Islands to supervise the elections there.

Due to a lack of space at the Long Island Hotel and a lack of funding, the remaining 30 workers were not trained in October. They received some training at the Education and Cultural Center ("ECC") the day before the Election. The intent was to have the better-trained (3 days) workers assist the lesser-trained (1 day) workers. In addition, 27 workers were recruited during the week before the election. The training provided was inadequate for the workers to perform their duties on Election Day. As a result of the lack of adequate training, coupled with the fact that many of these casual workers had no basic job skills, voting at some of the polling stations was conducted in violation of the election law.

**7. Delays in Mailing the Postal Ballots.**

The Electoral Office had initially issued instructions to postal voters that requests for postal ballots could be sent in via email to boknake@yahoo.com. However, when the Attorney-General learned of this scheme, which involved using the personal email address of the CEO, the Attorney-General advised against this method of requesting postal ballots. The only method allowed for requesting postal ballots was a written request sent by regular mail. Under the law, postal ballot requests must be postmarked on a date after the publication of the list of candidates. In the 2007 Election, the list of candidates was published on Friday October 5, 2007, and the Chief Electoral Officer began accepting requests for postal ballots on Monday, October 8, 2007.

The first batch of postal ballot requests was logged by the Chief Electoral Officer as having arrived on October 12, 2007. Subsequent batches of postal ballot requests were received on the 15th, 17th, 19th, 22nd, 25th, 29th, and the 30th of October 2007, and on the 1st, 7th, 8th and 12th of November 2007. The first set of ballots was not delivered to the Majuro Post Office until October 31, 2007. The actual date when these and subsequent deliveries of postal ballots left the RMI by airplane for delivery to overseas voters is unclear.

After the initial batch of ballots was delivered to the Majuro Post Office, subsequent delivering of postal ballots to the Majuro Post Office occurred on November 2nd, November 5th, November 9th, November 12th, and even on November 16, 2007. Incredibly, by the Commission's count, despite the fact that the Electoral Office had received the corresponding requests in mid-October, 2007, more than one hundred ballots were delivered to the Majuro Post Office on November 16, 2007, three days prior to Election Day. Because there was no specific procedure in place to ensure that the requests for postal ballots were processed in an orderly and timely fashion, the Electoral Office dealt with the requests haphazardly and in a very capricious manner. As a result of these failures, hundreds of Marshallese voters were denied their right to vote.

The CEO's excuses for failing to mail the postal ballots in a timely manner were: (i) the Electoral Office did not have the funds to buy RMI stamps to mail out the ballots; and (ii) there was a plan to buy US stamps for the return of the postal ballots.

Also, the CEO failed to issue clear instructions about the cutoff date for the return of the ballots. Although he stated that he and other electoral officials informed postal voters that their ballots had to be postmarked no later than November 18, 2007, the RMI Government's web site (www.rmigovernment.org), on its official election information page, advised voters merely to return their ballots "as soon as possible."

**8. Lack of Land Arrangements for Polling Stations.**

Arrangements for the use of land as polling places were not made for all polling places prior to Election Day.

**9. No Setup of Polling Stations before Election Day.**

In the elections run by former CEO Joseph Jorlang, the polling stations were setup 2 days before Election Day. Former CEO Hemley Benjamin staged materials in advance and setup polling stations one day before the 2003 Election. In the 2007 Election, the setting up of polling stations did not begin until the morning of the election and **none** were setup in time for the legally required 7:00 a.m. opening of the polls.

**10. Late Preparation of Ballot Materials.**

In elections run by former CEO Joseph Jorlang, the ballot boxes, ballots and master Voters Lists were prepared and ready one week before the Election. Former CEO Hemley Benjamin had everything ready the day before the 2003 Election. In the 2007 Election, ballots were still being printed and election materials were still being prepared the night before and the

morning of the election. Some materials were not prepared before the polls opened and had to be prepared during Election Day.

**11. Election Workers Not Organized.**

The workers at the polling stations were not assigned to polling stations prior to Election Day. The workers did not know where to go or what to do on the morning of the election, and many arrived at the ECC later than planned. There was an inexcusable and complete lack of organization of the people entrusted with conducting the 2007 Election.

## B. ELECTION DAY: "THE FIASCO"

**1. Media Coverage.**

The November 23, 2007, edition of the Marshall Islands Journal front page story had a half-page headline aptly entitled "Election FIASCO." The headlines of additional election-related stories in this edition included:

"Outer islands run out of absentee ballots"

"Carl blames bad weather for late start"

"AG defends US voter deadline"

"Majority of stations open late"

"Vote fiasco creates confusion over counting"

"Rain adds to voting confusion as ballots blow off the tables"

"Chaos at the booths"

"Ocean voyage for outer island boxes"

"The long wait to vote"

"Court helps out with furniture"

"Poll watcher held over box dispute"

"Parties ignorant of station locations"

"Voters angered by the lack of ballot secrecy"

The November 23, 2007, Marshall Islands Journal editorial entitled "What a muddle" (see Appendix D).

The embarrassingly honest coverage of the 2007 Election was widely circulated throughout the Pacific region.

**2. Inadequate Transport and Logistics.**

There were not enough government vehicles or rented vehicles available to transport the polling stations, ballot materials, and polling station workers on Election Day.

**3. Late Opening of Polling Stations.**

Unlike the previous elections, no polling stations were set up prior to Election Day. Contract workers and the Electoral Administration staff began setting up tents for various polling stations only on the morning of the election, but there were not enough teams to accomplish this task by 7:00 a.m. on Election Day as required by law. Consequently, every single polling station on Majuro opened late. The earliest opening of a polling place was approximately 8:30 a.m., the latest was approximately 4:00 p.m.

**4. No Plan for the Weather in Majuro.**

November is "rainy season" in Majuro. No plans were made for rain or other bad weather despite it being rainy season and being a particularly wet month. The ballot materials could not be exposed to the weather and spread out on tables at those polling stations that were set up under tents. Those polling stations were delayed in opening until the weather moderated. In

some polling stations poll workers had to lean over the ballot material to shield the material from the rain.

**5. Absentee and Ward Voting throughout Majuro.**

In previous elections, an Absentee voter was required to vote at one particular polling place in Majuro for his island or atoll. For example, in 2003, all absentee Bikini Atoll voters went to a polling station designated for them under the Courthouse. Likewise, all absentee Jaluit Atoll voters went to a polling station designated for them at the ECC.

In the 2007 Election, the voting procedure was changed by the CEO to enable Absentee voters to vote at any polling station in Majuro. However, this new procedure required adequate prior planning as the dynamics were not the same; indeed, these changes in procedure presented a new and unique set of demands. For example, this procedure required an election worker to look through the entire master Voters List containing the names of the 36,000+ registered voters to determine the particular Absentee voter's qualification to vote. It also required that ballots for all 24 electorates be available at every polling station, and required a second election worker to sort through the 24 piles of ballot papers to find the proper ballot. As it turned out, not all ballots were available at each polling station, and many had to be requested. Polling stations located as far away as Ajeltake and Laura ran out of ballot papers during the voting, and had to send for more ballots, further delaying the voting process. The additional ballot papers were being prepared at the ECC on Election Day. Voters who had already dipped their fingers in the indelible ink whenever ballot papers ran out were told to stand aside and wait for the arrival of the ballots. Further delays ensued because the polling stations had no planned method and no equipment with which to communicate with the Electoral Office.

This change in the voting procedure led to long processing times at every polling station in Majuro. A similar change, allowing Majuro voters to vote in any Ward and at any polling station in Majuro, led to similar problems.

The CEO explained that the method of voting was changed so that voters could gain easy access to the polling stations in their neighborhoods of residence, and that this in turn would discourage the practice of candidates driving voters to the polling stations, a system affording the candidates with an opportunity to influence voters. The CEO, however, did not grasp the magnitude of the change of procedure, and failed to prepare adequately in this regard.

**6. Extended Voting Hours.**

In the late morning of Election Day, it became clear that there were serious problems with the late opening of the polls and the delays in processing voters. Attorney-General Posesi Bloomfield called an emergency meeting with the CEO, the Chief Secretary, the Acting Secretary of Internal Affairs, and representatives from the Ministry of Transportation & Communications, the Ministry of Public Works and the Marshalls Energy Company. Former Minister Morris of Internal Affairs tried to attend this meeting but was excluded by the Attorney-General.

A decision was made to extend polling hours to allow at least 12 hours of voting at each polling station and to allow those in line at the end of the 12 hours to vote as well. As this extension of voting hours meant voting would continue well into the night, plans were hastily made to provide lights to the polling places. Because of the delays in opening the polls and processing voters, many polls did not close until Tuesday morning.

**7. No Support for Electoral Workers.**

Throughout Election Day only limited support was provided to the election workers at the polling stations. Not having the availability of relief workers meant that the election workers would have to work through the entire 12-hour polling period, plus any extensions, without provision for restroom or meal breaks. There was no planned method for the election workers in the field to communicate with the CEO or senior election officials. Expensive radios were

bought but were not used. In some cases, the election workers enlisted the help of police observers to communicate with the Electoral Office.

**8. No Plans for Lights at the Polling Stations.**

The normal closing time of 7:00 p.m. is in darkness in Majuro in mid-November. Further, the election law allows all those in line at 7:00 p.m. to vote. However, no prior plans were made for lights at the polling stations despite the fact that, even without the normal extended polling hours, the polls would be in darkness at closing time.

**9. "Confined" Voters were not able to Vote .**

The massive confusion and lack of organization on Election Day also resulted in many confined, hospitalized, or ill voters being denied their right to vote because election officials did not visit them, despite the fact that many of these "confined" voters had properly registered with the Electoral Office in advance of the election in accordance with Electoral Office processes for casting a "confined" vote.

**10. Outer Islands Elections.**

In general, the elections on the Outer Islands ran well. On 8 Outer Islands, however, Absentee votes were not counted due to erroneous instructions from the Electoral Office to not count those votes on the Outer Islands. Originally, the CEO planned to have radio station V7AB at the Ministry of Internal Affairs receive the dispatches of election results from the Outer Islands. However, this plan failed, and on Election Day hurried arrangements had to be made with the National Telecommunications Authority ("NTA") Radio office, colloquially called "six-five" after an earlier call sign, to receive these dispatches of election results.

**11. Kwajalein Elections were Run Efficiently.**

Under the supervision of Patrick Bing, the elections in Kwajalein Atoll ran well. The primary polling station was on Ebeye Island in a single location. To accommodate Absentee voting, there was a polling table set up for each of the 24 electorates. This system allowed prompt, efficient processing of the voters, which resulted in a subsequent quick tally of the votes.

On Kwajalein Atoll, the second major population center in the Marshall Islands with about one-third of the urban population, the polls closed on time at 7:00 p.m. Within hours, the initial counting of the ballots was completed. In addition, mobile teams visited other islands in Kwajalein Atoll to conduct the election for the remoter populations in that atoll.

## C. COUNTING AND TABULATION

**1. Failure to Admit or Reject "Challenged" Ballots.**

After the ballot boxes in Majuro were opened for counting beginning on Tuesday, November 20, all challenged ballots were placed aside. No decision to accept or reject them was made as required by law. At the conclusion of the count of each ballot box, the challenged ballots were returned to the ballot box uncounted and unprocessed, and the box locked. Except for the Likiep and Maloelap races, where the challenged ballots were ultimately processed (albeit only during the recount), the vote counts for the other 22 electorates were (and are still) incomplete.

**2. Lack of Transparency in Compilation of Results.**

In previous elections, the CEO and one or two other election officials sat at a head table and openly compiled the results. In this election, the CEO sat at his table alone and compiled the

results on a laptop computer. Poll watchers were not allowed to approach the table. There were numerous questions and complaints about the accuracy of his compilations.

**3. Outer Island Ballot Boxes Reopened and Counted.**

The Boards of Elections in 8 Outer Islands did not count absentee votes as required by law. Upon their arrival in Majuro, weeks after the November 19 election, the ballot boxes for these islands were reopened, contrary to law, and the Absentee votes counted. The reopening of the ballot boxes was at the direction of the CEO with the concurrence of the Attorney-General. When a poll watcher complained that such a reopening of the outer islands ballot boxes was illegal, the Electoral Office employee in charge allegedly said "never mind the law."

**4. Postal Ballots Not Picked Up in a Timely Manner.**

In elections run by former CEO Joseph Jorlang, postal ballots were picked up every day, sometimes twice a day. In the 2007 Election, there were no plans to pick up the postal ballots at the Post Office. Postal ballots were allowed to accumulate in the Post Office, under uncertain security conditions, until a newspaper story led to a public outcry. Those postal ballots were then picked up and transported to the International Convention Center (the "ICC"), which was used in the 2007 Election as the centralized counting station.

There appears to have been no consideration of the security of the postal ballots at the Post Office. There were no instructions at all to the Post Office on how to deal with postal ballots. Remarkably, both the CEO and Majuro Postmaster Danny Note testified to the Commission that they had no communication concerning the handling, logging, security and collection of postal ballots. The Post Office purportedly stored the postal ballots in the office of the then Postmaster General Silass Andrike under his purported exclusive control.

**5. Postal Ballots with Date of Election Postmark Not Counted.**

In a departure from a 2003 interpretation of the election law and past practice, CEO Carl Alik, upon advice of the Attorney-General, interpreted the phrase "placed in the mail and postmarked on or before the date of the election" in Section 162(3) of the election law as referring to the date of the election in the Marshall Islands rather than the actual date in the location where the voter mailed his vote. As a result, 136 ballots postmarked on the date of the election, November 19, 2007, from the United States were not counted.

**6. Numerous "Late" Postal Ballots Not Counted.**

In addition to the rejection of the ballots with Election Day postmarks, 474 ballots had postmarks later than November 19, 2007, and were not counted. An unknown number of ballots were received after the 14-day post-election cut off date; these were simply discarded by the CEO. In total, 2407 postal ballots were mailed out and 1239 were received before the two-week post-election cutoff date. Of these, 618 postal ballots were rejected for late postmarks. Only 621 (26 percent) of the 2407 voters who wished to vote by mail were able to do so.

**7. "Spoiled" Ballots Not Counted.**

Voters were instructed to indicate their choice on the ballot by placing an "X" or by making a check mark "√" in the box opposite the candidate's name. Ballots that had the box filled-in, colored-in, circled, or had an "X" placed next to the box were not counted in the Initial Count, contrary to the Election Regulations, which state that provided the intent of the voter is clear, the ballot even if "improperly" marked, should be counted.

## D. RECOUNT PETITIONS AND RECOUNTS

**1. Likiep and Maloelap Recount Granted.**

The CEO allowed recounts of the Likiep and Maloelap elections on the grounds that they were close results (a difference of 4 votes and one vote, respectively) and because there may have been errors in the admission or rejection of ballot papers. The CEO's decision to grant the recount was based on petitions and affidavits submitted in those instances.

**2. Namdrik Recount Petition Rejected.**

Namdrik was also a close race (a difference of 6 votes) and there were allegations that a number of properly registered voters did not have their votes counted. The CEO, however, refused to allow a recount of the Namdrik election.

**3. "Challenged" Ballots Processed and Counted.**

Unlike the Initial Count, in the Recounts for Likiep and Maloelap, challenged ballots were processed and a decision to accept or reject them was made.

In the Initial Count for Likiep, in which the challenged ballots were not counted, Tom Kijiner defeated Donald Capelle by 4 votes (319-315). However, in the Recount for Likiep, in which the challenged ballots were counted, the incumbent senator Donald Capelle defeated Tom Kijiner by 6 votes (333-327). This amounted to a 26-vote difference between the Initial Count and the Recount. In the Initial Count for Maloelap, in which the challenged ballots were not counted, Mike Konelios defeated Patrick Langmoir by one vote (381-380). However, in the Recount for Maloelap, in which the challenged ballots were counted, incumbent senator Mike Konelios defeated Patrick Langmoir by 27 votes (405-378). This also amounted to a 26-vote difference between the Initial Count and the Recount.

**4. "Spoiled" Ballots Processed and Counted.**

Unlike in the Initial Count, in the Recounts for Maloelap and Likiep, ballots that had the box opposite the candidate's name filled-in, colored-in, circled or marked in some other way were counted.

# PART III – CONCLUSIONS AND DISCUSSIONS

## A. PRE-ELECTION

### 1. Former Minister Morris Improperly Interfered with the PSC.

The Commission has determined that former Minister of Internal Affairs Morris interfered in the process of hiring a new CEO. The Commission has also determined that he pressured the Public Service Commission into appointing his cousin, Carl Alik, to the position of Chief Electoral Officer. The Selection Committee had initially rejected Carl Alik's application, citing problems with Carl Alik's attitude, immature behavior, and lack of respect, noting that Carl Alik had signed off on his application form using Chinese characters.

Article VII Section 10(2) of the Constitution states quite clearly that:

> "*In all matters relating to decisions about individual employees (whether they relate to the appointment, promotion, demotion, transfer, disciplining or cessation of employment of any employee or any other matter) the Public Service Commission shall not receive any direction from the Cabinet or from any other authority or person, but shall act independently and in accord with criteria relating only to the individual's ability to perform his duties*".

The conduct of former Minister Morris in "scolding" Secretary Allen and PSC, and throwing a tantrum and refusing to sign off on the Personnel Action for Laju Sawej, amounted to a clear violation of the Constitution and the PSC Regulations. For his actions, former Minister Morris bears an overwhelming amount of responsibility for the appointment of a person who was not competent to conduct the elections, and, therefore, for the election debacle that followed.

**2. Under Pressure, the PSC Appointed an Incompetent CEO.**

The Commission concludes that the supposedly independent PSC was at fault for succumbing to the unconstitutional political pressure of former Minister Morris. The essence of such independence is to protect the processes of the Public Service against the very type of conduct exhibited by former Minister Morris, and to ensure that the Public Service is staffed with persons who are genuinely qualified to perform in the positions for which they are hired. By failing to safeguard its independence by acquiescing to the demands by former Minister Morris, the PSC encouraged corruption and the use of nepotism in the Public Service, in direct violation of its constitutional responsibilities.

The appointment of Carl Alik, who did not meet the qualification requirements, use of ill-trained casual workers with no prior election experience, provided the perfect setting for the election disaster that was to follow.

The problems encountered in the 2007 Election essentially began with the appointment of Carl Alik as Chief Electoral Officer and cascaded throughout the entire election process. Carl Alik was responsible for the organization and planning for the elections, for the hiring of casual workers, for the training of casual workers, and for the logistics to support the conduct of the elections. But without the proper experience, organizational skills, and planning skills, the crucial preparations for and implementation of the elections broke down. The PSC also bears much of the responsibility for the 2007 election fiasco, which occurred as a direct result of the

PSC hiring an inexperienced and unqualified individual for the nationally important post of CEO.

**3. The CEO was not Competent and Failed to Plan for the Election.**

The conduct of a General Election is the single largest human activity in the Marshall Islands—it involves hundreds of people and tens of thousands of voters spread across the entire Marshall Islands. It requires maturity, election experience, management and organization skills, and the ability to work with people.

As alluded to earlier, the problems of the 2007 Election began with the appointment of Carl Alik as the Chief Electoral Officer. Carl Alik was immature and did not have election experience other than a single Special Election in March of 2007. He did not have any supervisory or management skills and had no history of supervising a staff. He failed to adequately plan for the election. He made changes to past election procedure without a clear understanding of the consequences of those changes, thereby failing to adequately prepare. He was oblivious to the shortcomings of his plans and did not solicit help from former CEO's or other persons with election experience. Furthermore, he did not properly supervise the carrying out of the plans that he did make.

Although the Commission attributes much of the blame to Carl Alik, it must be reemphasized that the larger responsibility rests squarely on the shoulders of Former Minister Morris and the PSC. For it was PSC that bowed to political pressure and appointed a young man to a position clearly beyond his abilities in blatant disregard of its procedures, criteria and Constitutional requirements. The Office of the Chief Electoral Officer is a very important position, vested with serious duties and responsibilities under the Elections and Referenda Act and the Election Regulations. This position requires the appointment of a person with maturity, experience and general management qualities. As the RMI witnessed in November of 2007, the current CEO did not possess these qualities.

**4. The Previous Administration Failed to Adequately Fund the Election.**

Internal Affairs reallocated Electoral Office funds for former Minister Morris' pet projects, thus removing from the Electoral Office the very funds necessary to conduct a proper election. The Special Appropriation for conducting the General Election was reduced by 38 percent, from $660,000 in 2003 to $410,000 in 2007. Additionally, due to the October Fiscal Year in the RMI, funds for this 2007 Election were not available when needed in early and mid-2007 for preparing for the election.

**5. An Unrealistic Valuation of Computers was not Helpful.**

The Chief Electoral Officer, the then-Acting Secretary for Internal Affairs, and former Minister Morris testified that there was a plan to computerize part of the election process. Computers may be useful in compiling a master Voters List, but that is all. Computers do not run elections, people do. An infatuation with trying to overly "computerize" the election led to a lack of planning on how to actually carry out the election.

In addition, this unrealistic valuation of computers led to the purchase of 25 laptop computers at the cost of about $25,000. These computers were obtained too late into the election process to be of any use in the elections. The Electoral Office also purchased nineteen radios at the cost of approximately $19,000, and, again the radios arrived too late to be of any use in the elections. Because of the lack of advance planning, the Electoral Office wasted much-needed funds to the tune of approximately $44,000 (on equipment that was never used in the elections). These funds could have been properly utilized in more relevant and pressing areas, such as paying overtime, if needed, to ensure participation of RMI government employees in staffing the 2007 Election, hiring and training more casual workers, purchasing the important office stationery such as printing paper, printer toners, ballot papers, US and RMI postage stamps, or renting equipment and vehicles for Election Day.

## B. ELECTION DAY

### 1. Changes to Absentee and Ward Voting Procedure Created Unacceptable Delays in Majuro Voting and Counting.

The idea of making it easier for Absentee voters to vote by allowing them to vote at any polling station has superficial appeal. In practice, it is too difficult to carry out in an efficient and timely manner. It requires an election worker to look through the entire master Voters List (36,000+ voters) to determine the voter's qualification to vote. It requires that ballots for *all islands* and races be at *every polling station*. This is a major reason why it took so long for voters to vote on Election Day. This, coupled with poorly trained and inexperienced casual workers and lack of supervision of Electoral Administration permanent staff, explains why many voters were forced to wait in line for hours, with some reporting they stood in line for as long as 7 hours in order to vote.

Then, during the Initial Count, it caused further problems as each ballot box had to be counted for potentially all 24 electorates and their Nitijela and Local Government races. A ballot box could have up to 24 different tally sheets, depending on the number of election districts covered by the Absentee voters for that box. This complication, along with poorly trained casual workers, significantly delayed the counting and the announcement of the election results. Similar problems resulted from allowing voting for any Majuro ward from any Majuro polling station.

## C. COUNTING AND TABULATION

### 1. The Election and Referenda Act, 1980, was Violated During the Initial Count.

Section 178(1) (b) of the Elections and Referenda Act, 1980, requires the Counting and Tabulation Committee to "determine whether any challenged ballot papers and the ballot papers

contained in any envelopes transmitted to it under Section 177 of the Chapter are to be accepted or rejected."

However, this was not the manner in which the challenged ballots were treated during the Initial Count. Instead, the challenged ballots were put aside and there was never a decision to admit or reject them during the Initial Count. The failure of the Counting and Tabulation Committee to process the challenged ballots during the Initial Count constituted a clear violation of the law. In fact, except for the Likiep and Maloelap counts, the vote counts in the other 22 electorates were, and are still, incomplete because of the CEO's failure to process the challenged ballots.

Likewise, the "spoiled" ballots, those marked with other than an "X" or "√", were not counted despite Election Regulation 126(2), which says that a ballot should be counted unless it is "impossible" to determine the voter's intent.

**2. Postal Voting.**

The CEO appeared to forget about the postal ballots and what to do about them. He did not follow past practice and pick them up daily. He simply allowed the postal ballots to pile up in the Post Office until public outcry forced him to act. He made no contact with the Post Office, and made no arrangements with the Postmaster General for the security of the postal ballots. This lack of planning and course of conduct led to understandable suspicions of fraud and misconduct in relation to the postal ballots.

Although the Commission was not able to determine whether any laws or regulations were violated in the handling of the postal ballots in the Post Office, the failure of the Chief Electoral Officer to issue specific instructions to the Postmaster General on how the ballots were to be handled and secured is unacceptable. By allowing the ballots to accumulate in the Post Office and to be stored in the Postmaster General's office fueled more suspicions that the postal

ballots were being tampered with. These suspicions were encouraged by the public knowledge that some employees of the Post Office are relatives of prominent United Democratic Party ("UDP") candidates.

### 3. Outer Islands Absentee Ballots.

With regard to the Absentee ballots, the CEO gave incorrect and illegal instructions to the Board of Elections on the Outer Islands not to count Absentee ballots. They were told that the Absentee ballots would be counted on Majuro. These instructions clearly violated the law. Eight electorates followed these instructions; fortunately, others did not. In general, the Outer Island elections ran well. The problems were in Majuro where last-minute plans had to be made with NTA to receive the radio dispatches of the Outer Island election results.

## D. RECOUNT PETITION AND RECOUNTS

### 1. The Recounts Used a Different Legal Standard than the Initial Counts.

In the Maloelap and Likiep Recounts, the election law was followed and the challenged votes were processed and either accepted or rejected. Further, the spoiled votes were examined for voter intent and were counted. However, by complying with the law in the Recount and not in the Initial Count, the CEO created a situation where 2 different legal standards were applied: the correct standard was applied in the Recount for 2 atolls, and the incorrect standard was applied in the Initial Count for the other 22 electorates. The use of an incorrect standard for 22 Nitijela and local government electorates raises serious questions in light of the many races decided by 30 or fewer votes.

Although the primary focus of the public and this Commission has been on the Nitijela races, it should be noted that the incorrect counting during the Initial Count might have affected Mayoral and Council races for various Local Governments.

## E. INCOMPETENCE LED TO SUSPICIONS OF FRAUD

### 1. Public Suspicion Fueled by the CEO's Conduct.

The *de facto* suppression of the postal vote was perceived by some as favoring the then incumbent political party based on 2003 voting patterns. By not complying with the election law and by not processing challenged ballots, the CEO was perceived as deliberately attempting to influence the outcome of the election. Also, by not complying with the election law and by reopening the Outer Islands ballot boxes, he was also perceived as deliberately attempting to influence the outcome of the election. Further, the lack of transparency in compiling the results, the delays in releasing final unofficial results, and questions about the accuracy of those compilations, led to a lack of confidence in the election results.

The granting of Recount Petitions filed by two incumbent Senators in close races, and rejecting the petition of a challenger also in a close race, led to suspicions that the Chief Electoral Officer applied a double standard in deciding whether or not to grant the petitions for recounts in the case of the two incumbents on the one hand, and in the case of the challenger, on the other. The CEO could not provide a clear explanation except to assert that the election law granted him the discretion to grant or reject a petition for recount. These circumstances also let to suspicion about the accuracy of the Recount results.

Applying the correct legal standard for vote tabulation in the granted recounts but not in the Initial Count led to the incumbent Senators winning their races and to a perception that there was a deliberate attempt to influence the outcome of the election. As documented above, the CEO's incompetence in conducting the 2007 Election is one explanation for the election fiasco. Although the Commission found no direct evidence of electoral fraud, it was nevertheless unable to conclusively eliminate that possibility.

# PART IV – RECOMMENDATIONS

## A. LEGAL CHANGES

### 1. Moving the Election Day.

Under the Constitution, the General Election must be held on the Third Monday in November. A Monday election is difficult to conduct because preparations need to be made the day before. Sunday is traditionally a day of rest and worship in the Marshall Islands.

Recommendation: The Commission recommends that the Article IV Section 12 (3) of the Constitution be amended to move the Election Day from the "third Monday in November of the election year" to Tuesday or Wednesday of the third week in November of the election year.

### 2. Establishment of an Election Commission.

Under the current law, all of the power to conduct elections and to grant recounts is concentrated in one person – the Chief Electoral Officer. Because of the independence of the CEO in the current system, there is no supervision of the CEO. If that person is incompetent, or dishonest, or biased, the system breaks down.

Recommendation: The Commission recommends that the Elections and Referenda Act be amended in order to:

a. establish a 5-person Election Commission;
b. provide for the powers, duties and responsibilities of such a Commission;
c. vest the powers of the Chief Electoral Officer in the said Commission;
d. provide for the appointment of a competent Election Administrator, who shall be answerable only to the Commission;

e. provide for the authority to hire Electoral Administration staff; and
f. provide for the ability of the Electoral Administration to make regulations.

**3. Required Release Date for the Master Voters List.**

By law or regulation, a mandatory public release date for the master Voters List should be established. March 31st of each Election Year is a suggestion. In addition, the master Voters List should be maintained in a proper database program, not in a Microsoft Excel spreadsheet, which is unsuited for such a task.

Recommendation: The Commission recommends that the Election Regulations be amended to provide for the release of the master Voters List by March 31 of the election year, and further to provide that the master Voters List be maintained in a proper database program and updated regularly in the period between general elections.

**4. Cutoff Date for Voter Challenges should be Advanced.**

Under the current law, challenges to a voter's qualification can be made up to 4 days before the Election Day. Challenges to a voter's qualifications should be made well in advance of the election to allow proper consideration by the High Court so as to not burden the Electoral Office in the period immediately prior to the election, and to have a definitive master Voters List well before the election. A cutoff date 30 days before the date set for the election should be established for challenging voters on the master Voters List.

Recommendation: The Commission recommends:
Section 128 of the Elections and Referenda Act, 1980 be amended to provide that, in the case of a general election, the voters list shall be prepared and publicly released no later than March 31 of the election year.

Section 148 of the Elections and Referenda Act, 1980 be amended to provide that, in the case of a general election, the publication of the list of candidates shall occur not more than 90 days before the date set for the election.

Section 188(2) of the Elections and Referenda Act, 1980 be amended to provide that, in the case of a general election, any challenge relating to an entry in the electoral register be made no later than the close of business on the 30th day preceding the date set for the election.

**5. Allowing Public Inspection of the Postal Ballot Process.**

There needs to be very clear procedures about the entire postal voting process. The solicitation and mailing out of postal ballots should be open to the public, media and poll watchers. The log of postal ballot applications received and postal ballots mailed out should also be open to public inspection and copying to eliminate any suspicions about selective processing, or delay of certain applications. Procedures about how postal ballots are handled at and picked up from the Post Office should be clearly spelled out.

Recommendation: The Commission recommends that the Election Regulations be amended to provide:

a. for greater transparency in the entire process of postal ballots;
b. for specific procedures to govern the processing of requests for postal ballots;
c. for a specific procedure to govern the mailing out of postal ballots;
d. for a specific procedure to govern the receipt of postal ballots in the Post Office; and
e. for a specific procedure to govern the transmittal of the postal ballots from the Post Office to the Chief Electoral Officer.

**6. Resolving the "Date of Election" Postmark Ambiguity.**

This ambiguity may be resolved by a simple change in the law, i.e. amending the law to read either "date of election in the Republic" or "date of election at the location where the ballot is mailed." The Commission favors the second interpretation on the grounds of administrative convenience: a postal ballot need only be examined to see if the date of the postmark matches or is earlier than the date of the election. In the first alternative, the postmark needs to be examined for three items: the date of the postmark, the location mailed, and on which side of the dateline the location of mailing is situated.

Recommendation: The Commission recommends that Section 162 of the Elections and Referenda Act, 1980, be amended to clarify that the "date of election" with regards to the mailing of postal ballots refers to the date of election at the location where the ballot is mailed from, rather than the date of election in the Marshall Islands. (Or in the alternative, see Recommendation 7 below).

**7. Advancing the Timing of Postal Voting.**

In order to allow postal voters to have time to send in their requests for postal ballots, time to vote, and time to mail their postal ballots back to the Electoral Office, postal voters should be able to request their ballots at an earlier date. If the request date is advanced significantly, and if the nomination process is also advanced, it would then be feasible to require postal ballots to be received by the date of the election. This would solve two problems: (a) the delay in the final unofficial election result caused by the two-week wait for postal ballots, and (b) the date of election postmark ambiguity. Advancing the date for requesting postal ballots would also require that the deadline for submitting candidate nomination petitions, review of such petitions by the CEO and announcement of the list of candidates for office be earlier than the current late September/early October timeframe.

Recommendation: The Commission recommends that the Elections and Referenda Act, 1980, be amended in order to modify the election calendar by:

a. advancing the nomination date;
b. advancing the date by which postal voters could submit requests for postal ballots (thereby allowing for ample time to mail in their votes, and not to restrict the request for postal ballots to the date on which the voter list is published); and
c. providing that all postal ballots be received by Election Day in the Marshall Islands, and no later.

**Important Note:** *In the event of an Early Dissolution of the Nitijela under Article IV, Section 10 of the Constitution, a special procedure for postal balloting would be needed due to the need to have a General Election within seven weeks of an Early Dissolution.*

### 8. "Numerical" Recounts should be Triggered Automatically.

The current election law contemplates two types of recounts. The first type of recount is a "numerical" recount under Sec. 180 (1)(a) where "the result was so close that it would be proper to have the voting figures re-checked." In this situation, where there is a difference of 1% or less of the total votes cast in that particular election between the leading and second candidate, a recount should be conducted automatically and without a petition from a candidate.

Recommendation: The Commission recommends that the Elections and Referenda Act, 1980, Section 180 (1) (a) be amended to provide for an "automatic recount" where the difference in the vote tally between the leading candidate and the second candidate is 1% or less of the total votes cast in that particular election.

### 9. "Substantive" Recounts to be Decided by the Election Commission.

The second type of recount is more "substantive" and is provided in Section. 180(1)(b) where "there was an error:

a. in relation to the count,

b. the records of the election, or
c. the admission or rejection of ballot papers and he [the candidate] believes that a re-count will affect the result of the election."

The authority to grant this type of recount should be vested in the Election Commission. *At the option of the Election Commission*, it should be allowed to hear live testimony about a Recount Petition in addition to, but not instead of, a candidate's written petition. Any such hearing would be required to take place quickly so as not to delay any recount and final official result. The Commission should issue clear, complete, written reasons for granting or denying a recount.

Recommendation: The Commission recommends that the Elections and Referenda Act, 1980, Section 180 (1)(b), (2), (3) and (4) be amended to provide that:

a. the authority to grant or reject a petition on these grounds be vested in the 5-person Election Commission;
b. the 5-person Election Commission be given the discretion to hear testimony in addition to the petition and affidavits of the petitioner; and
c. the 5-person Election Commission should be charged to issue in writing, clear and complete reasons for granting or denying a petition.

## B. PROCEDURAL CHANGES

### 1. Centralized Absentee Polling Stations.

The prior system of requiring Absentee voters to vote at a single designated polling station worked well and efficiently, and should be restored. Public school buses should be used on Election Day to transport voters, without cost, to a centralized Absentee polling station.

Recommendation: The Commission recommends that the Elections Regulations be amended to provide that:

a. the prior system of requiring absentee voters to vote at a particular polling station be maintained in future elections; and
b. Public school buses should be used on Election Day to transport voters, without cost, to the centralized polling stations.

**2. Voting by Wards in Majuro.**

The prior system of voting by Wards worked well and efficiently. It should be restored, designating one polling station for each of Majuro's electoral wards.

Recommendation: The Commission recommends that the Election Regulations be amended to provide that the system of voting by Wards in Majuro be maintained in future elections.

**3. Multiple Processing Tables and Voting Booths.**

Rather than one processing table and one voting booth, each polling station should have multiple processing tables and as many voting booths as possible.

Recommendation: The Commission recommends that the Election Regulations be amended to provide that polling stations may have multiple processing tables and voting booths.

**4. The Compilation of Ballot Box Results should be Publicly Displayed.**

More than one person should compile the tally sheets that are produced from the tabulated ballot boxes. This process should be transparent and open to public inspection. The results should be publicly displayed, either by electronic projection or posting in a public place.

Recommendation: The Commission recommends that the Elections Regulations be amended to provide that:

a. more than one person should compile and input the results from the tally sheets;
b. the results be publicly displayed either by electronic projection or by posting same in a public place; and
c. the latest running totals be announced continually and without delay.

**5. Attorney-General Opinions to be in Writing.**

To compensate for the frailty of human memory, all legal opinions by the Attorney-General as to election matters should be in writing.

Recommendation: The Commission recommends that the Election Regulations be amended to provide that:

a. all requests for legal opinion by the Electoral Office be submitted in writing; and
b. all legal opinions rendered by the Office of the Attorney-General to the Electoral Office be submitted in writing.

**6. Government Workers should be used in the Election.**

The prior system of using government workers in the election resulted in a pool of experienced election workers and contributed to the stability of the system. It should be restored.

Recommendation: The Commission recommends that the Electoral Office return to the prior system of utilizing government workers in future elections, and to hire casual workers only where there are no government workers to fill in the positions.

**7. Casual Workers should be given Proper Testing and Training.**

If casual workers are used, the Election Commission should develop standards for hiring, a comprehensive practical test, and a training schedule.

Recommendation: The Commission recommends that the Election Commission:

a. set minimum qualification requirements for casual workers;
b. develop and administer a comprehensive practical test as part of the process of hiring casual workers; and
c. set a training schedule for casual workers.

**8. Public School Holiday and Schools as Polling Stations.**

If every Election Day were a Public School Holiday it would allow the use of public schools as polling stations. This would solve a number of problems. It would eliminate the need to use all private land and facilities and the making of arrangements for that use; it would provide a covered voting place, out of the rain and inclement weather, for voting in all conditions; it would provide a voting place with electricity and lights for voting that continues into the night; and it would provide a readily identifiable polling place.

Recommendation: The Commission recommends that the Public Holidays Act, 1988, be amended to designate Election Day as a Public School Holiday.

**9. Drafting of Comprehensive Election Procedures.**

The Commission found numerous instances of unwritten past practices from earlier elections. With either an experienced CEO or experienced election workers, this unwritten system worked well. However, with an inexperienced CEO and inexperienced workers the

system broke down. A comprehensive set of election procedures should be adopted by regulation after public hearing and comment. *As little as possible should be left to interpretation.*

After each election, the Election Commission should examine the election and identify areas for improvement. A report should be made to Nitijela concerning the election and any suggested changes to the election law.

Recommendation: The Commission recommends all unwritten rules and past practices be compiled and adopted as part of the Election Regulations. A written report concerning the election and any recommendations for improvement of election operations should be required to be submitted by the Election Commission to Nitijela not later than its August session of the year following a national election.

**10. Advance the Special Appropriation for General Elections.**

Funds must be provided in the Fiscal Year prior to the Fiscal Year in which a General Election falls to allow for compiling and printing the master Voters List; ordering supplies and equipment (paper, ballot boxes, polling stations, stamps, etc.) well in advance of the election; and hiring and training of election workers. Additionally, the Annual Operating Budget of the Electoral Office (or Election Commission) should not be reprogrammed, reallocated, or reduced in any way.

Recommendation: The Commission recommends that:

a. funding ("special appropriation") for each General Election must be provided in the fiscal year preceding the fiscal year in which the General Election is held.
b. funding for compiling and printing the master Voters List, ordering supplies and equipment (paper, ballot boxes, polling stations, stamps, etc.) be appropriated in the fiscal year prior to the election; and

c. the Appropriations Act concerned must contain language prohibiting the reallocation or reprogramming of funds earmarked for the elections.

## ACKNOWLEDGMENTS

Without the valuable assistance of others, this Commission would not have been able to accomplish this important task within the time frame anticipated under the Warrant. The Commission is indebted to everyone who contributed in one way or another to help the Commission conclude its difficult work in a timely fashion.

The Commission wishes to express its deep appreciation and gratitude to the Honorable Jurelang Zedkaia, Speaker of the Nitijela, for his decision to make available to the Commission office space to house the Commission Secretariat, computers and printers to facilitate the work of the Commission, and the Nitijela Conference Room for the Commission hearings.

The Commission also expresses sincere appreciation to Fred Pedro for ensuring that the administrative needs of the Commission were attended to in a timely fashion; to George Lanwi, the Police Commissioner, for organizing officers to serve as bailiffs to the Commission; to Antari Elbon, General manager of V7AB for providing the recording equipment and a technician thereby allowing the Commission to record its hearings, and to Joe Riklon, Clerk of the Nitijela, for his assistance in organizing the use of the Nitijela Conference Room.

Furthermore, the Commission hereby recognizes the effort of those witnesses who cooperated in a truthful manner with the Commission.

Finally, the Commission extends its appreciation to Ms. Deborah Barker Manase, Secretary to the Commission, James McCaffery, Counsel Assisting the Commission, and Ben Kiluwe, Translator, for their valuable support throughout the work of the Commission.

*Respectfully Submitted this 7th day of May, 2008.*

Filimon Manoni, Chairman

Maria K. Fowler, Member

Jack Niedenthal, Member

Rev. Enja Enos, Member

Hirobo Obeketang, Member

APPENDIX "A"

# WARRANT OF APPOINTMENT

COMMISSION OF INQUIRY INTO THE 2007 GENERAL

ELECTIONS

# WARRANT OF APPOINTMENT

**1. Introduction.**

The 2007 General Elections rates as the worst managed elections in the Republic, to date. Media outlets within the country and the region branded the elections as "chaotic," fueling suspicions amongst the voter population over the results in some of the races. In order to avoid a repeat of the 2007 debacle, and to restore voter confidence in our electoral processes, it is necessary that an inquiry be commissioned to look into the problems of the 2007 General Elections.

**2. Appointment.**

Therefore, by the powers vested in me, as the duly elected President of the Republic of the Marshall Islands, **I, Litokwa Tomeing**, in accordance with the provisions of Section 302 of the Commissions of Inquiry Act, 1986, and by this Warrant, do hereby, appoint a Commission of Inquiry into the 2007 General Elections.

**3. Composition of the Commission.**

The Commission shall consist of the following members:

1. Reverend Enja Enos
2. Jack Niedenthal
3. Maria Fowler
4. William Gordon
5. Filimon M Manoni Chairman

**4. Terms of Reference.**

The Commission is hereby tasked to inquire into, investigate and review the conduct of the 2007 General Elections. Such inquiry, investigation and review, shall cover, but not be limited to, the following areas:

(a) over-all preparations for the elections and voter education;

(b) the departure from the original voting system;

(c) opening and closing of polling stations in Majuro;

(d) the security of the ballots:

(i) during the voting process;

(ii) in transit to the counting and tabulation committees;

(iii) during the counting process;

(iv) after the counting process;

(e) the counting process:

(I) admission of votes;

(ii) rejection of votes;

(iii) challenged votes;

(f) granting/rejection of petitions for recount;

(g) administration of the postal ballots;

(i) handling request for ballots;

(ii) receipt of postal ballots;

(iii) security of ballots in transit to Chief Electoral Officer and the Tabulation Committee

(iv) role of the Post Master-General;

(h) the administration of the absentee votes;

(i) transmission of vote tallies to the Chief Electoral Officer;

(ii) transportation of ballots to Chief Electoral Officer;

(iii) security of ballots;

(i) allegations of tampering with ballot boxes;

(j) allegations that ballot boxes were opened contrary to the Elections and Referenda Act and the Regulations promulgated thereunder;

(k) the granting of certain re-count petitions by the Chief Electoral Officer;

(l) Competence of Election Officials:

(i) appointment of Chief Electoral Officer;

(ii) appointment of Election Board officials;

(iii) appointment of Tabulation Committee members;

(m) role of the Chief Electoral Officer;

(n) role of the Secretary of Internal Affairs (if any);

(o) role of the Minister of Internal Affairs (if any);

(p) role of the Attorney-General (if any)

(q) role of poll watchers;

(r) fraud by private persons and election officials;

(s) Over-all fairness of the elections;

The Commission may, likewise, inquire into, investigate and review any other matter, pertinent to the 2007 General Elections.

**5. Powers of the Commission.**

The Commission shall have the powers:

(a) to procure and receive all such evidence, written or oral, and to examine all such persons as witnesses, as the Commission may think it necessary or desirable to procure or examine;

(b) to require the evidence (whether written or oral) of any witness to be given on oath or affirmation, such oath or affirmation to be that which is required of the witness if he were giving evidence in a court of law, and to administer or cause to be administered by an officer authorized in that behalf by the Commission an oath or affirmation to every such witness;

(c) to summon any person residing in the Republic to attend any meeting of the Commission to give evidence or introduce any document or other thing in his possession, and to examine him as a witness or require him to produce any document or other thing in his possession;

(d) notwithstanding any of the provisions of the rules of evidence in force, to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings;

(e) to admit or exclude the public from the inquiry or any part thereof;

(f) to admit or exclude the press from the inquiry or any part thereof;

(g) to recommend the reimbursement of costs to witnesses and other persons whose presence was required by the Commission;

(h) to request the Office of the President to appoint a staff including, a Secretary and other professional persons, to assist the Commission in its work;

(i) to determine its own procedures.

**6. Sessions of the Commission.**

The sessions of the Commission shall be held in public, unless in the exercise of its discretion, the Commission believes that it is in the best interest of the proceedings to exclude members of the public and the press from the inquiry, or from certain parts of the inquiry.

**7. Immunity of Witnesses.**

Witnesses who appear before the Commission shall be immune from any action, prosecution or other proceedings in any civil or criminal court, with respect to any evidence (written or oral) provided by such witnesses to the Commission. This immunity however does not affect the High Court's

jurisdiction to punish a witness for contempt, or for perjury, before the Commission.

**8. Term of the Commission.**

The Commission shall remain in existence until disbanded by subsequent written order of the President. In any case, the Commission shall be disbanded only where the President is satisfied that the Commission has fully discharged its obligations, as per the terms of reference set out herein.

**9. Submission of Report to the President.**

The Commission shall, to the best of its ability, endeavor to conclude the inquiry and submit its Report to the President within the next forty-five (45) working days.

**10. Retention of Original Warrant of Appointment.**

This Warrant of Appointment shall be retained in the Office of the President. An original counter-part thereof, shall be retained by the Commission, and to be returned to the Office of the President at the conclusion of its work.

**11. Commencement.**

The Commission shall commence its work forthwith.

# APPENDIX "B"

## COMMISSION LIST OF WITNESSES

| | Witness | Hearing Date | Time | |
|---|---|---|---|---|
| 1 | Joseph Jorlang | Day1-Tuesday 3/18/2008 | 2pm | Completed |
| 2 | Hemley Benjamin | Day2-Wednesday 3/19/2008 | 2pm | Completed |
| 3 | Carl Alik | Day2-Wednesday 3/19/2008 | 2pm | Completed |
| 4 | Daisy Momotaro | Day3-Thursday 3/20/2008 | 2pm | Resumed-Mon. 3/24 |
| 5 | Cent Langidrik | Day3-Thursday 3/20/2008 | 2pm | Completed |
| 6 | Rosita Capelle | Day3-Thursday 3/20/2008 | 2pm | Completed |
| 7 | Giff Johnson | Day4-Monday 3/24/08 | 2pm | Completed |
| 8 | Daisy Momotaro | Day4-Monday 3/24/08 | 2pm | Completed |
| 9 | Russell Langrine | Day5-Tuesday 3/25/2008 | 2pm | Completed |
| 10 | Kroni Muller | Day6-Thursday 3/27/08 | 2pm | Completed |
| 11 | Danny Note | Day7-Friday 3/28/08 | 2pm | Completed |
| 12 | Harry Tarkwon | Day7-Friday 3/28/08 | 2pm | Completed |
| 13 | Sweetland Note | Day8-Monday 3/31/08 | 2pm | Completed |
| 14 | Jemi Nashon | Day8-Monday 3/31/08 | 2pm | Rescheduled to 4/9/08 |
| 15 | Carl Alik | Day8-Monday 3/31/08 | 2pm | Resumed next week |
| 16 | Lenest Lanki | Day9-Wednesday 4/2/08 | 2pm | Completed |
| 17 | Rosalie Mottelang | Day9-Wednesday 4/2/08 | 2pm | Completed |
| 18 | Wilbur Allen | Day10-Thursday 4/3/08 | 2pm | Completed |
| 19 | Mark Riklon | Day10-Thursday 4/3/08 | 3pm | Completed |
| 20 | Abner Enne | Day11-Tuesday 4/8/08 | 2pm | Resumed-Wed. 4/8 |
| 21 | Remedy Riklon | Day11-Tuesday 4/8/08 | 2:15pm | Completed |
| 22 | Jemi Nashon | Day12-Wednesday 4/9/08 | 2pm | Completed |
| 23 | Abner Enne | Day12-Wednesday 4/9/08 | 2:30pm | Completed |
| 24 | Posesi Bloomfield | Day12-Wednesday 4/9/08 | 3pm | Completed |
| 25 | Raynard Gideon | Day13-Thursday 4/10/09 | 2pm | Completed |
| 26 | Sen. Rien Morris | Day13-Thursday 4/10/08 | 3pm | Completed |
| 27 | Junior Patrick | Day14-Friday 4/11/08 | 2pm | Completed |
| 28 | Amram Mejbon | Day14-Friday 4/11/08 | 2pm | Completed |
| 29 | Jilon Konou | Day15-Monday 4/14/08 | 2pm | Completed |
| 30 | Melody Kaisha | Day15-Monday 4/14/08 | 3pm | Completed |
| 31 | Carl Alik | Day15-Monday 4/14/08 | 4pm | Resumed-Tue. 4/15/08 |
| 32 | Carl Alik | Day16-Tuesday 4/15/08 | 2pm | Resumed-Wed. 4/16/08 |
| 33 | Carl Alik | Day17-Wednesday 4/16/08 | 2pm | Completed |

# APPENDIX "C"

## COMMISSION LIST OF EXHIBITS

| No. | Exhibit No. | Witness | Description | Pages | Date Filed |
|---|---|---|---|---|---|
| 1 | CA-1 | Carl Alik | Casual Workers List | 3 | 19-Mar-08 |
| 2 | CA-1B | Carl Alik | List of Electoral Officers in the RMI | 1 | 19-Mar-08 |
| 3 | CA-2 | Carl Alik | List of all Counting and Tabulating Members in the RMI | 1 | 19-Mar-08 |
| 4 | CA-3 | Carl Alik | List of all Board Members | 5 | 19-Mar-08 |
| 5 | CA-4 | Carl Alik | Elections and Referenda Regulations 1993 | 9 | 19-Mar-08 |
| 6 | CA-5A | Carl Alik | Nomination Paper | 4 | 19-Mar-08 |
| 7 | CA-5B | Carl Alik | Information for postal voters | 1 | 19-Mar-08 |
| 8 | CA-5C | Carl Alik | RMI General Election 2007 - Instructions Paper | 4 | 19-Mar-08 |
| 9 | CA-5D | Carl Alik | Special Polling Instructions in Marshallese | 2 | 19-Mar-08 |
| 10 | CA-5E | Carl Alik | Inventory Sheet | 1 | 19-Mar-08 |
| 11 | CA-7A | Carl Alik | Postal Ballot Log Sheet | 1 | 19-Mar-08 |
| 12 | CA-7B | Carl Alik | List of individuals who requested postal ballots | 53 | 19-Mar-08 |
| 13 | CA-8 | Carl Alik | Voters List | 685 | 19-Mar-08 |
| 14 | HB-1 | Hemley Benjamin | Election District Bikini/Kili-Records from 2003 Gen. Election | 2 | 19-Mar-08 |
| 15 | CL-1 | Cent Langidrik | Personnel File - Carl Alik | 22 | 20-Mar-08 |
| 16 | CL-2 | Cent Langidrik | Personnel File-Sweetland Note | 14 | 20-Mar-08 |
| 17 | CL-3 | Cent Langidrik | Work History for Carl Alik & Sweetland Note | 1 | 20-Mar-08 |
| 18 | RC-1 | Rosita Capelle | Observations - Documented | 2 | 20-Mar-08 |
| 19 | CA-9 | Carl Alik | Electronic File - Filename "COI" | | 31-Mar-08 |
| 20 | CA-10 | Carl Alik | Report to Secretary of IA - Amram Mejbon | 3 | 31-Mar-08 |
| 21 | CA-11 | Carl Alik | Report to Secretary of IA - Wilbur Allen | 4 | 31-Mar-08 |
| 22 | CA-12 | Carl Alik | Letter to PSC re: Casual Workers | 1 | 31-Mar-08 |
| 23 | CA-13 | Carl Alik | Letter to PSC re: Casual Workers | 1 | 31-Mar-08 |
| 24 | CA-14 | Carl Alik | Letter to PSC re: Casual Workers | 1 | 31-Mar-08 |
| 25 | CA-15 | Carl Alik | Kojela nan Election Board Member Ro | 1 | 31-Mar-08 |
| 26 | CA-16 | Carl Alik | Kojela nan Casual Worker ro | 1 | 31-Mar-08 |
| 27 | CA-17 | Carl Alik | Kojela nan General Public | 1 | 31-Mar-08 |
| 28 | CA-18 | Carl Alik | Kojela nan aolep ri-vote | 1 | 31-Mar-08 |
| 29 | CA-19 | Carl Alik | Procedures for requesting postal ballots | 1 | 31-Mar-08 |
| 30 | CA-20 | Carl Alik | Registration Forms-Pinglep | 17 | 31-Mar-08 |
| 31 | GJ-1 | Giff Johnson | MIJ Issue: 3 August 2007 | 1 | 24-Mar-08 |
| 32 | GJ-2 | Giff Johnson | MIJ Issue: 5 January 2007 | 1 | 24-Mar-08 |
| 33 | GJ-3 | Giff Johnson | MIJ Issue: 30 November 2007 | 1 | 24-Mar-08 |
| 34 | GJ-4 | Giff Johnson | MIJ Issue: 7 December 2007 | 1 | 24-Mar-08 |
| 35 | GJ-5 | Giff Johnson | MIJ Issue: 2 November 2007 | 1 | 24-Mar-08 |
| 36 | GJ-6 | Giff Johnson | MIJ Issue: 9 November 2007 | 2 | 24-Mar-08 |
| 37 | GJ-7 | Giff Johnson | MIJ Issue: 23 November 2007 | 6 | 24-Mar-08 |
| 38 | GJ-8 | Giff Johnson | MIJ Issue: 30 November 2007 | 2 | 24-Mar-08 |
| 39 | GJ-9 | Giff Johnson | MIJ Issue: 14 December 2007 | 3 | 24-Mar-08 |
| 40 | GJ-10 | Giff Johnson | MIJ Issue: 28 December 2007 | 3 | 24-Mar-08 |
| 41 | SB-1 | Posesi Bloomfield | Excerpt from Administration Act | 1 | 9-Apr-08 |
| 42 | SB-2 | Posesi Bloomfield | Letter to CEO re Election Matters | 1 | 9-Apr-08 |
| 43 | SB-3 | Posesi Bloomfield | Letter to Minister of Justice re update on election cases | 1 | 9-Apr-08 |
| 44 | SB-4 | Posesi Bloomfield | Chief Electoral Officer Civil Action 2007-225 | 9 | 9-Apr-08 |
| 45 | JN-1 | Jemi Nashion | FY2007 Budget for Electoral Office | 1 | 9-Apr-08 |
| 46 | JN-2 | Jemi Nashion | FY2008 Budget for General Elections | 1 | 9-Apr-08 |

| | | | | | |
|---|---|---|---|---|---|
| 47 | JN-3 | Jemi Nashion | Electoral Office budget FY03-FY06 | 1 | 9-Apr-08 |
| 48 | JN-4 | Jemi Nashion | FY 2004 (2003 General Elections Budget Report) | 1 | 10-Apr-08 |
| 49 | JN-5 | Jemi Nashion | 2007 General Election Proposed Budget | 2 | 10-Apr-08 |
| 50 | AE-Electoral R | Abner Ene | Memo confirming reciept of dispatch results | 2 | 9-Apr-08 |
| 51 | AE-Arno | Abner Ene | NTA Dispatch-Arno Atoll | 48 | 9-Apr-08 |
| 52 | AE-Ailinglaplap | Abner Ene | NTA Dispatch-Ailinglaplap | 50 | 9-Apr-08 |
| 53 | AE-Mili | Abner Ene | NTA Dispatch-Mili | 25 | 9-Apr-08 |
| 54 | AE-Wotje | Abner Ene | NTA Dispatch-Wotje | 26 | 9-Apr-08 |
| 55 | AE-Kli | Abner Ene | NTA Dispatch-Kili | 2 | 9-Apr-08 |
| 56 | AE-Likiep | Abner Ene | NTA Dispatch-Likiep | 28 | 9-Apr-08 |
| 57 | AE-Namdrik | Abner Ene | NTA Dispatch-Namdrik | 2 | 9-Apr-08 |
| 58 | AE-Wotho | Abner Ene | NTA Dispatch-Wotho | 10 | 9-Apr-08 |
| 59 | AE-Ebon | Abner Ene | NTA Dispatch-Ebon | 38 | 9-Apr-08 |
| 60 | AE-Namu | Abner Ene | NTA Dispatch-Namu | 39 | 9-Apr-08 |
| 61 | AE-Ujae | Abner Ene | NTA Dispatch-Ujae | 14 | 9-Apr-08 |
| 62 | AE-Utrik | Abner Ene | NTA Dispatch-Utrik | 4 | 9-Apr-08 |
| 63 | AE-Jebat | Abner Ene | NTA Dispatch-Jebat | 1 | 9-Apr-08 |
| 64 | AE-Maloelap | Abner Ene | NTA Dispatch-Maloelap | 59 | 9-Apr-08 |
| 65 | AE-Aur | Abner Ene | NTA Dispatch-Aur | 10 | 9-Apr-08 |
| 66 | AE-Enewetak | Abner Ene | NTA Dispatch-Enewetak | 14 | 9-Apr-08 |
| 67 | AE-Ailuk | Abner Ene | NTA Dispatch-Ailuk | 16 | 9-Apr-08 |
| 68 | AE-Jaluit | Abner Ene | NTA Dispatch-Jaluit | 53 | 9-Apr-08 |
| 69 | AE-Mejit | Abner Ene | NTA Dispatch-Mejit | 1 | 9-Apr-08 |
| 70 | AE-Mejjetto | Abner Ene | NTA Dispatch-Mejjetto | 6 | 9-Apr-08 |
| 71 | SB-5 | Posesi Bloomfield | Afffidavit of Carl Alik, Chief Electoral Officer | 7 | 10-Apr-08 |
| 72 | SB-6 | Posesi Bloomfield | Afffidavit of Electoral Officer-Patrick Bing | 5 | 10-Apr-08 |
| 73 | RG-1 | Raynard Gideon | Personnel File for Carl Alik | Refer to CL-1 | |
| 74 | RG-2 | Raynard Gideon | Change of Employment Status-Sweetland Note | 19 | 11-Apr-08 |
| 75 | RG-3 | Raynard Gideon | PSC Regulations | | 11-Apr-08 |
| 76 | RG-4 | Raynard Gideon | PSC Commission Meeting Minutes June 9, 2005 | 2 | 11-Apr-08 |
| 77 | RG-5 | Raynard Gideon | PSC Commission Meeting Minutes Sept. 9 2005 | 1 | 11-Apr-08 |
| 78 | RG-6 | Raynard Gideon | Commission Meeting Minutes | 186 | 11-Apr-08 |
| 79 | JP-1 | Junior Patrick | Electoral Office Transactions Report during GE2007 | 12 | 11-Apr-08 |
| 80 | JP-2 | Junior Patrick | Chart of Accounts | 8 | 11-Apr-08 |
| 81 | JP-3 | Junior Patrick | Payroll Transaction Report 10/01/07 to 4/11/08 | 31 | 11-Apr-08 |
| 82 | JP-4 | Junior Patrick | Check Register 12/21/07 | 3 | 11-Apr-08 |
| 83 | JP-5 | Junior Patrick | Check Register 12/21/07 | 6 | 11-Apr-08 |
| 84 | JP-6 | Junior Patrick | Check Register 12/21/07 | 4 | 11-Apr-08 |
| 85 | JP-7 | Junior Patrick | Check Register 11/23/07 | 5 | 11-Apr-08 |
| 86 | JP-8 | Junior Patrick | Check Register 1/04/08 | 4 | 11-Apr-08 |
| 87 | JP-9 | Junior Patrick | Check Register 12/21/07 | 6 | 11-Apr-08 |
| 88 | JP-10 | Junior Patrick | Check Register 11/24/07 | 2 | 11-Apr-08 |
| 89 | CA-21 | Carl Alik | Answer Paper for Test given to Casual Workers | 2 | 16-Apr-08 |
| 90 | CA-22 | Carl Alik | Polling Station Opening and Closing Times | 1 | 16-Apr-08 |
| 91 | CA-23 | Carl Alik | General Election 2007 Training Session Agenda | 3 | 16-Apr-08 |

**APPENDIX "D"**



THE MARSHALL ISLANDS JOURNAL

# What a muddle

The government would be better off to just apologize for the mess in Majuro that tried to qualify as an election on Monday this week instead of making a feeble attempt to blame it on "heavy rainfall, gusty wind in excess of 20 mph..." We're sorry to give the spin masters over at government central a reality check, but the problems in Majuro were not the result of wind and rain.

Here's the point. If Stevedore has a policy that it will not set up its tents the night before, then get tents from someone else or post police to guard the tents overnight. If rain and wind were to blame, how come there weren't tables, chairs and Electoral staff at the 30 locations around Majuro before 7 am? There were quite a number of tents up, but no staff and equipment. As to rain, is that an unusual occurrence for Majuro? Don't you think if you're planning a major event outdoors you need to be prepared for rain — or should the government have just called off the election because of rain?

And what about all the procedural screwups? Some Electoral staff did not know what to do, so enforced improper procedures that could easily give grounds for objections to the results. The practices followed at some voting booths seriously compromised people's right to a secret ballot.

What about the fact that Electoral had no provision for providing substitute staff at the voting booths to give its staff food and bathroom breaks? What about Electoral not organizing lights for all the outdoor/tent voting booths in advance? Instead at 4 pm election day, Public Works and MEC were ordered to get lights quickly, which meant that some of the booths had to halt voting until the lights arrived, meaning more delays in an already delayed day. Even after the lights were installed, the single bulb in many locations did not satisfy both the registration area and the voting booth. Why should there have been lights in every outdoor booth? Because a) it starts getting dark here after 6 pm and booths are required by law to be open until at least 7 pm, and b) everyone in line at 7 pm is allowed to cast their vote and based on past practice, most of the booths stay open until well after dark. Message: lights are like ballots. You have to have them for a successful election.

Lastly, there is almost no one in the Majuro election operation who has any experience from previous elections (despite many people in Majuro with election experience sitting on the sidelines). Is it any wonder that the voting on Ebeye, under the able management of experienced election professional Patrick Bing, is reported to have been smooth and uneventful? Apparently there is a correlation between experience and smooth operations, a point lost on the Ministry of Internal Affairs.

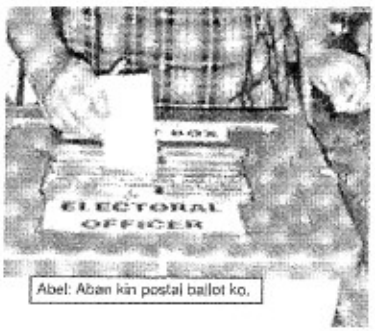
The one bright spot in this election is the presence of the Pacific Islands Forum election observation team. Thanks to WUTMI and its relentless follow up to bring an observer team, we will get an unbiased assessment with recommendations for how to fix the election system. Let's just hope that everyone will still be sufficiently bothered about the conduct of this election come January 2008 so that we can get it fixed well in advance of 2011.


# Anien ellu kin an rumij postal ballot ko

## LETTERS PO Box 14, Majuro, MH 96960

Abonono ikijen vote ko an armij ro ilikin Marshall Islands ilo 2007. Wawen ko elap aer bwor ilo kilen jerbal an Electoral Office eo an ri Majol.

Absentee Ballot ko an armij in Marshall ro ilo Hawaii ear rumij aer tobrak tok ilo mail box ko an ri vote 2 ko 3 rao mokta jen deadline bwe ren maron in posted ilo post office ko. Raar jab tobrak tok nae Thursday im Friday, November 16 im 17, 2007.



Abel: Aban kin postal ballot ko.

Rar aikuj in bed ilo post office ilo 4:00 awa elkin raelep, Saturday, November 17, 2007 Hawaii time. Kajitok ear wonlootak ilo kure eo ilkan ro rar itok non Hawaii jen office eo Electoral Office. En wor ke problem ilo jekjek in ilkjen an etobtok Hawaii im ijaka jet non Marshall Islands ilkjen letototak ballot ko.

Unak eo ear walok jen likao ro, "Emaj an kien eo komin karok iben Continental Airlines bwe en jab rumij ballot im vote ko ikotan Marshall im Hawaii

Kio, ta problem eo? Eike ear rumij tok vote im ballot ko an ri vote ro? Eokwe Hawaii in konaan kake. Ejanin ilok ne US Mainland. Guam. Iraq im ijaka jet ewor ri Marshall ie.

Kio, ewalok ke, ballot ko an ailin ko ilikin Majuro reisar rumij kinke office eo an electoral eo ear likit an kojantrikdrik ilo Air Marshall Islands (AMI).

Plan A en ak etke ear ejelok Plan B im Plan C. Kio, enaj an won bod elane ewor vote rejamin tobrak itok wot jen rolok in jerbal?

Bolen Court House ak jikin ekajet eo eoutej tata en etake bwe en bwinbwin vote ko im remaj joren ak 'DAMAGED".

Bar juon, ewor armij rej bukotl wot ballot ko aer rain in leta in ej jeje, Saturday, November 17, 2007, Hawaii time.

Elane jerbal kein remaj kar dredrelok wot ilo yio eo lok im yio eo lok juon, jet ian problem kein rejamin kar walok.

**Abel Anien**