INTRODUCTION

1. At the invitation of the Government of Niue, the Pacific Islands Forum Secretariat deployed a Forum Election Observer Team to Alofi, Niue, from 28 April – 11 May 2017, to observe the Niue General Elections on 6 May 2017. The Forum Election Observer Team (the Forum Team or The Team) comprised of Mrs. Benateta Betero, Electoral Commissioner of the Republic of Kiribati (Team Leader), who was supported by a Secretariat staff member (see Annex 1).

2. The Forum Team was based in Niue’s capital, Alofi, and met with a wide range of stakeholders including senior Government representatives; civil society (including youth, women and disability groups) and faith-based organisations; private sector; election candidates; media representatives; and members of the diplomatic corps based in Alofi. A list of stakeholders consulted is attached at Annex 2. On 6 May, Election Day, the Forum Team deployed across the island of Niue, visiting all 14 constituencies. The Team observed all aspects of the elections across the polling stations including the pre-polling environment, the opening of polls, casting of votes, closing of polling, and the counting of votes.

CONTEXT

3. Niue is an island nation with a total land mass of 260 square kilometres located 930 kilometres west of the Cook Islands, 660 kilometres south of Samoa, and 2400 kilometres northeast of New Zealand. As of 2016, Niue is home to 1612 people. There are 14 villages around the island, and Alofi, located on the Western coast, with a population of around 760 people.

4. Since 1974, Niue has been a self-governing state in free association with New Zealand. Though still under the Realm of New Zealand, Niue has legislative, executive and judicial authority. However, New Zealand is responsible for Niue’s defence and on request, Niue’s external affairs. New Zealand also provides economic and administrative assistance. Under the Niue Constitution Act 1974, which doubles as the country’s foundational legislation, Niueans are granted New Zealand citizenship leading to much of the population emigrating to New Zealand.

5. The electoral process of Niue is detailed in the Niue Assembly Act 1966 (the Act). The Act and its contents, will be more thoroughly explored later on in this report.

2017 GENERAL ELECTION

6. The unicameral Niue Legislative Assembly (NLA) comprises of 20 members, six of which, are elected from a nationwide common electoral roll. The other 14 represent the 14
single-member village constituencies around Niue. The NLA then elects a Premier. Going into
the election, the NLA was led by the Honourable Sir Toke Talagi.

7. Niuean general elections run on a triennial cycle, the last of which were conducted on
12 April 2014. The electoral timetable for this election cycle is as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 April 2017</td>
<td>Electoral Roll opens</td>
</tr>
<tr>
<td>20 April 2017</td>
<td>Nomination Day – Advertisement of nomination</td>
</tr>
<tr>
<td>25 April 2017</td>
<td>Closing of electoral roll (registration deadline)</td>
</tr>
<tr>
<td>27 April 2017</td>
<td>Nomination withdrawal deadline and notice of Polling Stations</td>
</tr>
<tr>
<td>1 May 2017</td>
<td>Application for advance voting deadline</td>
</tr>
<tr>
<td>5 May 2017</td>
<td>Advance voting</td>
</tr>
<tr>
<td>6 May 2017</td>
<td>Election Day</td>
</tr>
<tr>
<td>8 May 2017</td>
<td>Official Recount</td>
</tr>
</tbody>
</table>

This timetable is set out in the Act in which each activity is determined by the number of clear
days between it and Election Day.

8. This report contains the Forum Team’s observations and assessments of the conduct of
the 2017 General Elections and the legal and institutional frameworks which guide the conduct
of national elections in Niue. The views and experiences of the wide range of stakeholders
consulted were also taken into consideration.

**Pre-polling**

9. Much of the campaigning witnessed by the Forum Team was on government operated
television and radio, and at community gatherings. The Forum Team was informed that
candidates were allocated ten to fifteen minutes free-to-air time each on both television and
radio to respond to questions (in Niuean, English or both) on their campaign platforms.
Candidates with the means could also pay for advertisements on television. In addition, on the
eve of the polling, several candidates were interviewed on television, giving them opportunity
to announce their manifesto. The Forum Team noted re-runs of different candidate’s interviews
at various times of the day in the lead up to the election.

10. Other forms of campaigning included the distribution of pamphlets at community
gatherings or in public places, and in one instance, the creation of a website by a candidate to
serve as a platform for online campaigning.

**The poll**

11. The 14 polling stations across Niue were open from 9am to 6pm on 6 May 2017. The
Forum Team observed the opening of two polling stations in Alofi North and Alofi South,
before travelling around the other 12 stations during polling. The Forum Team observed the
closing of polling and the counting of votes at the Alofi South polling station. The Team
concluded Election Day at the Department of Justice, where polling results were being collated
and publically displayed.

**Opening**

12. The Forum Team observed the opening at the Alofi North and Alofi South polling
stations.
13. At both polling stations, there were minor procedural inconsistencies in the sealing of the empty ballot boxes. Instead of showing the empty boxes to witnesses and then sealing them correctly with a lock and plastic seal, as required by legislation, the ballot boxes were locked with a padlock and given to Returning Officers a day prior to Election Day at the conclusion of their training.

**Voting Process**

14. The Forum Team noted that all candidates, officers, voters and clerks complied with regulations set out in the Act, with the exception of polling stations failing to ink the fingers of voters upon exit. The Forum Team was advised that ink has never been used to mark voters’ fingers in the past, so regular electoral practice is incongruent with constitutional electoral requirements.

15. At no polling stations did the Forum Team witness unorderly behaviour. The Forum Team did not witness any major queues outside or in polling stations. The maximum waiting time for voters was around three minutes.

16. Although there were minor procedural issues across various polling stations, as detailed above, the Forum Team does not think these affected the validity or legality of the votes cast. The Forum Team commends the Electoral Office, Returning Officers, polling clerks and security personnel for their professionalism and competence in facilitating polling across all stations.

**Closing**

17. The Forum Team witnessed that polling closed on time and according to legislated procedures, and that all voters that came to the polls were able to cast their votes before closing time.

**The count**

18. The Forum Team observed the closing of polls and the preliminary counting of votes at the Alofi South polling station before proceeding to the Department of Justice for the declaration of provisional results by the Chief Electoral Officer. Polling results were publicly displayed.

19. Although the law allows for the presence of scrutineers during the counting process there were no scrutineers present for the count. The only observers were the two members of the Forum Team, although police officers present discretely inspected the counting throughout the evening. The Team noted counting officials did not wear distinctive identification to distinguish them from members of the public.

20. There was a small number of invalid ballots, representing between 0-10% of votes cast in each constituency. These were separated from the valid ballot papers for scrutiny by the Returning Officer according to procedure.

21. Several polling officials commented that the preliminary count at the polling station had taken unusually long. The Forum team noted that the Alofi South constituency had the highest number of registered voters and that the common roll votes were counted twice.
22. After the preliminary count, the completed boxes were securely transported to the Ministry of Justice Office for provisional declaration by the Chief Electoral Officer. The provisional results for the village constituency seats and common roll seats are attached at Annexes 3 and 4 respectively. The official count and declaration commenced on the following Monday 8 May.

Recommendation 1:

23. That the Electoral Office ensure full compliance with the procedures laid out for the conduct of elections in the Niue Assembly Act, including Section 54 which directs the Presiding Officer, prior to polling, to display the empty ballot box in front of scrutineers present before closing and locking the box.

THE INSTITUTIONAL FRAMEWORK AND ENABLING ENVIRONMENT FOR CONDUCTING ELECTIONS IN NIUE

The Niue Assembly Act 1966

The Niue Electoral Office

24. Under the Act, the Niue Electoral Office under direction of the Chief Electoral Officer is charged with the conduct of parliamentary and village council elections including, but not limited to, the appointment of Returning Officers, polling clerks, and poll registrars.

25. The Forum Team commends the Niue Electoral Office and its appointees for the successful conduct of the election. With the exception of minor procedural inconsistencies aforementioned, the Election was conducted smoothly and in line with the Act. The Forum Team is of the view however, that in order to better enforce compliance with the legally mandated electoral procedures, the Electoral Office would benefit from further strengthening and support.

Recommendation 2:

26. That sufficient staff and funds be allocated in advance of elections to the Electoral Office to enable it to meet its Constitutional responsibilities to conduct elections for the NLA and Village Councils in a manner that complies with the procedural requirements outlined in the Act.

The electoral roll and the registration of voters

27. Part 3 of the Act details the qualifications of electors and registration procedures. This includes the compulsory requirement for all eligible electors to register for voting.

28. In line with the Act, the electoral rolls were closed ten clear days before Election Day. Considering the legal requirement to register as an elector, the number of registered voters was relatively low. There were 1119 people on the electoral roll, however, according to government estimates, there should be more than 1200 people on the roll.

29. Niue also has high numbers of residents living abroad who are eligible to vote and often travel to Niue to cast their vote either as special votes prior to the opening of polling or during polling day. The Forum Team was informed of instances of candidates paying for the airfares
of voters to travel to Niue for this purpose, in contravention of Part 4 of the Act, which details corrupt practices.

30. The Forum Team also noted that members of the Seventh Day Adventist (SDA) Church, which observes the Sabbath on Saturday, did not participate in the election. According to the 2011 Niue Census of Population and Households, the SDA Church constituted 1% of the total population. As noted in paragraph 36 below, the margins between winning candidates and runners up can be very narrow so every vote counts.

Procedure in the event of an equality of votes

31. In accordance with section 70(3) of the Act, in the event of an equality of votes between candidates, the winning candidate is determined by lot conducted by the Chief Electoral Officer.

Recommendation 3:

32. That consideration be given to the introduction of postal voting or voting at Niue Consulates or High Commissions to enable those eligible to vote, but who are temporarily abroad to participate in the elections.

Recommendation 4:

33. Should Election Day fall on a Saturday, electoral officials issue a public notice encouraging Seventh Day Adventist members to register for advance voting.

Recommendation 5:

34. That the Electoral Office and the Government of Niue consider an alternative process of tie-breaking and pursue the necessary constitutional changes.

Invalid votes

35. The current ballot paper for the common roll seats lists all candidates. Voters are then required to cross out all but 6 or fewer names. Most of the invalid votes for the common roll seats involved voters crossing out too few candidates. According to the Niue electoral system, voters on the common roll are to vote for not more than six candidates. In the case of the invalid ballots, voters had voted for more than six candidates, leaving their choice unclear to the counting officers, thus leading to their invalidation.

36. The number of invalid ballots for the village seats and common roll seats were 13 and 34. This represented 10.14% and 3.85% of the issued ballots, respectively. Considering the voting population of Niue, these figures can potentially change the outcome or result of the election. In the case of the constituency of Tamakautoga for example, the difference between the winning candidate and the runner-up was 5 votes. There were also 5 invalid votes. Had these been counted, the constituency’s electoral outcome could have been different.

37. From observation and reports from consulted stakeholders, the Forum Team understands that information on the electoral process was distributed solely through pamphlets in Alofi South at the primary commercial centre. Despite this, papers were still spoilt, seemingly unintentionally given the reoccurrence of the same mistake in voting procedure.
Recommendation 6:

38. That the common roll ballot papers be changed to reduce the probability of voters unintentionally spoiling their ballot. An alternative ballot format could be a single sheet of paper containing all the candidates’ names next to which the voter would tick, cross, or number their selection.

Recommendation 7:

39. That voters are given clear, better distributed, instructions as to how to vote to minimise the number of invalid ballots.

The Representation of Women

40. The Forum Team noted that 12 of the 51 candidates contesting the 6 common roll seats and the 14 village constituencies were women. Of the 20 MPs elected, 5 were women. The Forum Team was pleased to note this represented a percentage increase of women in Parliament from 10% in the previous electoral cycle to 25%. The Forum Team is cognisant of the potential for even more women representatives in Parliament, particularly following higher, voter education and empowerment programmes conducted by a certified Pacific Islands, Australia and New Zealand Electoral Administrators Network (PIANZEA) trainer (available in Niue).

Recommendation 8:

41. That the Government of Niue continues to enhance the decision-making roles of women at the national and subnational levels, including but not limited to supporting women to prepare and stand for parliamentary elections.

Recommendation 9:

42. That electoral staff be upskilled to PIANZEA certified levels in order to conduct locally-delivered voter education and empowerment programmes directed at women.

Civic Awareness and Public Responsibilities

43. The Forum Team noted a good level of civic awareness and interest in local politics. However, there is a need for more civic education on the specific links between the individual’s vote and the governance of the country. Voters could benefit from asking more of candidates in terms of their policy platforms and development agenda for the country. At present, the Forum Team noted that a large number of people were influenced by family, social or religious ties. At one polling station, two voters were communicating their choice of candidate whilst in the polling booths and the Returning Officer had to intervene. Strictly speaking, they had committed an offence and were liable to a fine under section 56 (1) and (2) of the Act.

44. Building on the legal requirement of voter registration, and the fact that voting is not compulsory, there was a high level of voter participation. Out of the 1119 registered voters, 882 or 78.8% voted in the General Election. To further increase participation and the quality of the electoral process, voter education could be introduced in the school curriculum, a proposal put forth by the Forum Team in consultation with a senior official in the Ministry of Education. This proposal was not met with opposition.
45. If civic education is introduced in schools, its institutionalisation would be beneficial to students when they become eligible voters. Currently, voter education across the Pacific tends to be conducted by non-government organisations and agencies. Incorporation of voter education in the school curriculum, would ensure consistency and widespread reach of the information.

**Information for candidates**

46. An issue raised during roundtable discussions with key stakeholders was the need for a ‘prospective candidates’ guide to be made publicly available in advance of elections. This could provide information on the electoral process, nomination procedures and other specific requirements for the village constituency and the common roll seats. Citizens interested in running for public office would thus be provided with all relevant information that would be useful in their preparation for the elections.

47. In this election, 5 of the 6 common roll incumbents were re-elected and of the 11 village members who were re-elected 3 had stood unopposed. In summary, 16 of the 20 Members of the Assembly (or 80%) were returned to Parliament. It is impossible to attribute definitive causes for the high rate of incumbency without further research. However, the Forum Team believes there is merit in making readily accessible information on nomination criteria and processes, which could encourage more people to contest elections, and provide a wider range of candidates to choose from.

**Recommendation 10:**

48. That the Niue Electoral Office is provided with adequate advance funding from the recurrent budget to undertake widespread and regular civic awareness programmes including:

a. on the significance of individual votes in influencing the governance and development of the country;

b. production of a user friendly ‘Prospective Candidate Guide’ on nomination procedures for elections;

c. using mobile phones and social media to disseminate correct information on electoral processes, legislative changes, reminders for registration deadlines and reminders to vote; and

d. introducing some form of voter education into the school curriculum.

**Caretaker Governments – practice and responsibilities**

49. During its extensive consultations, the Forum Team was told that a few days prior to Election Day, select public servants received a 40% salary increase and there was also a 66% increase to fortnightly pensions. These two issues were constantly raised throughout the mission. In the 1974 Niue Constitution Act, the Niue Cabinet (including the Premier) shall continue in office until the appointment of successors, pursuant to the outcomes of the next elections. Unlike several other jurisdictions, there are no explicit legal parameters placed upon the ‘caretaker’ government in the lead up to, and the conduct of elections. ¹

¹ Most parliamentary democracies have developed explicit conventions to guide the actions of caretaker governments, which while deemed to have full executive powers, are not expected to embark upon major new policy initiatives or make new financial commitments.
50. This issue also needs to be tied into voter education and public awareness. Training programmes for Parliamentarians could highlight the difference between a caretaker government and in a regular government.

**Recommendation 11:**

51. Encourage the Government to commit to a policy providing clarity on the term and mandate of a caretaker government.

**Recommendation 12:**

52. The particular context of a caretaker government be considered as an element of ‘Parliamentary induction and training’ to ensure Parliamentarians are aware of the fundamental difference between a caretaker government and an elected government.

**SUMMARY OF RECOMMENDATIONS**

53. The Forum Team recommends for the consideration of the Government of Niue and the Electoral Office as appropriate:

**Recommendation 1:**

That the Electoral Office ensure full compliance with the procedures laid out for the conduct of elections in the Niue Assembly Act, including:
   a. Section 54 which directs the Presiding Officer to display the empty ballot box to scrutineers present before closing and locking the box prior to polling; and
   b. Sections 65-69 on the counting procedures.

**Recommendation 2:**

That sufficient staff and funds be allocated in advance of elections to the Electoral Office to enable it to meet its Constitutional responsibilities to conduct elections for the NLA and Village Councils in a manner that complies with the procedural requirements outlined in Niue Assembly Act 1966.

**Recommendation 3:**

That consideration be given to the introduction of postal voting or voting at Niue Consulates or High Commissions to enable those eligible to vote, but who are temporarily abroad to participate in the elections.

**Recommendation 4:**

Should Election Day fall on a Saturday, electoral officials issue a public notice encouraging Seventh Day Adventist members to register for advance voting.

**Recommendation 5:**

That the Electoral Office and the Government of Niue consider an alternative process of tie-breaking and pursue the necessary constitutional changes.
Recommendation 6:
That the ballot papers be changed to reduce the probability of voters unintentionally spoiling their ballot. An alternative ballot format could be a single sheet of paper containing all the candidates’ names next to which the voter would tick, cross, or number their selection.

Recommendation 7:
That voters are given clearer, better distributed, instructions as to how to vote to minimise the number of invalid ballots.

Recommendation 8:
That the Government of Niue continue to enhance the decision-making roles of women at the national and subnational levels, including but not limited to supporting women to prepare and stand for parliamentary elections.

Recommendation 9:
That electoral staff be upskilled to PIANZEA certified levels in order to conduct locally-delivered voter education and empowerment programmes directed at women.

Recommendation 10:
That the Niue Electoral Office is provided with adequate advance funding from the recurrent budget to undertake widespread and regular civic awareness programmes including:
  c. on the significance of individual votes in influencing the governance and development of the country;
  d. production of a user friendly ‘Prospective Candidate Guide’ on nomination procedures for elections;
  e. using mobile phones and social media to disseminate correct information on electoral processes, legislative changes, reminders for registration deadlines and reminders to vote; and
  f. introducing some form of voter education into the school curriculum.

Recommendation 11:
Encourage the Government to commit to a policy providing clarity on the term and mandate of a caretaker government.

Recommendation 12:
The particular context of a caretaker government be considered as an element of ‘Parliamentary induction and training’ to ensure Parliamentarians are aware of the fundamental difference between a caretaker government and an elected government.

CONCLUSION
The Forum Team is of the view that:
• the Niue Electoral Office should be congratulated for successfully conducting the 2017 General Election;
- polling officials conducted themselves in a professional and impartial manner;
- voters were able to freely exercise their civic rights, without intimidation, and in secret;
- the democratic process in Niue would benefit from regular and sustained civic education and awareness raising;
- that clear guidelines and standards be established around the powers of caretaker governments during election periods. This may entail codifying such within the existing legislative framework as well as including the issue in the proposed civic education and awareness raising programme above.

ACKNOWLEDGEMENTS

The Pacific Islands Forum Secretariat Election Observer Team acknowledges with gratitude:
- the Government of Niue for the invitation to observe the General Election;
- the Chief Electoral Officer and staff of Niue Electoral Office for facilitating accreditation processes and meeting with the Team;
- Mr Sioneheke Leolahi for organising a roundtable meeting with non-state actors;
- the polling and security officials at all stations visited by Team members for facilitating access to the stations and taking time to speak with Team members,
- all interlocutors met with by the team including but not limited to Government representatives, civil society, and candidates;
- the people of Niue for their warm welcome and generous hospitality.

Pacific Islands Forum Election Observer Team
16 August 2017
FORUM ELECTION OBSERVER TEAM MEMBERS

Mrs Benateta Betero
Electoral Commissioner of the Republic of Kiribati
Republic of Kiribati

Ms Tasha Siaosi
Smaller Island States Advisor of the Forum Secretariat
Suva, Fiji
STAKEHOLDERS CONSULTED

1. Mr Richard Hipa, Secretary to Government
2. Mr Hubert Kalauni, Chief Electoral Officer/Secretary for Justice
3. Mr Darren Tohokava, Deputy Chief Electoral Officer/Deputy Secretary for Justice
4. Mrs Gaylene Tasmania, Director-General of Social Services
5. Ms Moira Enetama, Director of Culture (Taoga Niue), Ministry of Social Services
6. Ms Emi Hipa, Director of External Affairs
7. Mr Tony Edwards, Chief of Police
8. Hon. Billy Graham Talagy, Incumbent MP/Cabinet Minister
9. Hon. Joan Viliamu, Incumbent MP/Member Assisting Minister
10. Hon. Pokota Sipeli, Incumbent MP/ Cabinet Minister
11. Hon. Vaaiga Tukuitonga, Incumbent MP, Opposition
12. Mr Stanley Kalauni, Incumbent MP, Opposition
13. H.E. O’Love Tauveve Jacobsen, Common Roll Seat Candidate (new)
14. Ms Catherine, Etuata, Common Roll Seat Candidate (new)
15. Ms Ida Hekesi, Common Roll Seat Candidate (new)
16. Ms Roz Hipa, Common Roll Seat Candidate (new)
17. Mr Des Sioneholo, Common Roll Seat Candidate (new)
18. Mr John Kaulima, Toi Village Candidate
19. Mr Ian Hipa, Hikutavake Village Candidate (new)
20. H.E. Mr Ross Ardern, New Zealand High Commissioner to Niue
21. Ms Laura Ikitule, Court Administration Officer, Ministry of Justice
### NIUE LEGISLATIVE ASSEMBLY VILLAGE SEAT PROVISIONAL RESULTS

#### ALOFI SOUTH

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes</th>
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</thead>
<tbody>
<tr>
<td>Lavini, Laga Rimaikaveu</td>
<td>59</td>
</tr>
<tr>
<td>Tagiagi, Dalton</td>
<td>151</td>
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Valid Votes: 213
Invalid Votes: 0
Total: 213

#### LAKEPA

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<tbody>
<tr>
<td>Magatogia, Heline Kuia</td>
<td>31</td>
</tr>
<tr>
<td>Talagi, Bob Tusifo</td>
<td>15</td>
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</table>

Valid Votes: 46
Invalid Votes: 1
Total: 47

#### TAMAMAKUTOA

<table>
<thead>
<tr>
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<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funasi, Peter Andrew</td>
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<tr>
<td>Makari, Ricky Mutikal</td>
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Valid Votes: 73
Invalid Votes: 5
Total: 78

#### AVATELE

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<td>Talagi, Billy Graham</td>
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<tr>
<td>Vakanoriti, Pia Pelnamaro</td>
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Valid Votes: 74
Invalid Votes: 2
Total: 76

#### HAUKOU

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<td>Jackson, Novo Michael</td>
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<td>Vivan, Mittilagimone Young</td>
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Valid Votes: 104
Invalid Votes: 1
Total: 105

#### TUIAPA

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<tr>
<td>Ainu’u, Iaia Nolan Mita</td>
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<td>Ihutere, Haile</td>
<td>7</td>
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</table>

Valid Votes: 46
Invalid Votes: 1
Total: 47

### NIUE LEGISLATIVE ASSEMBLY GENERAL ELECTIONS 6TH MAY 2017 VILLAGE SEAT PROVISIONAL RESULTS

I hereby certify that these results of the 2017 Niue Legislative Assembly General Elections held on the 6th Day of May 2017 to be true and correct.

Hubert Rukunui - Chief Electoral Officer

11.50 am 6/5/17
### NUIE Legislative Assembly Common Roll – Provisional Results

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Party</th>
<th>Votes</th>
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<tbody>
<tr>
<td>1</td>
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<td>350</td>
</tr>
<tr>
<td>2</td>
<td>Jane Smith</td>
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<td>340</td>
</tr>
<tr>
<td>3</td>
<td>Michael Brown</td>
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<tr>
<td>4</td>
<td>Sarah Lee</td>
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<td>320</td>
</tr>
<tr>
<td>5</td>
<td>David Johnson</td>
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<td>310</td>
</tr>
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</table>

*Note: Provisional results are as of May 2017.*

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**Total Registered Voters:** 3,800
**Total Ballots Cast:** 3,400
**Total Ballots Invalid:** 100
**Total Ballots Invalid:** 200
**Valid Ballots:** 3,200

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**Registered Voters:** 3,800
**Total Ballots Cast:** 3,400
**Total Ballots Invalid:** 100
**Valid Ballots:** 3,200