

# **MALAWI ELECTORAL COMMISSION**



# **HANDBOOK FOR ELECTION MONITORS**

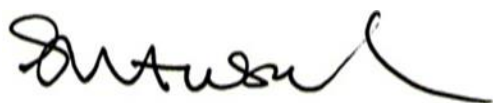
## **MESSAGE FROM THE CHAIRPERSON**

Political parties and candidates are the major players in an election. As such they have every right to monitor the electoral process. The electoral law requires them to designate and assign representatives per centre during registration, and two per stream/station during voting to oversee the proceedings.

For a free and fair election, the Commission wishes to have monitors in the centres that are able to read and write so that they can effectively follow and understand the processes at a center.

This handbook, therefore, aims at helping the party and candidates' monitors understand the electoral process and what is required of them at a registration centre or polling station. It is my hope and that of the Commission that this handbook will assist the monitors to be well versed with their rights, duties and responsibilities and will contribute towards the conduct of credible elections.

I wish you successful monitoring of the electoral processes.



Justice Dr. Jane Ansah SC JA

**CHAIRPERSON**

**May 2019**

## **1.0 POLITICAL PARTY/CANDIDATES' MONITORS**

### **1.1 Who are Political Party/Candidates' Monitors?**

Monitors are political party/candidates' representatives who are designated and assigned to specific centres to oversee or witness the registration process as well as the voting and counting processes.

Names of the designated persons are submitted in writing to the Commission through the District Elections Coordinator / Returning Officer who passes on the names to the respective Registration Centre Supervisors or Presiding Officers during registration of voters and polling respectively. The Registration Centre Supervisor or Presiding Officer issues Identity documents to each monitor in a prescribed manner.

### **1.2 Why Monitor Elections?**

All phases of an election process warrant monitoring to reduce human error, deter manipulation, enhance transparency and build confidence in the process and in the government that comes to power following the elections.

Monitoring is, therefore, important for a variety of reasons to the political parties, candidates, donors, civil society organization and the electorate.

### **1.3 Qualities of a Good Monitor**

Any person can be a monitor depending on the choice of the political party or candidate. However, it is important for parties to bear in mind the complexity of the electoral process and the duties and responsibilities of the monitors when designating them.

A good monitor must be someone who:

- Is a registered voter
- Is literate (preferably those who can read and write English).
- Comes from the area she or he is to monitor.
- Speaks the local language commonly used in the area.
- Have good listening skills.
- Is always alert .

The role of these monitors is very vital and it is a must that parties should assign people who have the above qualities so that they can effectively follow the electoral proceedings at the place of duty. This will assist in

reducing the number of unnecessary complaints resulting from ignorance of the electoral process and inability to understand what is happening at a centre or polling station.

## **2.0 MONITORING OF THE REGISTRATION PROCESS**

### **2.1 Why Monitor Voter Registration?**

#### 2.1.1 Ensuring the Rights of Citizens to Vote

In Malawi, eligible citizens need to register to be allowed to vote. This requires that names of voters be on the Voters' Register in order to cast a ballot.

Political party and candidates contesting an election must ensure that their supporters are able to vote on Election Day. If supporters of a particular political party or candidate are not able to register for one reason or another, they will not be able to cast a ballot on voting day because their names will not appear on the voters' list. Such a political party or candidate may be unfairly denied a victory and may challenge the legitimacy of the outcome of the election for no good reasons.

By monitoring registration, parties can help increase political participation and guarantee that voters have a real opportunity to exercise their right to vote.

### 2.1.2 Building Confidence on Election Day

When political parties and candidates monitor voter registration, they provide an opportunity to build the confidence of contesting parties, their supporters and the broader public in the electoral process. When efforts of the Commission show that the voter registration process is being conducted properly, or that the Commission acts quickly and effectively to correct identified shortcomings in the voter registration process, confidence and trust in the Commission is built.

### 2.1.3 Preparing for Election Day

Political parties and candidates that monitor voter registration may be required to engage in activities that are similar to those they conduct as part of their election day monitoring efforts. By conducting activities several months before the polling day, political parties and candidates can identify important monitoring strengths and weaknesses. The lessons learnt during the monitoring

of the registration exercise can serve to enhance their monitoring of voting, counting and tabulation of results.

#### 2.1.4 Building Institutional Capacity

A successful monitoring effort requires a political party to engage in strategic planning to clearly identify its goals, strengths and weaknesses., In addition to other requirements it should ensure:-

- that existing members learn new skills.
- that new members learn new skills.
- that nationwide structures are created and activated.

### 3.0 **RIGHTS OF MONITORS DURING REGISTRATION OF VOTERS**

When monitoring the registration process, Monitors have the following rights:

1. To be treated with due respect and consideration by all persons administering the registration of voters and by the representatives of other political parties.

2. To request and obtain information on activities relating to the registration of voters.
3. To submit, to the Commission, in writing complaints and appeals about any irregularities in the registration of voters.

### **3.1 DUTIES AND RESPONSIBILITIES OF MONITORS DURING REGISTRATION OF VOTERS**

During registration of voters, monitors have the following duties and responsibilities:

1. To monitor the registration activities conscientiously and objectively.
2. To co-operate in order to ensure that the registration activities proceed normally by avoiding unjustified interference in, and obstacles to the work of the registration officers.
3. To refrain from submitting complaints or appeals in bad faith or with the purpose of paralyzing the registration process.



4. To refrain from divulging any information about a voter or prospective voter obtained as a consequence of acting as a representative and which is not relevant to the registration process.

### **3.2 IRREGULARITIES DURING REGISTRATION OF VOTERS**

Monitors will have the responsibility to check the following anomalies:

1. Registration of the under-aged. Monitors should ensure that only those that are being registered have reached the voting age which is 18 years.
2. A person obtaining registration by giving false information.
3. Registration of another person knowing that that person is not eligible to register. For example, a registration officer registering a person when she or he clearly knows that the person is not eligible like the under-aged or a foreigner.

4. Prevention of registration of another person knowing that that person is eligible for registration.
5. Falsification of a register.
6. Registration officers refusing to delete incorrect registration.
7. A person fraudulently modifies or substitutes a voters registration certificate.
8. A person obstructing the detection of incorrect registration or the verification of the voters roll.
9. Registration of foreigners.
10. A registration official arriving late at the registration centre or leave the centre before closing time.
11. Registration procedures not followed in proper order.
12. A registration supervisor or clerk rejects an application without sufficient reason.

13. A registration official fails to listen to the complaints of a political party representative.

## **4.0 MONITORING THE VOTING PROCESS**

### **4.1 Why Monitor voting?**

The electoral process reaches its climax during the voting process. It is during this phase that voters exercise their right of choosing leaders. To ensure the integrity of the process, political parties and contesting candidates need to monitor the process for the following reasons:-

#### **4.1.1 Ensuring that Polling Procedures are observed**

During the polling phase, the Commission engages polling personnel who manage the elections at every station. The polling personnel are trained in how to administer elections in the centres.

Monitors have a responsibility of ensuring that polling personnel are observing the polling procedures and that any deviations are corrected.

#### **4.1.2 Ensuring the credibility of the process**

In order to ensure credibility of the voting process, political party/candidates monitors have a responsibility of checking malpractices and reporting them to the Presiding Officer of the polling station.

#### **4.1.3 Ensuring that only Registered Voters have voted**

The right to vote is available only to those who are eligible to vote at a particular polling station. Only registered voters at the specific polling station are allowed to vote. Monitors have a crucial responsibility of ensuring that only voters who are registered at that polling station cast their vote.

### **4.2 RIGHTS OF MONITORS DURING VOTING AND COUNTING OF VOTES**

Monitors will have the following rights during the voting process:

1. To be present at the polling stations and to occupy the nearest positions to the polling station officers so as to be able to monitor all the operations relating to the casting of votes.

2. To verify and inspect, before the beginning of the casting of the votes, the ballot boxes, security seals and the polling booths.
3. To request and obtain from the polling station officers any information, which they consider necessary relating to the voting process and the counting of votes.
4. To be consulted about any question raised on the operation of the polling station be it during the voting or the counting of the vote.
5. To consult the voters registers at any time.

#### **4.3 DUTIES AND RESPONSIBILITIES OF MONITORS DURING VOTING AND COUNTING OF VOTES**

Monitors have the following duties and responsibilities during the voting and counting process:

1. To act conscientiously and objectively in the exercise of their rights

2. To co-operate with polling station officers in the operations relating to the casting and counting of votes.
3. To refrain from interfering unjustifiably and in bad faith with the duties of the polling station officers so as not to disturb the process of voting and counting the votes.
4. To maintain the secrecy of the ballot.

#### **4.4 IRREGULARITIES DURING VOTING AND COUNTING OF VOTES**

Monitors will have the duty to check the following irregularities at a polling station:

1. Any unauthorized person or unregistered voter presenting himself at a polling station.
2. A person knowing he or she is not eligible to vote casts a vote at any polling station.
3. A person using an identity of another person in order to exercise the right to vote.

4. A person voting more than once.
5. An officer consciously allowing an ineligible person to vote.
6. A person accompanying a blind or disabled person to vote fraudulently and faithlessly expresses a vote not according to the wish of the person.
7. A person lingering within the radius of 100 meters of a polling station after he or she has voted.
8. A person campaigning at the polling station.
9. Presiding Officer failing to display a ballot box in accordance with the electoral law.
10. Presiding officer illicitly introducing ballot papers in a ballot box before, during and after voting.
11. A Presiding Officer fraudulently takes possession or conceals a ballot box with

uncounted ballot paper or removes an uncounted ballot paper from the box.

## **5.0 PROCEDURE FOR ASSISTED VOTERS**

In accordance with the law, a voter who is blind or is affected by disease or any other physical disability may vote accompanied by another registered voter of his or her own choice or, failing such voter, by a polling station officer who shall assist such person in casting his or her vote and shall act faithfully to the wish expressed by such person and with absolute secrecy regarding the vote cast by such person.

In the absence of such a person, it is the Presiding Officer who has to assist faithfully and in absolute secrecy.

Those assigned to monitor elections at polling stations are not mandated to provide such assistance and are strongly advised to desist from doing so.

## **6.0 PROCEDURE FOR SUBMITTING COMPLAINTS**

If any of the above irregularities take place at a registration centre or polling station, monitors have a responsibility to ask for clarification or lodge a complaint with the supervisor or presiding officer with an intention of correcting the situation.



There is, however, a procedure that needs to be followed when submitting a complaint. At each centre, there will be challenge, appeal, and incident report forms and these will be in the custody of the centre supervisor or presiding officer.

Monitors who are challenging the registration of another person or are not satisfied with the proceedings at a centre will be required to request for and complete the challenge form. The following information should be entered in the forms:

- full particulars of the person lodging a complaint, i.e. name, address, designation and organization/party including phone numbers if available
- particulars of the person or official being complained about
- particulars of any witness present
- full details of the nature of the complaint

Once the forms have been completed, distribution of the complaint should be as follows:

- The centre supervisor
- Party she or he presents
- Candidate's monitor's copy

It is important and necessary for the monitors to follow the right procedure because any complaint that will not be reflected in the above-mentioned forms will not be taken as a genuine complaint.

As already said, a monitor's responsibility is to witness the proceedings at any centre and not to control or disrupt. Good and well-versed monitors in the electoral process will assist in checking and correcting anomalies thereby contributing to a credible election.

Upon receipt of the complaint, the centre supervisor or presiding officer shall try to resolve the complaint and shall communicate the decision to the complainant in the prescribed form. If the complainant is not satisfied he/she has the right to appeal to the Commission.

The supervisor or presiding officer shall cause to be recorded in the incidents record book the resolution on the complaint or indeed whether a complaint has been referred further or not.