



**STATE OF PREPAREDNESS TO CONDUCT FRESH
PRESIDENTIAL ELECTION FOLLOWING THE
CONSTITUTIONAL COURT RULING**

**PRESENTED TO
THE PARLIAMENTARY COMMITTEE ON LEGAL AFFAIRS**

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Honourable Chairperson and Members

First and foremost let me thank you for according the Malawi Electoral Commission this opportunity to brief you on the state of preparedness to conduct Fresh Presidential Election. In this brief, I will cover three areas:

1. Status of planned activities,
2. Anticipated challenges; and
3. Recommendations of anticipated challenges.

Honourable Chairperson and Members, following the Constitutional Court Judgement on the Constitutional Case Reference No. 1 of 2019 on 3rd February, 2020, nullifying the 21st May, 2019 Presidential Election, the Commission has commenced preparation to conduct the Fresh Presidential Election. Polling has been set for 2nd July, 2020 **being the 149th day of the 150 days ordered** by the Constitutional Court.

A. **STATUS OF PLANNED ACTIVITIES**

Honourable Chairperson and Honourable Members, immediately after the pronouncement of the judgement, the Commission started preparing for the election with the following activities **as per the attached Schedule of Activities:**

Budgeting, Procurement of election materials, Gazetting of the election, recruitment of temporary election staff, Stakeholder

consultations, Launch of elections, Training of election staff, Public outreach programmes, Registration of voters, Nomination of candidates, Official campaign, Printing of ballot papers, Inspection of the voters roll, Pre-checking of polling materials, Polling, Determination and announcement of results.

1. **BUDGETING**

Honourable Chairperson and Honourable Members, the Commission first came up with two budgets for both the Fresh Presidential Election and another for a possible run off in the event that none of the candidates gets 50 per cent plus one. The budget for the main election was MK34 billion and the run off was at MK23 billion.

During the preliminary discussion, then, Parliament was not in session, it was agreed that the budget for the run off would fall in the 2020/21 fiscal year, hence only the K34 billion budget was discussed with Treasury. As you are aware, Parliament approved only MK29 billion of this MK34 billion. MEC is optimistic that development partners will come in to close this gap.

2. **PROCUREMENT OF ELECTION MATERIALS**

Honourable Chairperson and Honourable Members, most of election materials for registration, civic and voter education, inspection of voters register and polling are sourced from different suppliers both local and international. Due to the quantities and amounts of money involved, some materials require international competitive bidding which calls for a longer advertising period in accordance with provisions of the Public Procurement and Disposal of Assets Act. This aspect was commenced immediately after the pronouncement of the judgement in order to meet the time frame for the election set by the Court.

3. **GAZETTING OF THE ELECTION**

Honourable Chairperson and Honourable Members, the Commission gazetted the election on the 17th February, 2020.

4. **RECRUITMENT OF TEMPORARY ELECTION STAFF**

Honourable Chairperson and Honourable Members, the Commission does not have staff all over the country, but relies on the temporary staff for most of its field activities. These temporary staff include:

[a] **Stringers** – reporters stationed in councils to enable coverage of election news and activities.

- [b] **Constituency Civic & Voter Education Assistants** – who live in wards in order to disseminate election messages and education masses on elections.
- [c] **Registration Staff** – these are placed in various registration centres to register voters or enable voters process transfers or inspect the register.
- [d] **Polling Staff** – these are staff responsible for the conduct of polling and counting of results in polling stations.

5. **STAKEHOLDER CONSULTATIONS**

The Commission, Honourable Chairperson and Honourable Members, believes in consulting its stakeholders from time to time as it implements electoral activities. A number of stakeholder consultations have been lined up. Already, the Commission has met all electoral stakeholders namely: Centre for MultiParty Democracy (CMD) and National Elections Consultative Forum (NECOF) twice. The first meeting was on 12th and 13th March, 2020 and the second meeting was on 26th and 27th March, 2020. The idea behind these meetings is to appraise electoral stakeholders on the plans and get their views on how best to implement the same for the benefit of all. The consultative meetings will continue. Two more sets of meetings have been planned for 30th April and 1st May, 2020 and on 15th and 16th June, 2020.

6. **LAUNCH OF THE ELECTION**

Honourable Chairperson and Honourable Members, the Commission launched the election through a Press Briefing on 23rd March, 2020. During this meeting the Commission released the calendar with a view that the public would get it faster through the media outlets.

The launch through the media, was done for two reasons. The first being that there was not much time to prepare for a launch with a lot of stakeholders. The second was to restrict the number of people to less than 100 in line with the direction by the State President where gatherings exceeding 100 were discouraged as a way of preventing Coronavirus pandemic.

7. **TRAINING OF ELECTION STAFF**

Honourable Chairperson and Honourable Members, the temporary staff recruited will undergo training sessions to prepare them for the various tasks. As I am speaking now, we have already conducted training for voter registration staff ready to start the first phase of the voter registration drive.

Polling staff will also be trained towards the polling period between 27th and 30th June, 2020.

8. **CIVIC AND VOTER EDUCATION ACTIVITIES**

Honourable Chairperson and Honourable Members, the Commission will embark on intensive and extensive Civic and Voter Education to ensure that the masses are equipped with the right information in order to make correct and informed choices on the ballot. The strategies will include public outreach meetings, drama, loud hailer mobilization, leaflets, road shows, etc.

It is expected that other players will as usual join in the delivery of this service in order to reach each and every corner of the country.

9. **REGISTRATION OF VOTERS**

Honourable Chairperson and Honourable Members, registration of voters is planned to start on 4th April, 2020 and end on 7th June, 2020. Four phases of 14 days mandatory period have been planned with a transition period of 3 days from one phase to another. The registration phases will be running concurrently in all the 3 regions (refer to the attached registration phase plan). During this registration period the commission will enlist those that have not registered before as voters for whatever reasons. It will also provide an opportunity for those that have changed residence to process transfers to the new location. For purposes of monitoring the registration process, political parties and

stakeholders were called upon to submit names of monitors for respective centres by 30th March, 2020.

10. **NOMINATION OF CANDIDATES**

Honourable Chairperson and Honourable Members, nomination of candidates will take place on 23rd and 24th April, 2020 and the nomination fees will be Two Million Kwacha for each aspiring candidate. The nomination forms are being accessed from 23rd March, 2020 at the Commission Headquarters. Three presidential aspirants have already collected the nomination forms.

11. **OFFICIAL CAMPAIGN**

Honourable Chairperson and Honourable Members, official campaign period will run from 2nd May, 2020 to 30th June, 2020 at 6am.

12. **PRINTING OF BALLOT PAPERS**

Honourable Chairperson and Honourable Members, the Commission will print ballot papers from a reputable security printer and as has always been the case, interested political parties and presidential candidates will be informed where the printing will take place so that they can monitor the process at

their own expense. Details of the firm to be awarded the contract and dates of the printing works will be communicated once the procurement process has been finalized.

13. **INSPECTION OF THE VOTERS REGISTER**

Honourable Chairperson and Honourable Members, the Commission will open all the registration centres in the country at the same time for 2 days on 18th and 19th June, 2020 for purposes of inspection of the voters register. This inspection will be open to all electoral stakeholders but no transfers will be processed at this stage.

14. **PRE-CHECKING OF POLLING MATERIALS**

Honourable Chairperson and honourable members, as has been the practice of late, polling materials will be pre-inspected in all polling stations on 1st July, 2020 between 9am and 12 noon. This activity assists the Commission and indeed stakeholders in ensuring that they have correct materials and in right quantities hence it is open to all monitors assigned to the respective polling stations and of course other citizens who may be interested.

15. **POLLING**

Honourable Chairperson and Honourable Members, polling for this election will take place for 12 hours from 6am to 6pm on 2nd July, 2020. Immediately at the close of the polls, counting will start and, as has been the practice, signed results sheets will be distributed to monitors and another pasted on the polling station for the public to see. The Presiding Officer will take another copy to the District Tally Centre and present to the District Returning Officer for purposes of collating results for the constituency and the district. The signed results will also be distributed to the monitors at that level and a copy transmitted to the national tally centre for national tallying and determination.

In the event that there are complaints, these too will be submitted from the polling station to the national tally centre through the district.

16. **DETERMINATION AND ANNOUNCEMENT OF RESULTS**

Honourable Chairperson and Honourable Members, the Commission will start the determination of results once they start arriving from the tally centres from the districts. In this determination, results and complaints will be reviewed. The Commission will also collate all the results from the districts. The current law provides for a period of 8 days for this process. It is,

therefore, expected that the Commission will announce the election results not later than 10th July, 2020.

B. CHALLENGES

1. Inadequate Funding

Honourable Chairperson and Honourable Members, as stated, the Commission prepared a budget of MK34 billion but Parliament appropriated MK29 billion leaving a shortfall of MK5 billion. There has been an interest by Development Partners to come with assistance although it is not clear as to how much.

The Commission is faced with other additional requirements to take additional measures in light of the Coronavirus pandemic. Among others, the Commission will be providing hand sanitizers, masks and running water to all field staff; measures to reduce congestion in training programs which will call for more venues for training and processing of data after a phase and at the commencement of a new phase as well as transport arrangements.

The Commission has on 25th March, 2020 received the first tranche of the election funding from Treasury to the tune of MK3.3 billion.

2. **Coronavirus Pandemic**

Honourable Chairperson and Honourable Members, the pandemic calls for a change in approach to our processes more especially where we need to satisfy electoral spacing (distances between individuals) at both registration centres and polling stations. In terms of provision of other supporting preventive accessories/materials including election materials, there are lockdowns in most of the countries that may affect supply of the said materials.

3. **Procurement process lead times**

Honourable Chairperson and Honourable Members, most of the procurements for election materials result in huge amounts which call for international competitive bidding. Under the Public Procurement and Disposal of Assets Act, the shortest period will be not less than 45 days just for advertising. This means the 150 days provided by the High Court may not be easily achieved for some items that are required during the first two months.

4. **Expiry of term of the Commissioners**

Honourable Chairperson and Honourable Members, the term for the current cohort of Commissioners, except for the Chairperson whose tenure of office expires on October 2020, ends on 5th June, 2020 having been appointed on 6th June, 2016. This means the members will have only participated in part of the electoral process and then stop along the way. The

new ones that would be appointed with effect from 6th June, 2020 may have very little time to understand the process to complete the election.

5. **Inadequate numbers of Biometric Voter Registration Kits**

Due to the limited time provided, the Commission has only planned for 4 phases for the registration drive using the available BVR kits. The Commission has 1,499 BVR kits of which 1,120 are in good working order, 75 require minor repairs and 304 call for major repairs. Honourable Chairperson and honourable members, as you might have noted from the registration phase plan, the first phase calls for 1,302 centres translating into 1,302 kits of these kits to be in operation for the 14 days. If we are successful in maintaining these non-functional kits we might have a few safety stocks but there is a potential challenge of having other centres not operating for the entire 14 days mandatory registration period in the event of equipment failure. The same might apply in the subsequent two phases where the number of centres are slightly higher than the currently working BVR kits.

6. **Fear of taking up Posts as Presiding Officers**

Honourable Chairperson and Honourable Members, of late the Commission has noted that some people are afraid of taking up posts as polling staff. Recently, the Commission conducted by-elections in Lilongwe South Constituency and Balaka North

Constituency (Liwawadzi Ward). When the post of Presiding Officer was advertised within the areas, very few people responded. Upon inquiry, it was learnt that most eligible people were afraid of the volatile political situation and possible litigation in the event of an electoral challenge.

C. RECOMMENDATIONS

1. Inadequate Resources

Honourable Chairperson and Honourable Members, in terms of the budget shortfall of MK5 billion and other associated costs to take care of the Coronavirus pandemic, the Commission will engage donors who have already expressed an interest to support. Treasury too will be approached and it is my humble request to this Honourable Committee to also add **its** weight to our resource mobilization drive.

2. Coronavirus Pandemic

Honourable Chairperson and Honourable Members, the additional budget requested would assist in mitigating the challenges following the Coronavirus pandemic. For instance, at the registration and polling centres, measures to increase distance will be easily enforced with additional staff to take up this function.

3. **Procurement Processes**

Honourable Chairperson and Honourable Members, the Commission is currently in discussion with the Public Procurement and Disposal of Assets Authority to consider reducing timelines for procurement processes.

4. **Inadequate Kits**

Honourable Chairperson and Honourable Members, this is being mitigated against through repairs, there were also attempts to get kits from NRB. However, it has been reported that the only kits available to NRB are for continuous registration of citizens. In the event that some centres in phases 1, 2 and 3 will not be opened for the mandatory 14 days period, those particular centres will be revisited during the 4th phase by operating only for the days that were not operational.

5. **Fright of elections staff**

Honourable Chairperson and Honourable Members, the Commission will advertise the position of Presiding Officers to the wider public service and pay according to their subsistence allowance entitlements. It is hoped that competent and high caliber people will take up the positions.

CONCLUSION

Honourable Chairperson and Honourable Members, all in all, the Commission is prepared to conduct the Fresh Presidential Election. It is hoped that all other players who have a stake and a role towards the implementation of the electoral process will join hands with the Commission to ensure a successful delivery.

I thank you very much, Honourable Chairperson and Honourable Members for your attention.