



MALAWI ELECTORAL COMMISSION

REPORT BY MEC CHAIRPERSON, JUSTICE DR JANE ANSAH SC TO THE NECOF MEETING

13th May, 2020

Sunbird Nkopola, Mangochi

- My fellow Commissioners of the Malawi Electoral Commission
- The Chief Elections Officer, Mr Sam Alfandika and all members of staff from MEC
- Principal secretaries, Senior Government Officials, and representatives of various government departments and agencies
- Representatives of the Army Commander, and the Inspector General of the Malawi Police Service
- The Chairperson of the Centre for Multiparty Democracy (CMD), Hon Kandi Padambo and all board members of CMD
- Secretaries General, leaders and representatives of various political parties
- Heads of mission and representatives of Development Partners and international organisations
- Paramount Chiefs and all traditional leaders present here
- Members of the Clergy
- Members of the Press
- Distinguished Ladies and Gentlemen

I would like to begin by thanking you Honorable members for making it to the meeting today. This NECOF comes at a time when a number of activities have taken place and stakeholders are waiting for further

direction from the Commission. The agenda today is loaded and beseech you all members for your attention throughout. In my report today I will tackle the Supreme Court ruling and revised electoral calendar among other issues.

Voter Registration

Honourable Members, the Commission did phase 1 of voter registration and the Supreme Court ruling came out two days to end of phase two. Just to put on record that the summary districts statistics for new registered voters in phase 1 were as follows:

- Chitipa 9,116
- Karonga 15,227
- Salima 16,028
- Dedza, 42,629
- Ntcheu 12,215
- Blantyre City 30,918
- Chikhwawa 11,900
- Nsanje 8,911

However, with the ruling of the Supreme Court, all these and those registered in phase two will not be added to the voters register to be used for the Fresh Presidential Elections. The immediate implication of the ruling was that those who registered for the May 2019 Tripartite Elections should be the ones to vote. The Commission will also delete from the voters register all voters that registered during the by-

elections held in Lilongwe South Constituency, Liwawadzi ward in Balaka and Matenje Ward in Kasungu.

Ladies and Gentlemen, you will also remember that the voter registration exercise was marred with allegations and accusations of registration of minors. The Commission realizes the importance of a credible voters register in the management of an election. To that effect, we met on 5 May, 2020 and resolved to take steps to address the issues. Particularly, complaints were received from the Democratic Progressive Party and the Malawi Congress party. The allegation has been that these minors were told to cheat by falsifying their age, saying that they are about 18 or will turn 18 by June 11, 2020, when they go to register with the National Registration Bureau (NRB). In some instances, it has been reported that the minors were actually ferried to NRB Registration centres by representatives of political parties. The implication was that if they beat the NRB system they could subsequently register with MEC as voters since they will have the documentation identifying them as eligible. While the Commission was weighing on measures to address the allegations, the Supreme Court ruled that the register to be used should be the 2019 one. It is the hope of the Commission that this ruling addressed all the queries that stakeholders had regarding registration of minors.

The Commission retains full confidence with the status of the 2019 voters register as it is the most credible voters roll in the history of elections in Malawi. The fact that we shared it with stakeholders,

should also be a good reason for them also to have confidence with it and they can easily compare if it was tampered with.

In view of the Supreme Court ruling, the Commission will proceed as follows:

- Open all the centres in the remaining councils for phase 3 for five days to process transfers and issue duplicate voter certificates for those who lost them. Third phase will start from 15 to 19 May, 2020. The councils are Mzuzu City, Mzimba, Ntchisi, Mchinji, Balaka, Zomba City, Zomba District and Neno.
- Open all centres in councils covered phase 4 for five days to process transfers and issue duplicate certificates from 23 to 27 May, 2020 and the councils are Nkhata Bay, Kasungu District, Kasungu Municipality, Mangochi Town, Mangochi District, Machinga, Chiradzulu and Mwanza.
- The Commission will reopen all centres in councils covered in phase 1 for one day on 1 June, 2020 for people to go and process transfers. This is because phase 1 ended with a day to go. For Blantyre City, where centres were closed prematurely because of violence, the Commission will open centres for three days from 1 to 3 June, 2020 for people to process transfers and get duplicate certificates.

Inspection of the Voters register

The voter register inspection exercise will run for two days from 10 and 11 June, 2020 in all the centres. Everyone is encouraged to go and verify their details at the centres where they registered. During this period there will be no transfers processed and no issuing of duplicate certificates. No BVRK kits will be found at the registration centres, only the voters' register. Voter verification will also be possible through SMS by dialing *720# then following prompts.

Candidates for Fresh Presidential Election

On 6 and 7 May, 2020 the Commission received nomination papers from three candidates in the name of:

- Hon. Lazarus McCarthy Chakwera representing the Malawi Congress Party (MCP);
- Mr Peter Domino Sinosi Driver Kuwani of the Mbakuwaku Movement for Development (MMD);
- His Excellency, Professor Arthur Peter Mutharika of the Democratic Progressive Party (DPP).

This is out of nine candidates who had corrected nomination papers and expressed readiness to present their nomination papers.

On 8 May, 2020 the Supreme Court delivered its ruling on the presidential election appeal case which has given new direction regarding candidates. The Supreme Court said that only candidates

who contested in 2019 are eligible to contest in the fresh presidential election.

The Commission announce that the 6th and the 7th day of May 2020 would be the period of nomination for the purposes of receiving nomination for purposes of election to the office of the president of the Republic of Malawi. Coincidentally, the candidates who eventually presented the nomination papers are all eligible. All of them contested in the 2019 elections.

So as we go to the polls, the approved candidates will be as follows:

	PRESIDENTIAL CANDIDATE	RUNNING MATE	PARTY/AFFILIATION
1	Dr. Lazarus McCarthy Chakwera	Dr. Saulos Klaus Chilima	Malawi Congress Party (MCP)
3	Mr. Peter Dominic Sinosi Driver Kuwani	Mr. Archbold McLenard Kalawang'oma	Mbakuwaku Movement for Development (MMD)
9	Professor Arthur Peter Mutharika	Mr. Atupele Austin Muluzi	Democratic Progressive Party (DPP)

Challenging eligibility of candidates

The Commission is also reminding stakeholders that a candidate can be disqualified any day before the polling day should the Commission become aware that the candidate suppressed material facts at the time of nomination which, if they were known, could have led to disqualification.

The Commission is therefore informing the general public that anyone who wishes to challenge the eligibility of a candidate in the Presidential Election they should follow proper procedures by writing the Commission with substantiated evidence of the ineligibility of the particular candidate.

Those challenging the eligibility of a candidate on the basis of understanding or interpretation of the law are encouraged to seek opinions of their legal counsel before proceeding with such challenge.

All stakeholders should also take note that the Commission will not be moved to disqualify any candidate from contesting based on objections raised through phone calls, mainstream or social media, or press briefings of which the Commission has not been properly furnished with details.

Concerns from the Commission regarding nomination process

The Commission has noted a number of issues that arose during nomination process that need to be addressed in order to enhance the credibility and seriousness of the process.

The current laws provide for the Commission to receive the nomination papers in the open. We cannot bar someone from bringing their nomination papers but we really need a mechanism that can screen out non-serious characters without infringing on their right to stand in an election. This could be at the collection of nomination papers stage. We cannot at the moment demand candidates and political parties to pay their nomination fees upfront before collection of nomination papers because of the intricacies of the law. The law requires that the nomination fees should be deposited at the time of submitting the nomination papers. However, if this is changed to the effect that candidates and political parties should be paying their nomination fees before collecting the nomination papers it would surely help to take out jokers.

The Commission is proposing law reform in this area of the electoral law.

The Commission also observed that besides providing room for advance examination of nomination papers, some candidates ignore this process and they are elusive. These are the ones that also gave challenges during presentation.

Official campaign period

The Commission launched the official campaign period through a televised address by the MEC chairperson on May 2, 2020. The campaign period was expected to run up to 30 June, 2020 but because the actual polling date has not been set, stakeholders should know that according to law campaign period must come to an end 48 hours to the start of polling.

Polling and Determination of Results

The judgement of the Supreme Court has to be complied with. It is the responsibility of Parliament to decide on the date of holding the polls. The Commission is confident that Parliament will do the needful very soon.

Printing of Ballot Papers

The Commission is currently identifying a printer for the ballot papers. At the same time, we are closely monitoring developments across the globe in view of the Covid-19 pandemic. We will be advising electoral stakeholders on updates regarding this exercise. Stakeholders will also be invited to monitor the process at their own cost.

Submission of names of party representatives and observers

The resolution of the Commission is that only candidates and political parties contesting the election will have the right to have their party representatives accredited. The rest will fall under the observer

category. To facilitate this process, the Commission is appealing to all parties and candidates to submit names of the polling centre party representatives to the MEC offices stationed at the DC offices throughout the country.

For political parties that are in alliances, accreditation will be issued in the name of the party that has sponsored the candidate on the ballot paper and that will be the party coordinating the process. The Commission appeals for coordination within political parties that are in alliances.

Every contesting political party or candidate shall be allowed a maximum of two party representatives per polling stream. The Commission will be circulating the number of streams per polling centre but stakeholders should know that a polling stream is made of 1000 voters or part thereof. The Commission will circulate the list showing the number of polling streams per centre once ready.

Any candidate will also be allowed up to four roving party representative per constituency and two roving party representatives per constituency at the district tally centre. That is in a district with three constituencies every party will be asked to place 6 monitors at the district tally who will be monitoring how the results are received by the Constituency Coordinators who will be assisting the Returning Officer (District Commissioner) in receiving and processing of results. Stakeholders might wish to know that the Commission will not set up Constituency Tally Centres in the constituencies. All results will be

taken to the designated halls at the district council where tallying will be done.

For the national tally centre every political party and independent presidential candidate shall be allowed a maximum of ten (10) monitors.

All CSOs that will also place observers to be stationed at polling stations, they need to submit the names to the MEC district offices. All roving observers that will be stationed within a constituency they should also have their names submitted to the MEC district offices. All roving observers from outside the constituency should have their IDs processed by the MEC head office.

All names and information for accreditation should be received by prospective offices by 15 June, 2020.

Electoral complaints handling

Distinguished Ladies and Gentlemen, in a bid to ensure free, fair and transparent elections, the Malawi Electoral Commission has set up an elaborate system to handle complaints expeditiously.

The Complaints will be handled and resolved in accordance with the provisions of the law. The Commission will at the beginning of the determination of the national result deal with all matters that have been subject to complaints.

It is expected that only those that complaints that will not have been resolved at the Polling Stations or at the District Tally Centre will be dealt with by the Commission at the commencement of the determination of the national results.

In accordance with section 113 of the parliamentary and presidential elections act, complaints alleging any irregularity at any stage if not satisfactorily resolved at a lower level of authority shall be examined and decided on by the Commission and where the irregularity is confirmed, the Commission shall take necessary action to correct the irregularity and the effects of the irregularity.

Any person (i.e. registered voter or party representative) who, during the electoral process, witnesses an irregularity shall have the right to lodge a complaint to the Commission through the polling officials.

The Commission is expecting that all complaints will be lodged in the prescribed form. The Commission is expecting complainants lodging complaints should provide the following information:

- a) Name, Address and Telephone number(s) of the Complainant;
- b) Place where the event occurred (if the event took place in a polling station, the number and the code need to be specified);
- c) Date(s) and the Time of the event;
- d) Name(s) address and Telephone Number(s) of other people involved; or who witnessed (who can give evidence)

e) The accusation and the description of the event;

f) Evidence of the allegation;

MEC strongly encourages that all complaints lodged should be in writing and that those who are not able to write should seek assistance to submit a written complaint. At the polling station, the Presiding Officer can assist.

The Commission will make it clear to its polling officers that they cannot refuse a party representative from lodging a complaint. In fact during polling it is an offence for a polling station officer to unjustifiably refuse to receive a complaint a response about proceedings at the polling station or to examine and seek to resolve such a complaint.

MEC also wishes to advise that all complainants should indicate their full names in their complaints. However, if the person requests that his/her identity remains confidential, MEC will not reveal the identity without his or her consent.

Any other complaint relating to the electoral process if has not arisen at a particular polling station may be lodged with the Commission through the following address:

Complaints sent through email should be sent to ceo@mec.org.mw

Presiding officers

The Commission received a complaint demanding that the recruitment of presiding officers be opened to every one who holds the qualification set by the Commission. It has been demanded that the recruitment should not be restricted to officers in the public service only.

The Commission held seriously considered this proposal and has resolved to still restrict the recruitment to public officers only. The Commission is of the view that the robust recruitment process that is employed in employment of officers into the public service makes them most suitable for consideration for recruitment as presiding officers. Public servants are accountable to their terms and conditions of employment which demands that they be non-partisan while discharging their duties.

It is much more viable to hold public servants accountable on how they conduct themselves as presiding officers as compared to opening up the role to private citizen. Therefore, the Commission will stick to the decision to employ presiding officers only from public service pool.

Closing remarks

Distinguished Members, once again, thank you very much for your participation.

May God bless you all

Bless our nation of Malawi

Thank you very much.