



SPEECH BY MEC CHAIRPERSON, JUSTICE DR CHIFUNDO KACHALE

DURING A PRESS BRIEFING ON THE STATE OF PREPAREDNESS FOR THE

2020 FRESH PRESIDENTIAL ELECTION

SUNBIRD CAPITAL HOTEL, LILONGWE

- My fellow Commissioners
- MEC Chief Elections Officer, Mr. Sam Alfandika and all management members from MEC
- Members of the Press
- Ladies and Gentlemen

Greetings,

On 7 June, 2020, the State President, Professor Arthur Peter Mutharika, using powers conferred upon him by section 75 of the Constitution and section 4 of the Electoral Commission Act as amended, appointed us to constitute a new Commission to manage electoral processes upon expiry of the term of the last cohort. Commissioner Nanthuru (Legal Affairs Committee), Commissioner Dr. Jean Mathanga (Electoral services), Commissioner Olivia Liwewe (Research, Monitoring and Evaluation), Commissioner Linda Kunje (Finance and Administration), Commissioner Steve Duwa (Media, Civic and Voter Education) and Dr. Anthony Mukumbwa (Audit). Our appointment came in the midst of the outstanding responsibility for the Commission to hold a Fresh Presidential Election as ordered by judgement of the High Court sitting as a Constitutional Court on 3 February, 2020, which was confirmed on appeal by the Malawi Supreme Court of Appeal in its decision of 8th May 2020. Since our recent appointment, the Commission has held several meetings to be appraised of the state of preparedness at this stage and in order to

ensure that everything necessary is in place for such an onerous undertaking; we have also sought to devise appropriate interventions to mitigate any anticipated challenges. All this has been done with a view to ensuring that the Commission would be in a position to deliver a credible election that will be acceptable to all stakeholders. A week has gone by since this Commission was instituted and we would like to give a detailed update to the nation on what we have managed to do in these past few days, as well as what our immediate plans are moving forward.

Gazetting of polling date

On Tuesday 9th June 2020 the Commissioners took oaths before the Honourable Chief Justice in Blantyre. Later the same day we received communication from the Office of the Clerk of Parliament advising that Parliament had passed a Resolution appointing the 23rd June 2020 as the date for the Fresh Presidential Election. As you might well know, on the 11th of June 2020 the Commission Gazetted the 23rd June 2020 as the Polling Date, subject to change on the basis of the legally established processes.

Printing of ballot papers

On the 11th June 2020 the Commission received further formal communication from the Printer of Ballots who had been formally engaged using established public procurement procedures indicated its concern that unless authority to commence printing was

granted by close of business that day, it would not be in a position it would not be in a position to actually make delivery of the ballots ordered in time for the Gazetted Polling Date. After a rather lengthy meeting characterized by our usually robust discussions, indeed with some very serious reservations from several Commissioners a decision was reached to issue authority to the Printer to commence performance of the assignment. There were three main issues that the Commission wanted to decide on: namely monitoring of the actual printing process, security features and other design related aspects of the ballot as well as the implications of the uncertainty of date of the elections. In the context of the COVID-19 pandemic, it is not easy to monitor the printing process by both the Commission and contesting candidates in light of the non-availability of commercial flights and the public health requirements for a minimum of 14 days' quarantine both at the destination of printing and upon return home. On the issue of security features, since the term of office of the previous cohort was expiring ahead of the Polling Date, they deemed it inappropriate for them to approve the design when they would not be sitting as a Commission to vouch for the same; it was decided that any such decision would needlessly compromise the reliability of such security features (in our meeting of 11th June 2020 we resolved those features in consultation with the Printer). With respect to the uncertainty of the Polling Date, the previous Commission had felt that it would be risky to print the ballot papers and keep them for a long time on the ground. Usually delivery of ballot papers takes place within a period of less

than 7 days to the Polling Date due to the obvious sensitivity of this item. These were some of the main factors for the delayed printing process.

Our Commission reached the decision to authorize printing on the basis of the representations of the Printer. Among others he had indicated any further delay in giving printing instructions would increase the cost of the work exponentially, since there would arise a need to charter a delivery airplane whose cost would have to be paid for upfront before uplifting of the materials in Dubai. In those circumstances it became imperative for the Commission to authorize the printing process if we would be in a position to receive the ballot papers in the country on 19th June 2020 which is three days to the Polling Day.

Meeting with the Presidential Election candidates

In the meantime, the Commission has met with all the three contesting candidates between the 12th and 13th June, 2020 to update them on the state of preparedness, the challenges that we anticipate and what initiatives we are taking to mitigate the same. These face-to-face meetings also afforded us a unique opportunity for the candidates to inform us of their expectations on the work of the Commission as regards the Fresh Presidential Election and to agree on modalities for ongoing engagement with their nominating political parties where necessary. Considering the great importance of

elections to the nation as a whole, the Commission also decided to update the nation through the media on what was presented to the candidates.

Calendar of electoral events

All the logistical arrangements for the implementation of electoral activities were put in place based on the calendar of events which was decided upon by the Commission with a polling date of 23rd June 2020 following the Supreme Court decision of 8th May 2020, which upheld the earlier decision of the High Court judgement of 3rd February 2020.

The critical dates for the remaining key activities based on that calendar of events are as follows:

- 20-22 June, 2020: Dispatch of polling materials
- 21 June, 2020 at 6.00am: End of official campaign
- 22 June, 2020: pre-inspection of ballot papers and polling materials in all polling stations
- 23 June, 2020: polling in all centres from 6am to 6pm.

Training program of polling staff

Training programs for the polling process are well underway. Already Master Trainers who will in turn train the Presiding Officers have been trained. Returning Officers and members of District Elections Supervisory Teams were also trained by 6th June 2020.

Training of Presiding Officers starts on 13th June 2020 in all the Councils to end on 20th June 2020. The rest of polling staff will be trained on 22nd June 2020 within the polling stations. During this training on 22nd June, all the three contesting political parties are invited to send their party representatives to observe the training which will start immediately after finishing of pre-inspection of polling materials. MEC will not incur any extra costs to facilitate the attendance of the party representatives in this training. Political parties are encouraged to take care of the logistical expenses of their own respective monitors.

Budget and Fund disbursements

For this Fresh Presidential Election, the Commission came up with a budget of MK34 billion but only MK29.6 billion was later appropriated by the Parliament. Whist this budget deficit existed, there arose issues of COVID-19 preventive measures which called for more resources for procurement of materials, transport arrangements, etc. Another unforeseen cost was that during the first phase of the registration, the Commission suspended registration following a pending lockdown before a court injunction was obtained restraining the implementation of the same. At the end of the original four phases of registration, these places were revisited. Currently the grand total of the budget stands at MK38.3 billion, giving us a deficit of MK8.7 billion.

The disbursement of funds has also been a challenge: it has not always been timely. For example, training of Presiding Officers could not start on 8th June 2020 as scheduled due to funding delays. This was then

shifted to 13th June 2020 following communication from The Treasury on 8th June 2020 that funds had been provided. Though there are some persisting challenges with regards to accessing those funds arrangements have been made to allow the trainings to commence today.

Procurement of Materials

Electoral materials are categorized as either critical or not critical.

If the materials have to be listed one by one, the Commission is anticipating about 37 types of materials. Some materials are very critical that an election cannot be held if they are not available.

For purposes of this engagement the only the ones that are critical have been highlighted

1. Security Seals Padlocks: The Commission was expecting 72,000 padlocks but not even a single padlock has been delivered.
2. Security Seals Plastic: The Commission was expecting 72,000 padlocks but not even a single padlock has been delivered.
3. Polling booths: The Commission was expecting 15,000 but only 1,200 have been supplied to the Commission.
4. Envelopes: The Commission will require 120,000 envelopes and the Commission has not received any.
5. Badges: The Commission will require 72,000 badges but only 22,200 and 49,800 are yet to be delivered.

6. Pens: The Commission ordered 60,500 pens but has not received any single pen.
7. Rubber bands: The Commission will require 12,500 and has not received any.
8. Paper towels: The Commission ordered 37,500 and has not received any.

Possible Mitigating Measures

- The Commission has been fully appraised of the above procurement challenges and is coming up with strategies on how to overcome or actually mitigate the challenges.
- Measures will include seeking alternative suppliers. For example, the Commission is considering that the supplier for ballot papers should also supply the security seals padlocks and the plastic security seals.
- The Commissioners will be reviewing the capacity of some of the suppliers. This will include physically visiting the suppliers to determine if the suppliers indeed have capacity to supply the expected materials.
- The Commission has set up special committees for swift review of the procurement challenges for immediate rectification where possible and for coming up with mitigations if any can be found.

- Of the materials that have been reported as supplied and delivered, the Commission will do a physical audit at all the warehouses where the materials are being kept.
- The Commission may where absolutely necessary seek an extension to the date of elections if the above challenges are not resolved timely.

Allegations of missing names in the voters' register

On 10 and 11 June, 2020 the Commission opened all centres for registered voters to go and inspect their names in the voters' roll. This is an important exercise as it provides an opportunity for correcting errors and irregularities, if any, before the polling date. The Commission had planned to supplement the process with mobile phone verification through SMS. Due to unforeseen technical challenges the system did not run. Our engineers worked tirelessly to resolve the issue with their counterparts from the service providers. As I speak now the service is up and running on Airtel and TNM and so far over 23,000 registered voters have managed to verify their details through the mobile verification system.

I wish to address allegations that were rife during the exercise that some registered names were missing in voters' roll. The Commission followed up closely on any query that was presented to it at the centres and we observed the following issues:

- Some people who registered in preparation for the Fresh Presidential Election, with their voter certificates starting with “F” also presented themselves at the centres to inspect their details. When their names were not found they started spreading rumours that names of registered voters were missing. As a reminder the Supreme Court of Appeal Judgement directed that only those who registered for the 2019 Tripartite Election should vote this time around. The mere fact that these people who registered during the preparation for the fresh presidential election did not find their names in the voters’ register means that the MEC did the right thing. They will not find their way in to vote.
- Some people presented themselves to verify when in actual fact they never registered. They never had voter certificates to prove. Some brought national IDs and when quizzed it was discovered that they mistook national registration with the National Registration Bureau (NRB) as voter registration. It is not automatic that you registered with NRB then you will find your name in the voters’ register.
- Others that used the SMS platform were entering their voter certificate number omitting “T” and the system could not locate them

Moving forward, the Commission will leave the *720# platform to be operational up to the polling day. Registered voters are free to verify

their details. Should they encounter any challenge they should send an email to complaints@mec.org.mw . On the polling day, the *720# will be a “polling assistant”. By dialing *720# registered voters will be able to know the number of their polling station in case where there are multiple stations at one school.

In cases whereby a voter comes with a valid voter certificate but the name is missing in the voters' roll, the polling staff will check using the *720# SMS platform to confirm whether the person is a registered voter and where they registered. This will solve cases whereby voters present themselves at wrong centres. So, possession of voter certificate alone is not a guarantee that one will be allowed to vote. Their details should be available in the voters' roll.

If the photograph is missing but the name of the person is appearing in the register, the person will be allowed to vote.

I also wish to remind the nation that the *720# is a free platform. There is no need for airtime and it works with the most basic handset as long as it is able to send and receive an SMS. One handset can be used multiple times, so it is my appeal to those that have phones to help their brothers and sisters who do not have.

The same Voters Rolls as was used in the 21st May 2019 Tripartite Polls will be used for these polls. All stakeholders have copies of that document and in due course should be able to verify whether the

Voters Rolls being used has been manipulated in terms of bloating numbers of voters or otherwise.

Registered voters who did not vote in 2019 and lost certificates

The Commission would also like to clarify that all those that registered for the 2019 Tripartite Election are eligible to vote, whether they voted in 2019 or not, it does not matter, as long as their name is found in the voters' roll.

Those who lost their voter certificates by whatever means whether it was: stolen, confiscated, they sold it, washed away during floods, they are still encouraged to go and vote where they registered. Polling staff will check for their details in the voters' roll and if found they will be allowed to vote. Even registered voters who did not verify their details, they should go to vote.

Appeal to political parties

The Commission is appealing to political parties to enhance the message of peaceful elections in their campaign speeches. They should also urge their members to turn out in large numbers on the polling day. It is the votes cast that count for a candidate to win and not attendance of rallies.

The Commission is also appealing to parties to always observe COVID-19 protective measures during campaign rallies so that people protected from spreading or contracting the virus.

Commitment to hold a credible election

On behalf of my fellow Commissioners, I wish to assure the nation that we are committed to holding a credible election despite some of the challenges that we might face. We are committed to remain impartial, neutral and independent in our operations and decision making as provided by the Constitution and the subsidiary electoral laws. We remain committed to engaging stakeholders and we approach the process with an open mind to embrace any ideas from stakeholders that will contribute and enhance the credibility of this election.

With these few remarks I wish to thank you all for coming and everyone out there for listening and watching us.

May God bless Malawi. Thank you all!