



## **MALAWI ELECTORAL COMMISSION**

**REPORT BY MEC CHAIRPERMAN, JUSTICE DR CHIFUNDO  
KACHALE DLEIVERED DURING A ANATIONAL ELECTIONS  
CONSULTATIVE FORUM (NECOF) MEETNG**

18<sup>th</sup> June, 2020

Crossroads Hotel, Lilongwe

## **Greetings**

I would like to begin by thanking you honorable members for making it to the meeting today. This is the first National Elections Consultative Forum (NECOF) the Commission is holding since it was appointed on 7<sup>th</sup> June, 2020.

Honourable members, it is now more than 12 days since the Commission was appointed into office, and I would be glad to start by giving a brief update on the activities and decisions that have been made by the Commission in preparation for the election.

## **Gazetting of polling date**

On Tuesday 9<sup>th</sup> June 2020 the Commissioners took oaths before the Honourable Chief Justice in Blantyre. Later the same day the Commission received communication from the Office of the Clerk of Parliament advising that Parliament had passed a Resolution appointing the 23<sup>rd</sup> June 2020 as the date for the Fresh Presidential Election. As you might well know, on the 11<sup>th</sup> of June 2020 the Commission gazetted the 23<sup>rd</sup> June 2020 as the Polling Date.

## **Printing of ballot papers**

On the 11<sup>th</sup> June 2020 the Commission received further formal communication from the Printer of Ballots who had been formally engaged using established public procurement procedures indicating its concern that unless authority to commence printing was granted by close of business that day, it would not be in a position to

deliver the ballots ordered in time for the Gazetted Polling Date. After a 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. 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 11<sup>th</sup> June 2020 we resolved those features in consultation with the Printer).

The Commission authorised printing on the basis of the representations of the Printer. Among others he had indicated that 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 airlifting

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 19<sup>th</sup> June 2020 which is three days to the Polling Day.

### **Meeting with the Presidential Election candidates**

The Commission met with all the three contesting candidates between the 12<sup>th</sup> and 13<sup>th</sup> 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.

Honourable members, I wish now to give you an update on the state of preparedness for the Fresh Election and also address some issues that stakeholders would be interested to have knowledge on.

### **Serial Numbers on Ballot Papers**

As a matter of protecting the secrecy of the ballot, the ballot paper should not have elements that can trace it to the voter. Therefore, while the counterfoils have serial numbers, the ballot papers have none. This has been the practice in Malawi and internationally. For both 2014 and 2019 ballot papers, they did not have serial numbers. We need to guarantee the secrecy of the voter.

The practice of a ballot issuer signing at the back of the ballot paper is not backed by law, it is just a good practice. Therefore, it does not translate that if a ballot papers is not signed at the back then it is null and void. It remains a valid vote. For the Fresh Presidential Election the issuing clerk will not be signing at the back of the ballot paper because the ballot paper has adequate security features.

### **Security Arrangement**

There is a security task force that has been set up comprising MEC and security organs in the country. For a start, from the airport to the constituencies, ballot papers will be escorted by Malawi Defence Force (MDF) officers only. From the constituency to the polling stations, it will be a combination of MDF and Malawi Police Service (MPS). At the polling stations there will be at least two officers from the MPS. However, for hotspot there will be a combination of MDF soldiers and the MPS officer providing security. The Commission in collaboration with the security agencies is coming up with a map for hotspot areas. For the district tally centres it will be a combination of soldiers providing security and the MPS while the main tally centre will be guarded by the MDF except that the police will man the scanner at the entrance.

### **Potential Congestion at the District Tally**

It is true that every polling station (formerly stream) will take its own results to the district tally centre. There will be no aggregation of the results at the centre level because every polling station must take their

results to the returning officer as required by law. That is why political parties have been advised to place two party representatives at polling station level, and then two for each constituency at the District Tally Centre who will be alternating.

Addressing the issue of congestion will start with political parties addressing their representatives to act accordingly. The Commission asks political parties to put representatives in pairs not because we want both at once but that they should be alternating. If this principle is observed, it means half of the political party representatives will not be there at any given time. This will reduce congestion.

The Commission has also increased the number of voters per stream to 1,000 from 800. This will also reduce the number of polling stations in some way.

The Commission has also identified spacious public institutions to act as district tally centres. Because of the space, teams will be able to spread out. In some places, although the district tally centre is at one place, there are more than one hall designated for that.

At the District Tally Centre, there shall be a constituency record with corresponding number of polling stations for the constituency. With this record there will be no possibility of introducing fake polling stations. Also, by now the Commission has already shared the number of registered voters and the subsequent polling stations with all stakeholders.

## **Voting for Party Monitors**

Political party representatives will vote at the centre where they registered. Authority to vote elsewhere will be given only to registered voters who will be assigned by the Commission to work far from where they registered. This authority will be given by the Returning Officer alone. The Commission was to control and safe guard the integrity of the process. The voter IDs do not have photos and how can we control it when someone wants to vote illegally? Their names will not be in the voters roll for that centre and there will be no other means of verifying if they are registered voters.

Our advisory has been that parties should place them at the centre where they registered or close to where they registered. This will also them to excuse themselves and go and vote.

## **Security of Party Monitors**

The MEC has put in place security measures to protect everyone who comes to vote and also who works on the polling day. One measure put in was to abolish Roving Party Representatives. This time around or monitors will be at polling station level and no one will be allowed to be roving.

## **Covid-19 Precautionary Measures**

The Commission would like to express its greatest concern with the behaviour of political party leaders and their followers. In all their campaign rallies they have shown and displayed little regard of the

Covid-19 rules. All the candidates have taken pride in holding mass rallies with huge crowds. This has put the enforcement agencies at a tight corner whereby their Covid-19 gospel has become hard to preach.

Notwithstanding, the conduct of party leaders, the Commission has put in place measures to protect all people that come for voting to avoid contracting or spreading the virus and these include:

- The messages about Covid-19 have been and will remain a cross-cutting thing in our communications.
- Each polling centre will have a pail of water for voters to wash before they proceed to their respective Polling station.
- Voters are encouraged to bring their own personal protective wears like masks and hand sanitiser
- Voters will be queueing two arms apart. Ushers will be trained to control each queue.
- Polling staff will also be given hand sanitisers, masks among other wares.

### **Receipt of ballot papers and associated materials**

As earlier said, I wish to inform the members here that we will be receiving ballot papers and associated polling materials on Friday, 19 June, 2020 as follows:

- 193 pallets of ballot papers - 1 pallet for each constituency.
- 12 pallets of brown envelopes
- 6 pallets of black tamper-evident envelopes C series



- 2 pallets of blue tamper evident envelopes B series
- 1 pallet of 29 boxes – Twenty-eight for District Returning Officer (DRO) and one for National Tally Centre.

The Emirates plane, flight number EK 9757 which will be carrying the materials is expected to land at Kamuzu International Airport at 11.35am. Distribution to the constituencies via the councils will start immediately. The MEC is requesting the three contesting political parties to send up to ten representatives each to Kamuzu International Airport to witness the arrival and dispatch of the ballot papers. The MEC secretariat will provide 10 accreditations and only those with accreditation will be allowed at the airport.

### **Submission of names of party representatives and observers**

Hon members, the Commission has deliberated extensively on placement of party representatives and observers during polling, counting and tallying processes. The Commission has looked into the legal provisions on placement of party representatives and we find that roving party representatives are not supported by law and therefore will not be allowed. For other Institutions they will be allowed to put Observers but all these have to undergo full accreditation process. In summary we will guide as follows:

1. Only political parties contesting in the elections are allowed to place party representatives (monitors). For candidates who have alliance partners, the party sponsoring the candidate should coordinate the submission of names. No partner party should

submit names directly to MEC. Furthermore, the party representatives coming from the alliance partners will be accredited under the name of the political party of the candidate.

2. Every contesting political party, and its allies combined, shall be allowed to place up to two representatives per polling station (formerly called **stream**), who shall operate in alternate turns.
3. Every contesting political party shall be allowed to place two Party Representatives for each constituency at the District Tally Centre. The two representatives shall also operate in alternate turns.
4. All contesting political parties will be allowed up to 10 Party Representatives for the National Tally Centre to be located in Blantyre.
5. All other organisations including CSOs, faith and religious organizations and the academia will be accredited as observers.
6. All party representatives or observers will NOT be allowed to vote at any polling station other than where they are registered. Therefore, parties and institutions are encouraged to allocate representatives and observers to polling stations where they registered or close to where they registered so that they can also vote.
7. Authority to Vote Elsewhere will only be processed for security officers and polling staff assigned by MEC to work in various polling stations if they are not registered in those polling stations.

The Commission is reminding all parties to submit names of their representatives as soon as possible. The Commission is trying as much as possible to avoid handling this on the eve or indeed on the polling

day. However, since this is a political process the Commission tends to accommodate late submissions. In ideal situation the Commission had all the liberty to refuse receiving names after the deadline.

### **End of campaign**

Honourable members, the Commission is reminding everyone that the official campaign period ends at 6.00AM on Sunday, 21<sup>st</sup> June, 2020. All candidates, their parties and campaign agents should adhere to this. No one should campaign after the official campaign period is over as this would be tantamount to violation of electoral laws.

### **Identification of main tally centre**

The Commission has identified the College of Medicine, Sports Complex in Blantyre as a venue for the national tally centre. This is because the place has better facilities for the convenience of MEC and its stakeholders.

### **Constituency nerve centres**

The Commission will have constituency nerve centres in all the 193 constituencies for the purposes of logistical support. Polling materials including ballot papers will be distributed at the constituency nerve centres. Contesting political parties are free to send their representatives to monitor the operations taking place there. The nerve centres will not be used for receiving results.

### **Results counting and results management**

Hon members, there will be a presentation on this but still allow me to explain one or two issues. Vote counting will begin immediately polling is over. No ballot box will be moved from the polling station before its contents are counted and that all Party Representatives and Observers have signed and received a copy of the results. Polling staff, Party Representatives and Observers are the only officials allowed to be present and participate in vote counting. Security officers will be present but will not be involved in the actual vote counting.

After counting at a polling station, the Presiding Officer will paste a copy of the result at the station and take the results to the District Tally Centre.

At the District Tally Centre, the District Commissioner, in the capacity of Returning Officer shall receive the results with the assistance of Constituency Desk Officers. Contesting Political Parties have been asked also to place two representatives at this level for each constituency. The representatives shall all get a copy of the constituency summary results. At the District Tally Centre, the Returning Officer shall compile tallied results for each constituency and later the District Summary. Party Representatives shall be given signed copies too. At the end of the process the Returning Officer shall physically take the results to the National Tally Centre in Blantyre. This time around, the Returning Officer will take with him or her the null and void votes for the determination of the Commission.

The Commission would like to urge political party leaders to help send the right message across. Rumours were rife that the results will be counted at the District Commissioner's office and another version was like the District Commissioner will carry everything to Blantyre without giving the district totals to monitors of parties at the district. This is not correct.

Honorable members, I wish to state it clearly here that every vote will be counted. The Commission has put in place all measures to ensure that it announces the winner in good time but we like to put it on record that will not be pressured to do so whilst we are not through with the process. It is very clear that with the District Tally results stakeholders will have their results immediately while the Commission is waiting for the District Commissioners to come to the National Tally Centre and present the results of which the Commission has to make a determination. I, therefore, would urge all stakeholders not to pressure the Commission to announce the winner when the due process is not finalized. The Commission has up to eight days, from the last date of polling, to announce the winner. As long as we are within the eight days, no one should complain that we are delaying releasing the results.

### **Transport situation for polling**

For the Fresh Presidential Election, the Commission needs 386 trucks but so far, we have 160 trucks giving a shortfall of 226 trucks. We have

requested UNDP to support us with trucks and we are also planning to hire in order to meet the shortfall.

The Commission also needs 2,446 station wagons but so far, we have mobilized 1067 and we have a short fall of 1,379 station wagons. The MEC, through the Transport Task Force, have asked the government to impound vehicles. The MEC is also engaging transporters already evaluated and shortlisted to provide hire services for trucks so that they can also help raise the shortfall for the station wagons.

The Commission also needs 20 boats. During the Transport Task Force meetings there has been an assurance of six boats from the Malawi Police Service but they also need to be repaired by the Commission to be functional. The Malawi Defence Force (MDF) has not yet communicated how many boats they are going to help us with.

For some areas we need to fly and we need three helicopters. We are yet to conclude the discussion with the MDF.

The Commission is aware of the challenges that were faced in the 2014 Tripartite Elections due to shortage of vehicles. The Commission will leave no stone unturned to deal away with this shortage so that materials should be delivered to the centres on time and polling should not be delayed.

## **Funding for election**

The MEC is facing serious financial challenges because government has not disbursed adequate funds for holding funds for holding this election.

Out of the K29.1 billion budget that was approved by Parliament, only K9.3 billion has been funded. This means that about K20 billion is yet to be funded.

As the situation is, even if this money is disbursed now, it will take a few days to clear and the Commission will face very serious logistical challenges to implement this election.

### **Assurance of commitment to deliver a credible election**

Honourable members, I wish to assure you of the highest commitment of myself and the entire Commission to deliver a credible election whose results will be acceptable by all stakeholders. For us to do a good job, we will always engage stakeholders to get their views but also share with them what we have. Myself as the chairperson, I have confidence in all the members of the Commission and I know we will deliver.

I thank you all for listening to this speech

May God Bless you all

May he bless our nation of Malawi

Thank you very much.