



ANNOUNCEMENT OF THE DETERMINATION OF THE RESULTS OF FRESH PRESIDENTIAL ELECTION 2020

National Tally Centre, College of Medicine Sports Complex

27th June 2020

SALUTATION

- All Commissioners of the Malawi Electoral Commission;
- MEC Chief Elections Officer, Mr Sam Alfandika and your two deputies: Mr. Phaniel Hamsini for Finance and Administration and Mr Harris Potani for Operations
- The Deputy Speaker of the National Assembly, Honourable Madalitso Kazombo
- Madam Maria Jose Torres, UN Resident Coordinator
- Mr. Jurgen Bosch, German Ambassador
- Madam Hilda Suka Mafudze, Ambassador Republic of Zimbabwe
- UN Women representative, Madam Clara Anyangwe
- All representatives of Development Partners and international organisations;
- Head of DFID, Mr. Dave Beer
- Chairperson of the Malawi Human Rights Commission, Rev Patrick Semphere and all Commissioners of Malawi Human Rights Commission
- The Chairperson of the Centre for Multiparty Democracy (CMD), Honourable Mr. Kandi Padambo;

- All Members of Parliament present;
- Brigadier General Blaise Saenda from the Malawi Defence Force
- Deputy Commissioner of Police, Mr Noel Kayira.
- All members of the Malawi Defence Forces and Malawi Police Service
- Secretaries General and representatives of various political parties;
- Various faith and religious organisations;
- Representatives of various civil society organisations;
- Management and staff from Malawi Electoral Commission
- Members of the Press; and
- Distinguished Ladies and Gentlemen

My Fellow Malawians

Tonight, we come before you as a Commission to announce the results that you have been so eagerly waiting for. The Commission has finally completed the tabulation and determination of results and we have resolved all the complaints that were presented to us in relation to the conduct of the Fresh Presidential Election. And as we speak, we have a winner of the Fresh Presidential Elections held on Tuesday the 23rd of June 2020.

However, before I pronounce the Commission's determination of results allow me first of all to walk you through the process that has taken us here.

First of all, we would like to express our gratitude to the people of Malawi for being patient and calm while we were undertaking the results management processes since the elections happened on 23rd of June. The Commission could not hasten to pronounce the results at the expense of quality and legality and that's why we took a bit of time. As we are all aware, the Fresh Presidential Election was held following a Constitutional Court order of the 3rd of February 2020 that nullified the Presidential Election that occurred on 21st of May 2019 and that decision was upheld by the Supreme Court of Appeal on the 8th May 2020.

After a lengthy court process, we would not want to find ourselves back to the place where we started. It is for that reason that we had to undertake some elaborate and taxing processes just to ensure

that we are compliant with the court judgment and all the electoral laws. That is why though we had initially, according to our calendar initiated a Voter Registration in process, when the Supreme Court on the 8th of May 2020 ordered that we should stop new voter registration, the process was suspended.

Inspection of the Voters register

And then from the 10th to the 11th of June 2020 there was Voter Register Inspection in all the centres across the country: No transfers were allowed, No issuance of duplicate certificates was allowed, and we also set up the *720# platform to help voters verify their details and to know their Polling Station number.

As a matter of trying to assure credibility of the process we also made available the Voter Register to all the political parties participating in the election. The idea being that if they discover any anomaly in the register, they should alert the Commission to remedy that. At the end of that process, nobody came forward to lodge any complaint of any deficiency in the Voters Register and in a way that affirmed the confidence that we had in the quality and accuracy of that Register.

Candidates for Fresh Presidential Election

On the 6th and 7th of May 2020 we received nomination papers from three candidates: Lazarus McCarthy Chakwera representing the Malawi Congress Party, Peter Dominico Sinosi Driver Kuwani of the

Mbakuwaku Movement for Democracy and Arthur Peter Mutharika of the Democratic Progressive Party. This is what was received out of the 9 candidates that had initially collected nomination papers and had expressed interest.

On the 8th of May 2020, the Supreme Court delivered its judgment and clarified that only candidates who had participated in the 2019 polls were eligible to participate in the Fresh Presidential Election. As it turned out, it turned out that all the three candidates were equally eligible.

Official campaign period

The campaign period was launched on May 2nd 2020 and it was initially expected to run up to the 30th of June because at that stage we had set 2nd of July 2020 as the Polling Date. However the Supreme Court decision made it clear that the polls and determination of results should be done within the 150 days so that in the end Parliament appointed the 23rd of June 2020 which meant that campaign had to cease on the 21st of June 2020 at 6 am. And we would like to commend all the candidates and their parties for generally maintaining a substantially peaceful environment up to and beyond that stage.

Polling and results management

We would also like to commend all the responsible citizens that came to vote on the 23rd of June and did so peacefully and calmly

and all centres managed to open and run for the 12 hours stipulated in the law.

Vote counting began immediately voting was over. No ballot was removed from the Polling Station before its contents were counted and all Party Representatives and Observers signed and received a copy of the results. After the counting of the results, the Presiding Officer duly posted the copy of the results at the Polling Station and took the results to the District Tally Centre. At the District Tally Centre, the Returning Officers, most of whom were District Commissioners received the results with the assistance of the Constituency Desk Officers and contesting political parties had been asked to also place two reps at this level for each constituency. The Party Representatives' were given a copy of the Constituency Summary Sheet and the Returning Officer compiled summary results for each constituency and later the District Summary. Party Representatives were also given signed copies at the District Tally Centre and at the end of the process, the Returning Officer physically took the results to the Main Tally Centre in Blantyre, He also took with him the null and void votes for the determination of the Commission. The law in this regard required the Commission before determining the results to ensure that all the null and void votes were affirmed by the Commission. We have undertaken to examine all those votes, however, there were some cases where the null and void votes were not brought to the National Tally Centre because they were mistakenly locked in the Ballot Boxes by the Presiding Officers.

It has been a very interesting journey, we are finally here it would be important for me, before going into the formal declaration of the results to take care of what I would like to describe as a few family matters.

When we were first appointed on the 7th of June 2020 everyone wanted to know if we had adequate time to hold the Fresh Presidential Election within the available time then. However when I received a comprehensive brief on the State of Preparedness from the Chief Elections Officer Mr. Sam Alfandika on the 9th of June it became much clearer to me that much of the preparatory work had already been done since the 3rd of February 2020 contrary to public perceptions. For example, all the documentations and forms and manuals which required to be reviewed in light of the Constitutional Court decision, had already been reviewed and already printed. Indeed at that stage, recruitment and training of Polling Station Staff was well underway, all polling materials had already been procured even if at that stage they were not mostly delivered and generally there was a lot of work that was happening at the ground.

Why do I say all this? I say all this to acknowledge all the efforts that our predecessors in office undertook before we assumed office on the 9th of June 2020. Without the meticulous planning which they undertook, our task would have been really difficult. I would like to thank Justice Dr. Ansah and her colleagues for all the effort they

took in leading that process before their term expired. A special personal thank you also to our CEO Mr. Alfandika and his team at our secretariat. Most of the staff we are working with, we have not had a chance to at least be formally introduced to them. Your dedication and hard work is greatly appreciated and the results speak for themselves.

Allow me also to register my personal appreciation for the great cooperation I've received from my fellow Commissioners from the time we met at the High Court premises for our swearing in ceremony on Tuesday, the 9th of June 2020. You are all very exceptional professionals and I feel very privileged to be the first among such great equals. The blend of experiences and expertise that you brought to the table was just perfect for our kind of assignment. Continuity which enabled us to hit the ground running with the appropriate perspective but also new eyes which gave us a real opportunity for a fresh start. In short, I am really thankful to God for the breadth and depth of talent at the institution we call the Malawi Electoral Commission. There is a lot of talent from the highest level at the Commission level but also all the people doing the actual hard work of implementing the programs, I am thankful to you.

Allow me to also acknowledge publicly the exceptional security services we have enjoyed from our compatriots at the MDF and Malawi Police Services. Thank you Brigadier General Blaise Saenda

and Deputy Commissioner of Police, Mr Noel Kaira. Your professionalism and devotion to duty deserves special mention. Your leadership and cooperation is truly invaluable. Thanks too to MDF for the extensive logistical support and transporting the polling materials especially the sensitive polling materials first from Kamuzu International Airport (KIA) to all the Constituency Nerve Centres and later from all the Councils to the National Tally Centre. Without your robust security arrangement, we at the MEC, would not have been able to discharge our duty under Section 8, sub-section (i) of the Electoral Commission Act namely and I quote:

“To establish security conditions necessary for the conduct of every election in accordance with any written law governing elections”

Thanks, in the same vain to the Malawi Police Service for a speedy and appropriate response to quell and investigate any incidents of criminality and other security threats.

Finally, let me thank in a special way the media who have helped us to convey our messages very effectively to the voting public. I am sure there are many others who deserve to be recognized here but in the interest of time allow me just to single out the UN Resident Coordinator and her team but also the Ambassador from Zimbabwe for the invaluable moral support given in the course of this project.

I will be failing in my duty if I do not acknowledge the support of the government of Malawi through the Ministry of Finance for providing

the much-needed funds despite their stringent financial constraints. It has been a real honour to lead this process in the past twenty days. For all that we've been able to do, please allow me to attribute all the glory to our Lord and God Jesus Christ in whose grace we have found this opportunity.

At this stage, allow me to take you through the National Results that have been confirmed this evening. Before I do that, let me take you through the schedule of the complaints and processes we have gone through to get here.

Complaints handling and resolution

The Commission is not only responsible for preparing results but also for ensuring that the results are credible and that all grievances and complaints are duly addressed.

1. APPEALS FROM PRESIDING OFFICERS

- 1.1. In accordance with section 113 of the Parliamentary and Presidential Elections Act (PPEA), the Commission provided Electoral Complaints Logbook as required under section 70 (h) of PPEA. Complaints lodged at a polling station must be resolved by the Presiding Officer. If not resolved, the Commission is required to take decisions on all matters that have not been satisfactorily resolved.
- 1.2. The Commission has retrieved and reviewed Electoral Complaints Logbooks provided to all Polling Stations and has

observed that all complaints were resolved at those Polling Stations. The Commission received only one referral from St. Ignasious, Polling Station Number 1, Mangochi South referred two votes classified as null and void votes to the Commission for final decision. The Commission has examined the two null and void votes and has affirmed the decision of the Presiding Officer.

1.3. The Commission, therefore, considered all the complaints at that level to have been adequately resolved.

2. **COMPLAINTS LODGED AT NATIONAL TALLY CENTRE**

2.1. The Commission received a total of 10 complaints at the National Tally Center as follows

FPE Complaint No. 1: **INCIDENTS OF VIOLENCE, THREAT OF VIOLENCE ABDUCTION AND INTIMIDATION IN SALIMA, NKHOTAKOTA AND LILONGWE.**

Complainant: Democratic Progressive Party

Date Received: 22nd June 2020

Determination: The Commission reviewed this Complaint and resolved that the complaint is alleging commission of criminal offences and referred the matter to the Malawi Police Service for investigation and prosecution in accordance with the law.

FPE Complaint No. 2: **ACTS OF VIOLENCE, THREAT OF VIOLENCE ABDUCTION AND INTIMIDATION BY SUSPECTED MALAWI CONGRESS PARTY AND UTM ALLIANCE AGENTS IN DOWA AND LILONGWE.**

Complainant: Democratic Progressive Party

Date Received: 22nd June 2020

Determination: The Commission reviewed this Complaint and resolved that the complaint is alleging commission of criminal offences and referred the matter to the Malawi Police Service for investigation and prosecution in accordance with the law.

FPE Complaint No. 3: **RECRUITMENT OF EX-SERVICE MEN BY THE DPP WITH INTENT TO DESTABILIZE POLLING.**

Complainant: Malawi Congress Party

Date Received: 23rd June 2020

Determination: The Commission reviewed this Complaint and resolved to refer the matters alleged to the Malawi Police Service for investigation and action.

FPE Complaint No. 4: **HARRASMENT AND CHASING OF MCP PARTY REPRESENTATIVES AT MCHACHA SCHOOL POLLING CENTRE- CHIKWAWA EAST**

Complainant: Malawi Congress Party Legal Support Team
Date Received: 23rd June 2020
Determination: The Commission investigated the allegation and through the engagement of the concerned parties resolved the issue. The Party Representatives returned to the Polling Station.

FPE Complaint No. 5: **APPEAL FOR NULLIFICATION ON THE CANDIDATURE OF DR. LAZARUS CHAKWERA AND PROF. ARTHUR PETER MUTHARIKA**

Complainant: Mr. Peter Kuwani
Date Received: 24th June 2020
Determination: The Commission resolved that the demand did not have merit and resolved to dismiss the claim. Reasons for the dismissal were duly communicated to the complainant.

FPE Complaint No. 6: **INTIMIDATION AND PHYSICAL ASSAULT OF PARTY REPRESENTATIVES FOR LILONGWE DISTRICT**

Complainant: Democratic Progressive Party
Date Received: 24th June 2020

Determination: The Commission reviewed this complaint and resolved that the complaint was alleging commission of offences. The matters were referred to the Malawi Police Service for investigation and action. The decision referring the matters to Police were duly communicated to the Police.

FPE Complaint No. 7: **COMPLAINT ON VERIFICATION OF NULL AND VOID VOTE WITH DEMAND TO BE CONSULTED AND INVOLVED IN THE EXAMINATION OF THE NULL AND VOID VOTES**

Complainant: Democratic Progressive Party

Date Received: 24th June 2020

Determination: The complaint was dismissed. The Commission decided that this is one of the *quasi-judicial* functions of the Commission which cannot involve electoral stakeholders. The Complainant was advised of the right to appeal the determination of the Commission on the null and void votes.

FPE Complaint No. 8 **ALLEGATION OF MASSIVE IRREGULARITIES AFFECTING INTEGRITY AND CREDIBILITY OF THE**

**PRESIDENTIAL ELECTION RESULTS IN CENTRAL
REGION AND MZIMBA DISTRICT**

Complainant: Democratic Progressive Party
Date received: 26th June 2020
Determination: Complaint dismissed

FPE Complaint No. 9 **ALLEGATION OF INTIMIDATION AND PHYSICAL
ASSAULT OF PARTY REPRESENTATIVES**

Complainant: Democratic Progressive Party
Date received: 26th June 2020
Determination Commission established adequate security conditions with the assistance of the Malawi Police Service and the Malawi Defence Force. The matters raised by the complainant are matters that are being dealt with by the Police. The Police has issued Reports that have been shared with the Complainant.

FPE Complaint No. 9 **ALLEGATION OF INTIMIDATION AND PHYSICAL
ASSAULT OF PARTY REPRESENTATIVES**

Complainant: Democratic Progressive Party
Date received: 27th June 2020
Determination Commission established adequate security conditions with the assistance of the Police and

the Malawi Defence Force. The matters raised by the complainant are matters that are being dealt with by the Police. The Police has issued Reports that have been shared with the Complainant.

FPE Complaint No. 10 **COMPLAINT AGAINST MASSIVE
IRREGULARITIES AFFECTING INTEGRITY AND
CREDIBILITY OF THE PRESIDENTIAL ELECTION
RESULTS:**

Complainant: Democratic Progressive Party
Date received: 27th June 2020
Determination Having satisfied itself that there is no evidence
to substantiate the allegations has dismissed
the complaint.

Examination of null and void votes

Before determination of the results, the Commission has the statutory duty to examine all the null and void votes. In accordance with Section 97 of the Parliamentary and Presidential Elections Act, the Commission has examined votes classified by the Presiding Officer as null and void to affirm or correct the decisions of the Presiding Officers. However, there were some cases whereby the null and void votes were not brought to the National Tally Centre because they

were mistakenly locked in ballot boxes by the Presiding Officers. The Commission having examined the null and void votes, has made the following determinations:

District	Total Received	Affirmed	Corrected	Corrected Added to		
				Prof. Mutharika	Dr. Chakwera	Mr. Kuwani
Chitipa	238	229	9	0	8	1
Karonga	454	438	16	3	12	1
Rumphu	319	313	6	0	6	0
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Mzimba	1717	1677	40	2	38	0
Nkhatabay	295	276	19	7	12	0
Likoma	21	19	2	2	0	0
Kasungu	1936	1885	51	16	35	0
Ntchisi	880	815	65	8	55	2
Nkhotakota	1002	988	14	1	13	0
Dowa	2236	2228	8	0	8	0
Salima	1716	1632	84	18	63	3
Lilongwe	7050	6886	164	7	156	1
Mchinji	1461	1402	59	17	40	2
Dedza	3300	3222	78	3	75	0
Ntcheu	1018	1015	3	0	3	0
Mangochi	5002	4951	51	44	5	2
Balaka	1612	1564	48	43	4	1
Machinga	2875	2845	30	28	1	1
Zomba	3142	2989	153	133	16	4
Chiradzulu	1458	1407	51	43	6	2
Blantyre	2554	2524	30	18	12	0
Mwanza	174	172	2	1	1	0
Neno	390	372	18	16	0	2
Phalombe	1880	1844	36	34	2	0
Mulanje	2607	2529	78	67	10	1
Thyolo	2338	2301	37	29	5	3
Chikwawa	2373	2312	61	21	40	0
Nsanje	660	572	88	66	18	4
Totals	51,027	49,720	1,307	627	650	30

Now I would like to come to the declaration of Results:

Coming to the final National Results, the number of registered voters eligible to participate in this election was 6,859,570. A total of 4,445,385 turned out to vote and that translates to 64.81 percent. There was a total of 56,082 null and void votes representing 1.26 percent of the votes cast. Total valid votes were 4, 389,303. These votes have been distributed as follows:

- I. Lazarus Chakwera, Malawi Congress Party has received 2,604,300 votes representing 59.33 percent.
- II. Peter Dominico Sinosi Driver Kuwani, Mbakuwawaku Movement for Development (MMD), 32,473 votes representing 0.74 percent.
- III. Arthur Peter Mutharika, Democratic Progressive Party (DPP) 1,752,530 votes representing 39.93 percent.

Therefore, in accordance with Section 80, subsection 2 of the Constitution of the Republic of Malawi, as read together with Section 96, subsection 5 of the Parliamentary and Presidential Elections Act, the Commission declares that Lazarus Chakwera the candidate who has attained 59.33 percent of the votes has attained the requisite majority of the electorate as appearing in the second schedule and is duly elected as President of the Republic of Malawi.

I wish you well. Thank you all for your attention.

