



ELECTORAL COMMISSION

PRESS STATEMENT ON BY-ELECTIONS

TAKE NOTICE that following the judgment of the High Court in *Martin Chikati Sekati Nyengo & Simeon Harrison v Electoral Commission*, Election Case Number 1 of 2020, the procedure for holding elections in the following constituencies: Mangochi West Constituency; Mangochi North East Constituency; and Phalombe North Constituency, will be as follows:

1. Only the candidates who participated in the 2019 parliamentary elections will be considered eligible to contest in the elections and their status and party affiliations will be maintained; and
2. The voters' register will be reset to the state it was on 21st May 2019.

In view of the foregoing, the elections in Mangochi West Constituency; Mangochi North East Constituency; and Phalombe North Constituency have been deferred to allow time for implementation of the above processes. New dates for receipt of nominations and the three by-elections will be set and announced in due course.

Implications and Meaning of ‘Majority’ from recent Court Decisions

FURTHER, TAKE NOTICE that the Commission has considered the provisions of section 96 (5) of the Parliamentary and Presidential Elections Act and section 80 (5) of the Local Government Elections Act and the interpretation of the word “majority” by both the Constitutional Court in *Dr. Saulos Klaus Chilima and Dr. Lazarus McCarthy Chakwera v. Prof. Arthur Peter Mutharika & the Electoral Commission*, Constitutional Reference No. 1 of 2019 and Malawi Supreme Court of Appeal in *Prof. Arthur Peter Mutharika & the Electoral Commission v. Dr. Saulos Klaus Chilima and Dr. Lazarus McCarthy Chakwera*, MSCA Constitutional Appeal Number 1 of 2020 and would like to inform all candidates, political parties and relevant electoral stakeholders that the threshold for determination of a winner for both the parliamentary and local government elections will be set at 50% plus 1 vote of the votes cast.

Any candidate or political party aggrieved by these decisions may appeal to the High Court of Malawi.

For further enquiries, please contact the Chief Elections Officer on the following details:

Chief Elections Officer
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Dated this 12th October 2020

A handwritten signature in black ink, appearing to read 'Chifundo Kachale, J.', written in a cursive style.

Dr. Chifundo Kachale, J.
CHAIRMAN