



**RESULTS DECLARATION SPEECH BY CHAIRMAN, JUSTICE DR
CHIFUNDO KACHALE**

FOR 15 DECEMBER BY-ELECTIONS

Mangochi West Constituency

Mangochi North East Constituency

Phalombe North Constituency

Amaryllis Hotel, Blantyre

- My Fellow Commissioners,
- The Chief Elections Officer, Mr Sam Alfandika and all staff from MEC
- Representatives of various political parties and independent candidates here present
- Representatives of various Civil Society Organizations
- Distinguished Invited Guests
- Members of the Press
- Ladies and gentlemen

Good afternoon

I am grateful to God, the Almighty that this afternoon I can present to you the results of the by-election, held yesterday, 15 December, 2020 in the following areas:

- Mangochi West Constituency,
- Mangochi North East Constituency, and
- Phalombe North Constituency.

The Commission has been meeting since close of polls doing three things:

1. Reviewing the complaints submitted to it regarding polling
2. Reviewing null and void votes brought to the main tally centre by the Returning Officers, and
3. Determining on the results brought to the main tally centre by the Returning Officers

Before I announce the final results and declare the winners allow me to give a brief background of the process.

Background to the vacancies

Vacancies in these three constituencies arose because the High Court nullified the results for the 2019 parliamentary elections in these areas because of irregularities as follows:

1. Mangochi West fell vacant on 20th December, 2019
2. Mangochi North East fell vacant on 8th June, 2020
3. Phalombe North fell vacant on 22nd June, 2020

In accordance with the directions of the High Court, the Commission had to organise by-elections to fill these vacancies so that people in the three constituencies should have representation in Parliament.

Inspection and registration of voters

The Commission launched the by-elections activities on 10th September, 2020 and planned to conduct voter registration and update from 14 to 27 September, 2020 in all the three areas to give an opportunity for those that had attained the voting age of 18 years and eligible voters that did not register during the 2019 registration drive. However, in the course of the exercise, the Commission was served with an injunction by the courts restraining it from registration of new voters and opening of the nomination process to new

candidates in Mangochi North East Constituency. However, it should be noted here that inspection of voters' register proceeded in Mangochi North East because it was not affected by the injunction. Voter registration and update, however, proceeded undisturbed in the other two constituencies of Mangochi West and Phalombe North. The matter went to full hearing and in end the High Court gave an order that restricted voting and contesting to only those that participated in the 2019 elections in all the areas that fell vacant as a result of court nullification. In view of this direction by the Courts, the Commission had to revert to the 2019 voter register and all the new registrants were not added to the voters roll.

Nomination of candidates

Distinguished ladies and gentlemen, initially the Commission had received nomination papers on 7th October, 2020 in Mangochi West and Phalombe North constituencies. In Mangochi North East this never took place because of the court injunction that was in place restraining the Commission from receiving fresh nominations.

However, on the same day, 7th October, 2020, the High Court ruled that only those that contested in 2019 should contest and should not change their affiliation. The Commission had to postpone the electoral process in these three constituencies so as to prepare for the process again. This preparation was on the part of both the Commission and candidates a good number of whom had changed

affiliations or statuses from the ones they held during the 2019 elections.

On 30th October 2020 the Commission wrote all the candidates that contested in 2019 to express their willingness to contest in these by-elections. The following candidates advised the Commission of their withdrawal from the race:

1. Phalombe North Constituency

- Anna Andrew KACHIKHO, Democratic Progressive Party (DPP)
- Patrick MILIYONI, Independent

2. Mangochi North East Constituency

- Eunice Apalule ABUDU, Malawi Congress Party (MCP)
- Baina KASIMU, Peoples Party (PP)
- Alfred Mkwanda MWECHEMU, Independent
- Overton Imedi SAIDI, Democratic Progressive Party (DPP)
- Idi Eric Makumba YUSUF, Independent

3. Mangochi West Constituency

- Joyce Moses CHIKUMBA, Independent
- Victor Samuel MKONDE, Independent
- Beatrice Ireen Lwanda NGAUNJE Malawi Congress Party (MCP)
- Davison Chatuluka PAULOSI, Independent
- Issah Yunusu SOSOLA, United Democratic Front (UDF)

Ms Joyce Chikumba and Ms Beatrice Lwanja Ngaunje had initially indicated that they will contest. However, in the course of the preparations, they brought in their letters of withdrawal from the race.

Official campaign period

The official campaign period started on 10th September, 2020 when the by elections were initially launched. As per requirement of the law, campaign ended at 06.00AM on 13th December, 2020 which is 48 hours to the polling day.

The Commission wishes to commend the people in the three by-election areas for maintaining law, order, peace and calm during the entire campaign period. We never received any complaint in relation to issues of violence or intimidation.

Polling, counting and results

Polling took place on the 15th of December, 2020. All polling stations opened on time and ran uninterrupted. Counting of results began immediately after close of the polls in the same polling stations where polling took place. Results from the polling stations were taken to the District Commissioner who brought them to Blantyre where MEC set the National Tally Centre.

I should thank all parties and candidates who sent their representatives to polling and tally centres to monitor the counting

process. Their presence enhanced the transparency and credibility of the process. And would like to appreciate the presence of Commissioners and its staff in facilitating the whole process.

Civic and Voter Education

In order to fulfil its mandate of conducting civic education, the Commission produced and distributed civic and voter education materials such as posters, brochures and voter information letters to all chiefs and religious leaders in the areas concerned.

The Commission also conducted voter education meetings with religious and traditional leaders on polling procedures and other related matters. In addition, the Commission distributed footballs and deployed loudhailer vehicles to conduct voter awareness and mobilise voters to patronize their polling centres on the polling day. On the other hand, the National Initiative for Civic Education (NICE) Trust complemented the Commission by conducting candidates' debates that also helped inform the voters about manifestos of the candidates. The Commission commends the NICE Trust for this important role.

Appreciation to stakeholders

MEC wishes to extend its appreciation to Government through the Ministry of Finance for timely release of funds to conduct the by

election. The by-election operations have run without challenges and uninterrupted because funding was available.

The Commission also appreciates the efforts by the faith-based organizations and religious leaders who helped in voter education by reading to their congregations the letters that MEC sent to them with various voter information details.

The Commission continues to appreciate the role the Malawi Police Service plays in providing security throughout the process and the media for sensitizing the public on these by-elections and publishing accurate and correct information.

The Commission recognizes and appreciates the District Commissioners and members of the District Election Supervisory Teams who managed the elections on the ground. You will agree with me that the teams did an excellent job. I should also thank the Multiparty Liaison Committees, and various political party leaders for the collaboration we had in preparation and conduct of these by-elections.

A fitting word of high and hearty commendation to my fellow Commissioners and the MEC staff for their dedication, professionalism, commitment and selflessness in managing the electoral process so well. To you I say well done and keep it up!

Finally, I should also express our sincere gratitude and appreciation to all registered voters in the three constituencies for turning up for voting. That is the ultimate love a member can show a party or favourite candidate.

Analysis of Complaints

Distinguished Ladies and Gentlemen. It is a requirement that before the determination beginning of the results of an election the Commission must resolve all matters that have been subject of complaints.

The Commission considered complaints received as appeals from polling stations and other complaints lodged directly to the Commission. In accordance with section 70 (h) of the Parliamentary and Presidential Elections Act, the Commission provided all polling stations with Complaints Logbooks. In accordance with section 113 of the Act, all complaints, any irregularity must be submitted at the polling stations and should be resolved by the Presiding officer. If the complaints are not satisfactorily resolved at that level of authority, the complaints shall be examined and decided upon by the Commission. Where an irregularity has been confirmed, the Commission must take action to correct the irregularity and the effect of the irregularity on the election outcome.

In respect of these by-elections the Commission retrieved and reviewed all the Electoral Complaints Logbooks which were placed at the Polling Stations. It was observed that all complaints that had been recorded were resolved at the Polling Stations and the District Tally Centres.

Complaints lodged directly with the Commission

The Commission today, in the afternoon, received a complaint from Mr Martin Nyengo, an independent candidate from Mangochi North East constituency. In his complaint, Mr Nyengo raised allegations of issuing of handouts on the polling day by one of the candidates. The Commission considered the complaint and has dismissed it on the basis of lack of merit. The Commission has communicated in writing to the complainant the reasons for the decision.

As we were about to make the official announcement of the results, the Commission was served with another complaint by Mr Simeon Harrison, who was an independent candidate in Mangochi West Constituency. He was disputing the number of null and void votes and demanded recount of electoral results on that basis. The Commission has dismissed the petition because of lack of merit and evidence. The Commission reviewed all the null and void from the Constituency and even corrected one vote which was added to him.

Examination of null and void votes

It is also a requirement that the Commission must examine all the votes that have been classified as null and void in accordance with Section 97 of the Parliamentary and Presidential Elections Act. The reason for this examination is to allow the Commission to determine whether decisions made at the polling stations should be affirmed or corrected.

The Commission, having examined the null and void votes, has made the following determinations:

- Phalombe North: The Commission examined 135 null and void votes, affirmed 134 as such and corrected 1 vote which has been allocated to Promise Salima, INDEPENDENT.
- Mangochi West: The Commission examined 111 null and void votes, affirmed 110 as such and one vote has been allocated to Simeon Harrison, INDEPENDENT.
- Mangochi North East: The Commission examined 170 null and void votes, affirmed 170 as such.

Declaration of Results

Distinguished Ladies and Gentlemen, I will now proceed to declare the results.

The Commission monitored the voting that took place on the 15th of December 2020. We are satisfied that it was conducted in an environment where the electorates were free to elect a candidate of their choice without fear and intimidation. We are also confident that

the results we are about to announce reflect the will of the voters. The Commission, therefore, declares this election as a credible one that has met legal requirements and international best practices generally.

- **Mangochi West Constituency**

Mangochi West Constituency had five candidates. With a total of 27,190 registered voters, a total of 13,566 voters turned up for polling. This represents 49.89 percent voter turnout. There were 111 null and void votes. This represents 0.82 percent of the total votes cast. The results of the voting are as follows:

1. Richard Gomani Banda (M) INDEPENDENT got 53 votes
2. Geoffrey Meleka Mark Chiwondo (M) DPP got 1,952 votes
3. Simeon Harrison (M) INDEPENDENT got 5,636 votes
4. Reuben Kanyama (M) INDEPENDENT got 5,648 votes
5. Stanly Jubeck Phiri (M) UTM got 166 votes

Distinguished Ladies and Gentlemen, on behalf of the Commission, I, Justice Dr Chifundo Kachale now declare Reuben Kanyama who contested as INDEPENDENT candidate the winner in the Mangochi West Constituency by-election.

- **Mangochi North East Constituency**

Mangochi North East Constituency had three candidates. With a total of 3,1501 registered voters, a total of 19,348 voters turned up for polling. This represents 61.42 percent voter turnout. There were 172 null

and void votes. This represents 0.9 percent of the total votes cast. The results of the voting are as follows:

1. Duncan Mannah Cassim (M) UTM got 185 votes
2. Idi Kalosi (M) United Democratic Front (UDF) got 9,898 votes
3. Martin Chikati Nyengo (M) INDEPENDENT got 9,093 votes

Distinguished Ladies and Gentlemen, on behalf of the Commission, I, Justice Dr Chifundo Kachale now declare Idi Kalosi who contested as United Democratic Front (UDF) candidate the winner in the Mangochi North East Constituency by-election.

- **Phalombe North Constituency**

Phalombe North Constituency had five candidates. With a total of 28,670 registered voters, a total of 16,241 voters turned up for polling. This represents 56.65 percent voter turnout. There were 146 null and void votes. This represents 0.9 percent of the total votes cast. The results of the voting are as follows:

1. Mabvuto Bokosi (M) INDEPENDENT got 8,256 votes
2. Esther Wadi Kazembe (F) Malawi Congress Party (MCP) got 52 votes
3. Dr. Wilfred Godwin Lipita (M) INDEPENDENT got 934 votes
4. Justin Samuel Mokowa (M) UTM got 3,804
5. Promise Salima (F) INDEPENDENT got 3,049 votes

Distinguished Ladies and Gentlemen, on behalf of the Commission,

I, Justice Dr Chifundo Kachale now declare **Mabvuto Bokosi** who contested as INDEPENDENT candidate the winner in the Phalombe North Constituency by-election.

Commission observations

1. Voter turnout during by-elections

The Commission has noted that every time there are by-elections there is generally low voter turnout but in the current case there has been an improvement. I can cite a few examples:

- On December 22, 2015 the Commission held by-elections in Zomba Chisi Constituency and turnout was **36.56 percent**
- On 1st November, 2016 in Mchinji West Constituency and turnout was **25.85 percent**
- On 17th October 2017, the Commission conducted by-elections in the following constituencies:
 - Lilongwe Msozi North turnout was **40.93** percent
 - Lilongwe City South East turnout was **18.06** percent
 - Nsanje Lalanje turnout was **57.17** percent
- On 5th March, 2019, the Commission conducted by-elections in Liwawadzi Ward in Balaka and the turnout was **22.34** percent.
- On 5th November, 2019, the Commission conducted by-elections in Matenje Ward and turnout was **19.60** percent

- On 30th January 2020, the Commission conducted by-elections in Lilongwe South Constituency and turnout was **46.97** percent
- On 10th November, 2020 the Commission conducted by-elections in three areas as follows:
 - Karonga Central Constituency turnout was 80.5 percent
 - Lilongwe North West turnout was 49.1 percent
 - Makhwira South Ward in Chikwawa turnout was 33.9 percent

2. Participation of women in elections

The Commission is concerned with increasing number of women candidates that drop out of parliamentary race. We are fully aware that it is within their right and freedom to do so voluntarily but this happened at a time when everyone is concerned with dwindling number of women holding elected positions. It cannot be let go without a comment. For these by-elections all the two women candidates in Mangochi West withdrew from the race making it an all men race. Their withdrawals came after they had even vetted the ballot paper templates. Political parties need to take stronger positive strides in supporting women to contest as candidates than just speaking about it.

Concluding remarks

I extend congratulations to the winners. Please go and deliver your promises made during the campaign period. To those that have not made it I say there will always be next time. Go, reflect and plan on how to win next time.

I wish to thank everyone for participating in this by-election.

May God bless you

Bless our land of Malawi.