



**ADDRESS BY MEC CHAIRMAN, JUSTICE DR CHIFUNDO KACHALE
GIVING UPDATE ON PREPARATIONS FOR BY-ELECTIONS**

18th February, 2021, Amaryllis Hotel

Salutations

- My Fellow Commissioners
- MEC Chief Elections Officer, Mr. Sam Alfandika
- Members of the Press
- Ladies and gentlemen

Greetings,

The press briefing this afternoon has been organized by the Commission to give an update to the nation on the state of preparedness for holding by elections in the seven constituencies and two wards that are currently vacant and also to share the calendar of events for the by-elections.

Back ground to the vacancies

On 4th February, the High Court nullified 2019 parliamentary elections in three constituencies. The Court ordered the Commission to hold the fresh elections in these constituencies within 60 days from the date of the judgment. The constituencies are:

1. Nsanje Central Constituency
2. Nsanje North Constituency
3. Chikwawa East Constituency

In addition to that, sadly, four members of parliament and two ward councillors have died in the recent past. These were from Ntchisi North, Lilongwe Nsinja South, Karonga North West and Zomba

Changalume constituencies, and also from the two wards of Riviridzi in Balaka and Chitakale in Mulanje districts.

Preparations for holding by-elections

Following the vacancies, the Commission has been preparing to fill the vacancies by holding by-elections. Let me emphasize that it has always been the intention of the Commission to hold by-elections within the statutory period of 60 days once a notice of a vacancy is published by the Speaker in the Gazette.

In preparation for the upcoming by-elections the Commission undertook the following:

1. Developed a budget which has been duly submitted to the Treasury for funding. So far, the Treasury has promised to fund the by-elections.
2. Developed two calendars for holding the elections as follows:
 - (i) on 30th March 2021 for the vacancies arising from court nullification; and
 - (ii) 18th April, 2021 for the areas where the vacancies arose due to deaths of previous holders.
3. Held three consultative meetings with critical stakeholders, namely: The Presidential Task Force on Covid-19 on whether we could proceed with the by-elections with the current public

health situation, we also met the Centre for Multiparty Democracy (CMD) Board on Monday, 15th February, 2021 in Lilongwe and the Right Honourable Speaker of National Assembly this morning on 16th February 2021.

During my meeting with the Right Honourable Speaker of Parliament, the Commission sought her indulgence to exercise her discretionary power under section 63 (2) (b) of the Constitution of the Republic Malawi and extend the period within which the Commission is mandated to hold by-elections. Section 63(2)(b) of the Constitution states that;

“any by-election to fill a vacancy that occurs shall be held within sixty days after the seat of the member becomes vacant or, if in the opinion of the Speaker the circumstances do not admit, then as expeditiously as possible after the expiry of that period”.

The Commission is yet to receive feedback from the Honourable Speaker’s office in that regards.

Feedback from consultative meetings

Ladies and Gentlemen, the Commission is fully aware that the law provides that it should work independently of any office or authority. It is our strong view, however, that consulting stakeholders to seek their views and information to help us make informed decisions does

not compromise its independence. It is precisely in this spirit that the Commission sought an interface with the Presidential Task Force on Covid-19 and the Centre for Multiparty Board (CMD) Board regarding holding of these by-elections.

For the sake of record, this is the same route the Commission took before conducting the by-elections held on 10th November and 15th December, 2020. The Commission appreciates the feedback it gets through such platforms.

The feedback from the Covid-19 Task Force and the CMD Board has been emphatic that the Commission should combine the two calendars and hold by-elections together. On the time factor, it was suggested during the meeting with CMD that the Commission should approach the court for an extension of the polling date to a day outside the court ordered 60 days.

However, the Commission having reflected upon the matter, today the Commission wishes to announce that the by-elections will be held on 30th March, 2021 in all the seven constituencies and two wards. Part of the reason for seeking to extend the time-frame, sometimes we have to deal with issues of procurement for services, for example, printing of ballots under the relevant procurement statutes, there are requirements to actually seek services outside Malawi, for example, to flow the tenders for a period of not less than 45 days and all those processes will require time and we felt initially

that we may not be able to do that within the prescribed 60 days and so we are seeking the engagement of the PPDA to consider granting us authority to single source those services, if we will be able to implement the calendar of the by-elections before the 30th of March. The activities in preparations for the by-elections will take place as follows:

- **Voter registration and update:** This will run from 22 February to 7 March 2021.

In areas that fell vacant because of court nullification, that is Chikwawa East, Nsanje North and Nsanje Central constituencies, there will be only voter verification and no registration of new voters.

Registration of new voters and voter verification will take place during the same period in all the constituencies and wards which have fallen vacant because of death of the MPs and councilors elected in 2019.

- **Official campaign period:** This will run from 15 February to 28th March, 2021 at 6.00AM, that's 48 hours before the polling day. The Commission has provided more time for the candidates to conduct campaign because the Covid-19 is limiting to some crowd pulling strategies.

- **Nomination of candidates:** There will be no nomination of new candidates in the areas that fell vacant because of court nullification of election results. The same candidates that competed in 2019 are advised to present themselves at their respective Constituency Returning Offices to confirm their candidature on the 8th March, 2021.

However, there will be fresh nomination process in the remaining constituencies and wards whose vacancies have arisen because of death. All previous candidates and new ones are supposed to collect nomination papers from their respective constituency and ward offices from 19th of February, 2021. Presentation of nomination papers will be on 8th March, 2021.

- **Polling and results announcement:** Polling will be on 30th March, 2021 in all the seven constituencies and two wards. The Commission is expected to announce the official results by 1st April, 2021 at a main tally centre to be located in Lilongwe.

In the planning of these by-elections, the Commission will conduct stakeholders' meetings to launch the elections in the constituencies on Friday, 19th February, 2021 from 9.00am as follows:

- Nsanje Central Constituency at Mpasa TDC
- Nsanje North Constituency at Fatima TDC
- Chikwawa East Constituency at Livunzu TDC
- Ntchisi North Constituency at Malomo TDC

- Zomba Changalume Constituency at St Anthony TDC
- Lilongwe Msinja South Constituency at Chankhandwe TDC
- Karonga North West Constituency at Maghemo Sec School Hall

The launch meetings in the wards will take place on Saturday, 20th February, 2021 as follows:

- Liviridzi Ward in Balaka West Constituency at Kankao TDC
- Chitakale Ward in Mulanje South Constituency at Mulanje Council Hall.

Covid-19 preventive measures

During these by-elections, the Commission has put in place the following measures to protect the electorate and poll workers from contracting or spreading the COVID-19 virus:

- The messages about Covid-19 will be a cross-cutting theme in all electoral messages that we will be disseminating through loudhailers, radio, television, fliers, and posters among others.
- THE Commission has requested the COVID-19 Taskforce to give us their platform to share messages through their platforms
- Each centre will have a pail of water for people to wash hands before proceeding to their respective business at a centre
- The Commission is encouraging the electorate to bring their own personal protective equipment (PPEs) like masks, face shields, and hand sanitisers

- Registrants and voters should queue two arms apart. Ushers will be trained to control the queues and ensure that people follow the directions they are given.
- Polling staff will be given hand sanitisers, face shields, and masks among other PPEs.
- Polling staff are not allowed to touch the voter certificate. Instead, the voter should just hold it out close to the identification clerk to read and verify the details on the certificate
- Where possible, voters are encouraged to bring their own ball point pens for marking on the ballot paper. The Commission will still make available the ball point pens in all ballot booths.

Concluding remarks

The Commission is assuring stakeholders that it is committed to holding by-elections as soon as possible when a vacancy occurs so that people should always have their democratic right to be represented by candidates who are democratically elected. It is our anticipation that the Commission will enjoy positive support from all parties and stakeholders. We are having to do this work in the context of COVID19, we expect various players to ensure that they play their rightful roles in making sure that both the electorate and candidates adhere to the measures. The information we have from the COVID-19 Taskforce indicate that positivity rates have dropped drastically from what they were. We cannot overemphasize

therefore the importance of adhering to the preventive measures while also praying that the situation gets better. At the height of the pandemic in mid-January, positivity rate was at over 30.4% but now it's at 17.4% with projections that in the next two weeks it will be at 15.4% and in the next 4 weeks it will be below 10%. With the expectation that if that projection is maintained, it will be reasonably safe to undertake the by-elections since when we were conducting by-elections in November last year, it was at hovering around 15%. Thank you, your kind attention.

May God, the Almighty bless you

May He bless our nation.

Thank you.