



Preliminary report on the 15th December 2020 By-Elections

A. Preamble

On Tuesday, 15th December 2020, Malawians from Mangochi North-East, Mangochi West and Phalombe North Constituencies undertook a very important democratic assignment of exercising their constitutional right to vote in by-elections. The exercise follows the court nullification of the 2019 parliamentary elections in the mentioned constituencies. These by-elections provided yet another opportunity to citizens in these areas to choose their representatives in the National Assembly.

The National Initiative for Civic Education (NICE) Public Trust has been an active player and observer of Malawi's democracy in general and the electoral process, in particular, since 1999. During the 15th December by-elections, the Trust also played a significant role through the provision of civic and voter education, organized candidates debates, peace building initiatives and also observing the entire process.

B. Pre-election period

A. NICE's contribution to the by-elections during the pre-election period

- I. NICE together with MEC mounted a voter mobilization campaign in all the areas where there were these by-elections. The approaches used were loud hailing, use of the volunteer structure, the religious community, traditional leaders, distribution of leaflets, community radios and many other approaches while observing Covid-19 preventive measures.
- II. NICE organized political debates during the official campaign period to create space for interaction between aspirants and potential voters. This was in line

with universal standards to have a transparent electoral process in which campaign promises are regarded as a social contract between citizens and duty bearers before they are voted into power.

- III. NICE also engaged citizens in these electoral areas on the need to uphold peaceful co-existence and social cohesion throughout all the election phases.

C. NICE's key observations during the pre-election period

NICE Trust as one of the key players in Malawi's electoral processes took a keen interest to observe the environment in the run-up to the three bye-elections under review.

Below are some of our observations:

- I. MEC conducted itself in a transparent manner. Information on the by-elections under review was made public through both public and private media.
- II. By-elections calendar was systematically followed by MEC regardless of funding uncertainties.
- III. Campaign in all the three electoral areas was generally peaceful apart from a few sporadic cases of violence in Mangochi North East, most of which went unreported to the police.
- IV. There was freedom of assembly and association in all the three areas though with a tense atmosphere in Mangochi North East.
- V. Political debates conducted by NICE in all the three constituencies granted voters access to information on all candidates but also gave an opportunity to contesting candidates to sell-out their manifestos to potential voters.

D. NICE's key recommendations during the pre-election period

- i. Civic and voter education coordination meetings at district level should be strengthened in all future elections. This helps in making sure that all areas are well covered and that resources are effectively and efficiently utilized.
- ii. MEC should continue being transparent in handling all future elections as the current conduct of MEC has helped to rebuild the once eroded public trust in the electoral body.

- iii. Political debates should be encouraged in future elections as they provide an open platform for engagement between citizens and candidates. This promotes the ethos of representative democracy.
- iv. There is need to consider having formalized constituency multi-party liaison committees to address most of grassroots electoral conflicts during times of elections. This will help compliment the efforts of the district Multiparty Liaison Committees (MPLC),
- v. Training of poll-staff should address all important aspects of the voting exercise and should be done in a much more comprehensive manner.

E. Polling day observation

1. NICE's contribution to the by-elections during the polling day

To ensure that the by-elections are conducted in a manner that is free, fair, peaceful and credible; NICE contributed to the process through the deployment of observation teams. NICE Trust trained and deployed 76 roving and stationed observers (these include The Trust's board members, staff members, Area Civic Education Coordinators, Zone coordinators, Para civic educators, Nice constituency observers and media), across all the polling areas in Phalombe and Mangochi.

2. Key observation during the polling day

- I. **Opening of Centres:** There were no hiccups regarding the opening of centres and evidence shows that they opened at exactly 06:00 hours in almost all centres in the three constituencies.
- II. **Availability of Materials:** No major challenges were observed regarding missing or inadequate of essential materials like ballot papers, ballot boxes, ballot booths, ink pads, result sheets, final result sheets and lighting materials, further the torches were tested with dry cells powered by generators. However, the only item that seemed to miss were visitors registers and presiding officers had to improvise.

III. **Availability and capacity of Polling Staff:** Generally, all centres had the relevant polling staff (Ushers, Identification clerks, inking clerks, ballot issuers, presiding officers and assistant presiding officers, security officers and polling centre operation officers). These were discharging their duties diligently.

- All centres had at least one MEC Officer as a Presiding Officer. During these elections, MEC used District Elections Clerk from across the country to manage the centres. This enhanced effectiveness in manning these elections owing to the vast experiencing of managing elections they have.
- There was evidence that they were able to identify vulnerable voters and assist them accordingly, e.g., expectant mothers, the elderly, and persons with disabilities. In cases where anomalies were noted, they were corrected very timely.
- Persons requiring special assistance to cast their vote like the elderly and persons with disabilities were properly assisted by the presiding officers.

IV. **Turn Out of Voters:** The turn out in all the three constituencies was generally impressive. It is on record that participation of registered voters in Malawi's by-elections rarely go beyond 55.9% but these elections have shown that citizens have started appreciating the essence of representative democracy and turned up in large numbers to cast their vote. In Mangochi North East, a historic 61.42% turn-up was registered and 49.89% for Mangochi West constituency. Phalombe North registered a turn-up of 56.65 %.

It should also be noted that the number of null and void votes significantly reduced in comparison with previous elections in these constituencies. The 3 Constituencies have registered an average of 0.75% of null and void votes, with Phalombe North and Mangochi North East registering the highest at 0.9%, and Mangochi West had the lowest at 0.82%.

V. **Non willingness of potential registered voters to vote:** NICE observed that some potential registered voters were not willing to vote due to the following reasons:

- the withdrawal of 2 candidates in Mangochi West independent candidate Joyce Chikumba and MCP candidate Beatrice Ngaunje put away some voters
- Priority to buy the subsidized farm inputs than voting
- Frequent changes in polling date as initially it was supposed to take place on 10 November 2020 only to be changed to 15 December 2020.
- Many voters were in the fields tending their crops and had no time to vote.

VI. **Adherence to Covid-19 Measures:** COVID-19 measures were adhered to in all the constituencies in Phalombe and Mangochi. There was availability of handwashing facilities where voters were advised to wash hands, MEC staff were provided with hand sanitizers and surgical masks. Most of the monitors were not complying with the Covid-19 measures although they were given masks from MEC. The only challenge noted was violation of social distance protocol in the morning hours where centres were flooded by voters.

VII. **Monitoring and Observation by CSOs and Political Parties:** NICE, CCJP and PAC were the only CSOs that had placed monitors in all the centres in Phalombe and Mangochi constituencies. However, in some centres in both Phalombe and Mangochi, MHRC was also doing roving observation. UTM had placed monitors in all centres in Phalombe while MCP did not have any monitors in some centres. Further, the four independent candidates in Phalombe had also placed their monitors in all the centres. Similarly, contesting parties such as UDF, Independents and DPP managed to deploy monitors in all the centers the two constituencies in Mangochi where they had fielded candidates. For instance, Mangochi North-East was mainly UDF and Independent monitors who were in the centres. However, UTM and DPP had monitors in selected centres and in Mangochi West mainly Independent monitors for Simeon Harrison and Reuben Kanyama were fielded.

VIII. **Conduct of Political Parties and Candidates:** There were skirmishes of confrontation between UDF candidate and an independent candidate in Mangochi North East. The situation running to the poll-day was generally tense in Mangochi North East constituency unlike in Phalombe North and Mangochi West. Party officials in Phalombe North and Mangochi West were seen freely providing food and refreshments to their monitors. However, in Mangochi North East there was a clash between UDF party agents and supporters of independent candidate Mr. Martin Nyengo. The latter felt their counterparts were distributing food to voters but this was food meant for the UDF monitors. The confrontation between the two camps turned ugly and was later on contained by NICE officials who were roving across the constituency. Warring parties were advised to take the matter to the police and statements were recorded accordingly by the Mangochi police. The incident happening in Malindi and was not near any polling centre

Voting was peaceful and orderly in all the polling centres of the 3 constituencies. Generally, polling centres were opened on time and this allowed voters to start voting by 6:00 am and close at 6:00 pm observing all necessary laid down polling procedures

3. Key aspects of the by-elections that were well done

NICE Public Trust observed that several aspects of the by-elections were well done and deserve commendation. These include, but are not limited to;

- i. Malawi Electoral Commission complied with the court ruling and conducted these by-elections in line with the same. Guidance from the court on how these elections should be managed were adhered to by the electoral management body - MEC.

- ii. Voter education was well provided across the constituencies which might have significantly contributed to the fairly good turn-up but also reduced cases of null and void votes
- iii. District stakeholders tried their level best to engage each other in addressing most of the issues which came up in these electoral areas more especially Mangochi North East constituency.
- iv. Observation by CSOs and party/independent candidate agents was professionally done and this added credibility to the voting and results management processes.

4. Major incidents observed on the polling day

- a) **Transfers In:** There was an issue of those that registered in 2018 for the 2019 TPEs and had transferred to new centres. Their names were not in the new centres but at the old centres although in the 23rd June 2020 FPEs they managed to vote at the very same new centres. This was reported at Chithumbwi, Chitekesa, Mwanga, Khongoloni in Phalombe and St Augustine 2 in Mangochi
- b) **Distribution of handouts:** It was reported that some citizens observed a road-side incident of handouts where an agent of a UDF candidate was reportedly seen distributing money to potential voters few meters away from Chimbende centre. After being confronted, he drove away and the incident was reported to the presiding officer. This preceded the Malindi incident where food stuff meant for UDF monitors was snatched by symphathizers of Mr. Nyengo as they thought the food was meant for canvassing votes.
- c) **Violence:** There was a violent incident in Phalombe where a UTM monitor was beaten up at Khongoloni, near Khongoloni TDC after he was suspected of having been influencing people to vote for UTM as he was alleged to be whispering 'UTM' to prospective voters that were heading to the centre. The person was manhandled and bruised, and his case was reported to the police.

Similarly, there was a fight near Makumba Polling Centre as Martin Nyengo (an independent candidate) supporters fought with UDF candidate's supporters on allegations that Idi Kalosi supporters were giving out cash to would be voters. Another fracas was observed at Malindi polling centre where an alleged supporter for independent candidate Martin Nyengo) attacked UDF officials who were distributing food to their monitors. The latter, thought the food stuff were meant for campaign and overpowered the UDF officials throwing away all the packed food stuff and kidnapped one member of UDF Mr. Wiskie Lungala, who was after hours brought to the PMF unit in the area by a senior campaign team of Mr. Nyengo with his shirt torn apart. NICE intervened and advised the UDF officials not to revenge but rather take the matter to police.

5. NICE's observation on results management

- i. Counting in all the polling stations was done peacefully and professionally.
- ii. Tabulation of results was done in a transparent and accountable manner.
- iii. Logistics to transfer results from polling stations to the tally centres was well managed and security was tight.
- iv. All concerned accredited observers/officials were given access to tally centres.

F. Conclusion

The December 15 by-elections were conducted in a generally peaceful environment and contestants were free to campaign for votes without being prohibited or harassed. Citizens were free to listen to all contesting candidates. Voting was also done peacefully and orderly in almost all polling centres. The Malawi Electoral Commission (MEC) conducted these elections in a transparent manner and in respect of the electoral laws and courts' ruling. NICE believes that the outcome of these elections is the representation of the will of the people in the three constituencies of Phalombe North, Mangochi North East and Mangochi West.

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