



Malawi Electoral Commission

REPORT ON FRESH PRESIDENTIAL ELECTIONS

JUNE 2020

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SEATED: Commissioner Angelina Linda Kunje, Justice Dr. Chifundo Jairus Kachale – Chairman, the State President, His Excellency Dr Lazarus McCarthy Chakwera,

Chief Elections Officer Sammy Alfandika, Commissioner Dr. Jean Chifuniro Mathanga,

STANDING: Commissioner Olivia Mchaju Liwewe, Commissioner Dr. Anthony John Mukumbwa, Commissioner Arthur Vincent Nanthuru, Commissioner Major Steven Duwa Phiri (Rtd),



MALAWI ELECTORAL COMMISSION

FRESH PRESIDENTIAL ELECTIONS REPORT

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Contents

ACRONYMS	8
ACKNOWLEDGEMENTS	9
FOREWORD	10
CHAPTER ONE	
INTRODUCTION AND BACKGROUND	11
1.1 Introduction	11
1.2 Background	11
1.3 Conduct of Fresh Presidential Election	12
CHAPTER TWO	
THE ELECTORAL COMMISSION	13
2.1 Establishment and Core values	13
2.2 Powers and Functions of the Commission	13
2.4 Establishment of Commission Committees	15
2.4.1 Electoral Services Committee	16
2.4.2 Finance and Administration Committee	16
2.4.3 Audit Committee	17
2.4.4 Media, Civic and Voter Education Committee	17
2.4.5 Legal Services Committee	17
2.4.6 Research, Monitoring and Evaluation Committee	17
2.5 The Secretariat	18
2.6 Administrative Structures for Elections	19
2.6.1 District Returning Officers	19
2.6.2 District Elections Supervisory Teams (DEST)	19
2.6.3 Constituency Elections Coordinators and Constituency Stores Assistants	19
2.6.4 Presiding Officers and Other Polling Staff	19
CHAPTER THREE	
PREPARATIONS FOR THE ELECTIONS	20
3.1 Introduction	20
3.2 Election Calendar	20
3.3 Election Budget	20
3.3.1 Security During Registration	20
3.3.2 Curtailment of Registration of Voters	21
3.3.3 Dropping of Some CVE Strategies (Drama and Road shows)	21
3.3.4 Simplified Approach to Inspection of the Voters' Register	21
3.3.5 Reduction of Ballot Paper Size from A4 to A5	21
3.3.6 No Monitoring of the Printing of Ballot Papers	21
3.3.7 Simultaneous Implementation of Activities	21
3.4 Review of Polling Procedures Manual and Forms	21
3.5 Appointment of Returning Officers and Constituency Election Coordinators	22
3.6 Technical and Financial Assistance	22
3.7 Challenges in the Preparations for the Election	23
3.7.1 Uncertainty on the Date of the Election	23
3.7.2 Political Will and Funding Challenges	23
3.7.3 Covid-19 Pandemic	24

CHAPTER FOUR	
REGISTRATION OF VOTERS AND INSPECTION OF THE VOTERS' REGISTER	25
4.1 Introduction	25
4.2 Registration of Voters	25
4.2.1 Recruitment and Training of Registration Staff	25
4.2.2 Deployment of Registration Staff and Equipment	25
4.2.3 Registration Operation	25
4.3 Inspection of the Voters' Register	26
4.4 Challenges During Voter Registration and Inspection of the Voters Register	27
4.5 Recommendations	27
CHAPTER FIVE	
NOMINATION OF CANDIDATES AND PRINTING OF BALLOT PAPERS	28
5.1 Introduction	28
5.2 Receipt of Nomination Papers	28
5.3 Printing, Delivery and Distribution of Ballot Papers	29
5.4 Recommendation	29
CHAPTER SIX	
CAMPAIGNING BY CANDIDATES	30
6.1 Introduction	30
6.2 Conduct of Campaign by Contesting Candidates and Political Parties in 2020 FPE	30
6.3 Challenges	30
6.4 Recommendation	30
CHAPTER SEVEN	
MEDIA, CIVIC AND VOTER EDUCATION ACTIVITIES AND ELECTION OBSERVATION	31
7.1 Introduction	31
7.2 Media Activities	31
7.2.1 Production of Radio and Television Programmes and Print Adverts	31
7.2.2 Media Coverage of Electoral Activities	31
7.2.3 Recruitment and Deployment of Stringers	31
7.2.4 Billboards on Strategic Places	31
7.2.5 In-store Advertising	32
7.2.6 Accreditation of Media Houses	32
7.2.7 Website Elections Results Portal	33
7.2.8 Social Media Strategies	33
7.3 Civic and Voter Education	33
7.3.1 Production and Distribution of CVE Materials	33
7.3.2 Community Mobilization Using Loudhailer Vehicles	33
7.3.3 Public Outreach Meetings with Traditional Leaders and their Subjects	33
7.3.4 Road Show Performances	34
7.3.5 Drama Group Performances	34
7.3.6 Community Cinema and Dialogue	34
7.3.7 SMS Facility to Mobile Phone Subscribers	34
7.3.8 CCVEA Outreach Activities per Constituency	34
7.3.9 Promotional Materials	34
7.4 Election Monitoring and Observation	34
7.4.1 Election Monitoring	34
7.4.2 Election Observation	35
7.5 Challenges	35
7.6 Recommendation	36

CHAPTER EIGHT

MANAGEMENT OF THE POLITICAL ENVIRONMENT

8.1 Introduction	37
8.2 National Elections Consultative Forum (NECOF)	37
8.3 Meetings with Presidents of Political Parties Contesting the Elections	37
8.4 Meetings with Political Parties under the Umbrella of Centre for Multiparty Democracy (CMD)	37
8.5 Multi-Party Liaison Committees (MPLCs)	37
8.6 Engagement with Security Institutions	37
8.7 Engagement with Parliament and Other Public Institutions	38
8.8 Challenges	38
8.9 Recommendation	38

CHAPTER NINE

POLLING, COUNTING AND RESULTS

9.1 Introduction	39
9.2 Establishment of Polling Stations	39
9.3 Distribution of Polling Materials	39
9.4 Recruitment, Training and Deployment of Election Staff and Security	39
9.5 Voting, Counting and Results	40
9.6 Determination, Declaration and Announcement of Results	41

CHAPTER TEN

CONCLUSION

10 Introduction	43
10.1 Successes	43
10.2 Challenges	43
10.3 Recommendations	43
10.4 Conclusion	43

APPENDICES

Appendix 1: Electoral Calendar	45
2020 FRESH PRESIDENTIAL ELECTION CALENDAR OF EVENTS	45
Appendix 2: Management of the Commission Secretariat	47
Appendix 3: Voter Registration Phases	48
Appendix 4: List of 2020 FPE Election Observers	49
International observers:	49
Domestic Observers	49
Appendix 5: Commission Determinations on Null and Void Votes	50



BUSY TIME: A view of the IT Section of the Main Tally Centre where results were processed

ACRONYMS

CDC	Centre for Development Communications
CEO	Chief Elections Officer
CECs	Constituency Elections Coordinators
CVE	Civic and Voter Education
CCVEAs	Constituency Civic and Voter Education Assistants
CSO	Civil Society Organisation
DPP	Democratic Progressive Party
DEST	District Elections Supervisory Team
ECA	Electoral Commission Act
FPE	Fresh Presidential Election
IFES	International Foundation for Electoral Systems
MCP	Malawi Congress Party
MDF	Malawi Defence Force
MDAs	Ministries, Departments and Agencies
MEC	Malawi Electoral Commission
MMD	Mbakuwaku Movement for Development
MPS	Malawi Police Service
NICE	National Initiative for Civic Education
NTC	National Tally Centre
PPDA	Public Procurement and Disposal Authority
PPEA	Parliamentary and Presidential Elections Act
ROs	Returning Officers
SMS	Short Message Service
TPE	Tripartite Elections
UNDP	United Nations Development Programme

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- a) The Government of the Republic of Malawi,
- b) Political Parties and candidates
- c) Voters and the citizenry in general,
- d) The High Court of Malawi and the Supreme Court of Appeal
- e) The Public Procurement and Disposal Authority (PPDA)
- f) All Development Partners who contributed to the elections basket fund
- g) All Government Ministries and Parastatal organizations that released their staff and/or vehicles during this national undertaking,
- h) Steering Committee and Technical Committee
- i) National Registration Bureau
- j) Members of the Transport Task Force,
- k) Institutions that offered their venues to be used as registration or polling and vote tallying points,
- l) District Commissioners/Chief Executive Officers of Local Assemblies for their assistance in the overall management of the electoral processes
- m) Malawi Electoral Commission employees
- n) All persons recruited on temporary basis including, but not limited, to Constituency Returning Officers, Biometric Equipment Operators, Stringers, Technicians, Master Trainers, Constituency Stores Assistants, Constituency Civic and Voter Education Assistants, teachers and others who performed various roles during the electoral processes
- o) Malawi Defence Force, Malawi Police Service and other security personnel,
- p) The College of Medicine in Blantyre and all Institutions that contributed to the setting up of the National Results Centre
- q) The Media
- r) Multiparty Liaison Committees and Traditional Leaders,
- s) Civil Society Organizations,
- u) Centre for Multiparty Democracy, and
- v) Local and International Observers,

FOREWORD

Following the judgments of the Constitutional Court and Malawi Supreme Court of Appeal, nullifying the 21st May, 2019 Presidential Election, the Malawi Electoral Commission (MEC) was ordered to conduct Fresh Presidential Election within 150 days from 3rd February, 2020. The Malawi Supreme Court of Appeal further ordered on 8th May, 2020 that the country ought to have a new President by 151st day from the date of judgment of the Constitutional Court on 3rd February, 2020. The Commission, therefore, proceeded to start preparations for the Fresh Presidential Election. However, there were uncertainties as to the date of polling. Until the Supreme Court delivered its judgment, the Commission believed that it had a legal duty to establish when the election should have been held and placed 2nd July, 2020 as date for Fresh Presidential Elections. After the delivery of judgment by the Supreme Court, it was settled that the National Assembly had the mandate to set the date for the Fresh Presidential Elections. The National Assembly, therefore set 23rd June, 2020 as date for the holding of Fresh Presidential Election. This report highlights all activities implemented during the Fresh Presidential Election including preparatory activities encompassing measures taken by the Commission to satisfy orders pronounced in the courts judgments. The last part of the report offers recommendations on the conduct of future elections. Elections are a primary tool for increasing awareness and participation in political processes. The Fresh Presidential Elections recorded a 64% voter turnout and 1.26% of null and void voids which is very commendable record. The winner of the elections was for the first time declared based on the 50%+1 vote system in accordance with the courts judgement.



Justice Dr. Chifundo Jairus Kachale, J.

CHAIRMAN

CHAPTER ONE

INTRODUCTION AND BACKGROUND

1.1 Introduction

The Malawi Electoral Commission conducted Fresh Presidential Election on 23rd June 2020 following the annulment of the presidential election that took place in May 2019. The election in May 2019 was tripartite as the Commission also conducted parliamentary and local government elections apart from the presidential election.

The 2019 elections were the sixth General Elections and the third for Local Government since the re-introduction of multiparty democracy through a referendum in 1993. Since 1993 five general elections were held in 1994, 1999, 2004, 2009 and 2014, while the first Local Government elections took place in 2000 and the second in 2014.

This is a report on the conduct of the 2020 Fresh Presidential Election. The report is organized in ten chapters. It covers the background to the conduct of the election, through the implementation of various preparatory activities to polling, counting, determination and announcement of the election results. The report also highlights recommendations for future electoral processes based on lessons learnt.

1.2 Background

Following the announcement of the May 2019 presidential election results on 27th May 2019 in Blantyre, two contestants in the presidential race namely Dr. Lazarus McCarthy Chakwera and Dr. Saulos Klaus Chilima filed two separate petitions with the High Court seeking annulment of the 2019 Presidential election. The court ordered the consolidation of the petitions into a single petition. The trial judge having been satisfied that the matter was raising constitutional questions referred the matter to the Chief Justice for certification as a constitutional case and the Chief Justice proceeded to certify the case as such.

The Chief Justice therefore empaneled a panel of five judges to sit as a constitutional court for the presidential election case.

On 3rd February, 2020 the High Court sitting as a Constitutional Court delivered its judgement in the Constitutional Reference Case No.1 of 2019 that the results of the presidential election held on 21st May, 2019 be nullified and ordered that a fresh election be held within 150 days from the date of the judgment. Following the delivery of that judgement both the first and second respondents appealed to the Supreme Court of Appeal. The Supreme Court of Appeal delivered its judgment on 8th May 2020.

As read together the Judgments decided that:

- (i) The presidential election held on 21st May 2019 be nullified.
- (ii) That the fresh election ought to be held within 150 days from the date of the decision of the High Court. The Supreme Court clarified that the President-elect from the Fresh election should take office by the 151st day from 3rd February, 2020.
- (iii) That the determination of the date of the election should be set by the National Assembly.

- (iv) That the Voters' Register to be used in the fresh presidential election should be as it was when the 2019 elections were held.
- (v) That only candidates that contested in the 2019 Presidential election were eligible to contest in the fresh presidential election.
- (vi) That party monitors should be referred to as party representatives as provided in the Parliamentary and Presidential Elections Act (PPEA).
- (vii) That the Commission cannot delegate its quasi-judicial authority. It is the duty of the Commission to determine electoral complaints and petitions.
- (viii) That alterations made on electoral forms are unlawful and as such an irregularity,
- (ix) All Records must be preserved and kept and transferred to the Commission for purposes of determination of results.
- (x) The Commission must make decisions on all votes classified as null and void.
- (xi) The Commission must determine all complaints and must present a summary of complaints received and how they have been resolved.
- (xii) Determination of results must be from records received from all polling stations and districts.
- (xiii) All forms must conform with the Regulations.
- (xiv) Determination of winner to be based on 50% + One Vote
- (xv) Filling of legislative gaps to ensure certainty of electoral calendar and tenure of office of President and members of the National Assembly and provision for run-off.

1.3 Conduct of Fresh Presidential Election

The Commission started preparations for the conduct of the Fresh Presidential Election immediately after the delivery of the judgement by the Constitutional Court. It proceeded with the preparations upon the delivery of judgement by the Supreme Court of Appeal making adjustments as necessary in line with specific directions provided in the judgement.

CHAPTER TWO

THE ELECTORAL COMMISSION

2.1 Establishment and Core values

The Electoral Commission is established under Section 75 of the Constitution of the Republic of Malawi. It is mandated under Section 76 of the Constitution to exercise such functions in relation to elections as are conferred upon it by the Constitution or by an Act of Parliament. The Electoral Commission is the sole body responsible for the general direction of and the supervision over the conduct of Local Government, Parliamentary and Presidential elections as well as referenda in Malawi.

The Malawi Electoral Commission always strives towards attaining its vision to be a highly professional Electoral Management Body that delivers credible elections in Malawi.

In pursuit of its vision the work of the Commission is guided by its mission which is ‘To deliver credible elections that are free, fair, transparent, inclusive, efficient and cost effective to entrench democratic values in Malawi’.

In order to achieve its mission, the Commission is guided in all its activities by the following key principles:

a) Integrity: carrying out its activities in an honest and truthful manner and taking all reasonable measures to prevent wilful wrongdoing by its staff/officials; and ensuring compliance and demonstrating respect for electoral laws and the laws of the country

b) Independence: ensuring that it operates freely in its own best judgment without taking directives from or being controlled by any person or authority.

c) Professionalism: endeavour to have properly trained, motivated and disciplined staff committed to the delivery of credible elections.

d) Transparency and accountability: promoting open door policy and ensuring that transparency and accountability are inherent in all the Electoral Commission’s activities and interactions, both horizontal and vertical and improving its performance through monitoring and evaluation, documenting its operations and freely disseminating them to all its stakeholders.

e) Excellence: striving to be above standard in the delivery of services.

f) Inclusivity: promoting participation, influence and representation in electoral processes

g) Responsiveness: attending to the views and concerns of stakeholders

h) Impartiality: giving equal treatment to all stakeholders

2.2 Powers and Functions of the Commission

The broad mandate of the Malawi Electoral Commission(MEC) as derived from Section 76 of the Constitution

is to prepare and conduct elections and referenda in the country. However, in addition to the broad powers and functions conferred upon the Commission, the Parliamentary and Presidential Elections Act (PPEA) no 31 of 1993, as amended and the Electoral Commission Act (ECA) no 11 of 1998, stipulate in detail the rules and procedures that facilitate the organization, planning and execution of elections. Specifically, Section 8 of the Electoral Commission Act confers the following powers and functions upon MEC:

- i) To determine the number of constituencies for the purposes of elections;
- ii) To undertake or supervise the demarcation of boundaries of constituencies;
- iii) To undertake the demarcation of wards for the purposes of local government elections;
- iv) To organize and direct the registration of voters;
- v) To devise and establish voters registers and ballot papers;
- vi) To print, distribute and take charge of ballot papers and voting registers;
- vii) To approve and procure ballot boxes;
- viii) To establish and operate polling stations;
- ix) To establish security conditions necessary for the conduct of every election in accordance with any written law governing elections;
- x) To promote public awareness of electoral matters through the media and other appropriate and effective means and to conduct civic and voter education on such matters;
- xi) To promote and conduct research into electoral matters and into any matter pertaining to its functions and to publish the results of such research;
- xii) To perform the functions conferred upon it by or under any written law; and
- xiii) To take measures and to do such other things as are necessary for conducting free and fair elections.

2.3 Appointment of Commissioners

In accordance with Section 75 (1) of the Constitution, and Section 4(1) of the Electoral Commission Act, the Commission is composed of a Chairperson who is a judge, nominated in that behalf by the Judicial Service Commission and not less than 6 members appointed by the President. The appointment procedure for Commissioners provides that Leaders of Political Parties represented in the National Assembly which secured more than one tenth of the national vote shall nominate a maximum of three names for appointment as Commissioners by the President.

The Chairperson and Commissioners constitute the governing body and are responsible for providing strategic leadership and management oversight over the Commission. The law allows Commissioners to serve for a term of four (4) years and may be re-appointed.

The preparations for the 2020 FPE started in February 2020 with the Commission that had presided over the conduct of the 2019 TPE and whose tenure of office came to an end on 5th June 2020 with the exception of the Chairperson whose term of office was still subsisting up to October 2020. The Commission was composed of

the Chairperson and eight (8) other Commissioners as follows:

- Justice Dr. Jane Mayemu Ansah, SC., JA., Chairperson
- Commissioner Reverend Clifford Baloyi
- Commissioner Dr. Masten Moffat Banda
- Commissioner Ms. Linda Kunje
- Commissioner Dr. Jean Mathanga
- Commissioner The Very Reverend Dr. Killion Mgawi
- Commissioner Ambassador Yahaya M'madi
- Commissioner Elvey Kalonga Mtafu
- Commissioner Bishop Mary Nkosi

Following the expiry of the term of office of the previous Commission, a new Commission was therefore appointed on 7th June 2020. The Commissioners took oaths of office before the Honourable the Chief Justice in Blantyre on 9th June 2020, two weeks before the 23rd June 2020 which was the polling day in the FPE.

The composition of the Commission was as follows:

- Justice Dr. Chifundo Jairus Kachale, Chairman
- Commissioner Major Steven Duwa Phiri (Rtd)
- Commissioner Ms. Angelina Linda Mafuno Kunje
- Commissioner Olivia Mchaju Liwewe
- Commissioner Dr. Jean Chifuniro Mathanga
- Commissioner Dr. Anthony John Mukumbwa
- Commissioner Arthur Vincent Nanthuru

2.4 Establishment of Commission Committees



READY TO SERVE: The new Commission captured with Chief Justice, Andrew Nyirenda (middle) after swearing in

Section 7 of the Electoral Commission Act empowers the Commission to establish such number of committees as it shall deem fit for the better carrying of its functions. Each Committee normally consists of not less than three (3) members and is chaired by a Commissioner. The relevant directors serve as secretaries of the committees and the CEO is a member of all the committees. Decisions of the Committees are referred to the Chairperson and the full Commission for approval. The Commission established six committees as follows:

- a) Audit
- b) Electoral Services
- c) Finance and Administration
- d) Media, Civic and Voter Education
- e) Legal Services
- f) Research, Monitoring and Evaluation

The Research, Monitoring and Evaluation and the Legal Services committees were established as additional committees by the incoming Commission upon its appointment.

2.4.1 Electoral Services Committee

Responsible for all operations in the conduct of elections such as registration of voters, computerization of the voter register, logistics campaign and training of electoral staff.



Commissioner Dr. Jean Chifuniro Mathanga, Chairperson, Electoral Services Committee

2.4.2 Finance and Administration Committee



Commissioner Angelina Linda Kunje, Chairperson, Finance and Administration Committee

Responsible for managing all financial and administrative requirements for the Commission such as budgeting, preparing financial reports, expenditure control, procurement of equipment and materials, recruitment of staff and payment thereof as well as managing transport requirement.

2.4.3 Audit Committee

Responsible for reviewing the effectiveness of internal controls and risk management systems and making appropriate recommendations considering major findings of internal and external auditors, ensuring that the Commission complies with legal requirements, relevant regulations and good governance principles.



Commissioner Dr. Anthony John Mukumbwa, Chairman, Audit Committee

2.4.4 Media, Civic and Voter Education Committee



Commissioner Major Stephen Duwa Phiri (Rtd), Chairman, Media, Civic and Voter Education Committee

Responsible for coordinating implementation of media activities including development, implementation and review of the communication strategy; overseeing media activities like press conferences, radio and television programmes and monitoring of media coverage on election issues. The Committee is also tasked with overseeing civic and voter education activities at all levels; accreditation and supervision of accredited civic and voter education service providers.

2.4.5 Legal Services Committee

Responsible for providing guidance to the Commission to ensure compliance with the provisions of the Constitution of the Republic of Malawi and Acts of Parliament relating to elections. The Committee is also responsible for providing guidance and advice on all matters relating to all general legal matters that affect the day to day undertakings of the Commission.



Commissioner Arthur Vincent Nanthuru, Chairman, Legal Services Committee

2.4.6 Research, Monitoring and Evaluation Committee



Commissioner Olivia Mchaju Liwewe, Chairperson, Research, Monitoring and Evaluation Committee

The Committee has the general objective of assisting the Commission in the promotion and conduct of research, monitoring and evaluation of electoral matters and any other issues pertaining to the functions of the Commission and to publish the results of research.

2.5 The Secretariat



MEC Chief Elections Officer, Sammy Alfandika

The Commission is serviced by a Secretariat headed by the Chief Elections Officer (CEO) who is hired by the Commission as provided for under Section 12 (1) of the ECA. Section 12 (3) of the same, stipulates that the Chief Elections Officer shall be the Chief Executive Officer of the Commission, and therefore the controlling officer, and in performance of his functions and duties shall be responsible and answerable only to, and shall be under the direction, supervision and control, of the Commission.

The Chief Elections Officer is supported by two deputies, one responsible for Operations, and another responsible for Administration and Finance. While the Operations division is directly responsible for the design, development and implementation of electoral programmes; the Finance and Administration division is responsible for financial and general service administration.

There are eight directorates namely: Electoral Services; Administration and Human Resource; Finance;

Information and Communication Technology; Civic and Voter Education; Legal Services; Audit; and Media and Public Relations. In addition, the Commission has three Regional Elections Officers who are responsible for all electoral activities at the regional level (see Appendix for the names and designations of the management team).

The Regional Elections Officer is assisted by District Elections Clerks who are based in all councils. These officers safeguard election materials and play pivotal logistical roles during electoral activities. Overall, the District Elections Clerks project an acceptable image of, and uphold good public relations for the Commission in the districts.

At the time of the conduct of the elections the Secretariat had a total of 263 permanent staff.

In addition to the regular staff, during peak periods MEC also hires temporary staff and obtains seconded officers from Government Ministries, Departments and Agencies (MDAs) as necessary to supplement the fulltime staff.

2.6 Administrative Structures for Elections

The Commission also recruited four other polling station officers at the polling station to assist the Presiding Officer.

2.6.1 District Returning Officers

The Commission designated District Commissioners for all the 28 districts in Malawi as Returning Officers for their respective districts. As Returning officers were responsible for compilation of district results and submission of the district results to the Commission **in accordance with section 95 (1) and (5) of the Parliamentary and Presidential Elections Act.**

2.6.2 District Elections Supervisory Teams (DEST)

The Commission established a DEST for each district composed of about 7 district-based public officials who were responsible for management of the electoral activities in their respective districts. The DEST was chaired by the District Returning Officer.

2.6.3 Constituency Elections Coordinators and Constituency Stores Assistants

The Commission also appointed constituency election coordinators for each constituency to support the Commission in implementing logistics in the constituency including distribution and retrieval of election materials in polling stations. The Commission also recruited Constituency Stores Assistants to assist the Constituency Election Coordinators.

2.6.4 Presiding Officers and Other Polling Staff

The Commission appointed a Presiding Officer for each polling station who was responsible for management of the electoral processes at the polling station including counting of votes and delivery of the polling station results to the District Returning Officer.

The Commission also recruited four other polling station officers at the polling station to assist the Presiding Officer

CHAPTER THREE

PREPARATIONS FOR THE ELECTIONS

3.1 Introduction

The Commission undertook several activities and put in place different measures to ensure effective and efficient conduct of the election.

3.2 Election Calendar

Pursuant to the order of the Court, the Commission prepared and launched the electoral calendar on 23rd March, 2020 at a press conference held in Blantyre with the polling date set on 2 July, 2020 which was the 149th day from 3rd February 2020. In its judgement, the Supreme Court had clarified that the President-elect from the Fresh election should take office by the 151st day from 3rd February, 2020. Further the court ordered that the national assembly should set the polling date for the election. (The 2020 FPE calendar is in appendix 1)

There were uncertainties surrounding the date for the polling. Initially the Commission was working towards 2nd July 2020, however, eventually Parliament through a resolution set 23rd June 2020 as the date of polling. Subsequently, on the 11th of June 2020 the Commission met and resolved to gazette the 23rd June 2020 as the Polling Date in compliance with the resolution by Parliament. The Commission, therefore, adjusted its calendar accordingly.

3.3 Election Budget

Commission prepared a budget of MK34,474,557,098 which was presented to Parliament, however, Parliament appropriated MK29,131,543,742 only. Eventually, the actual expenditure incurred amounted to MK28,774,513,362.

Table 1: Funding trends for 2020 FPE

March 20	MK3,300,000,000
April 20	MK3,300,000,000
May 20	MK2,700,000,000
18 June 2020	MK2,840,000,000
19 June 2020	MK7,160,000,000
26 June 2020	MK10,000,000,000
Total	MK29,300,000,000

The variation between what was budgeted and the expenditure arose because of the following:

3.3.1 Security During Registration

During the second phase of the registration, planned for the mandatory 14 days before the Supreme Court provided direction on the voters for the FPE, the Police pulled out the security provision function as they had indicated to have had their focus on covid-19 enforcement. The phase proceeded without security which was a significant saving.

3.3.2 Curtailment of Registration of Voters

Following the clarification on the franchise for the FPE by the Supreme Court in its 8th May 2020 judgment, the Commission proceeded with the phases for the planned registration of voters but only focused on processing transfers for those that had changed residences and replacement of voter certificates. The period was also reduced from 14 days to just five days per phase.

3.3.3 Dropping of Some CVE Strategies (Drama and Road shows)

In April 2020, the government announced some measures to curb the spread of Covid-19 pandemic. One of the preventive measures was restriction on the number of gatherings and accordingly, the Commission dropped off some of the strategies used in mobilizing voters like road shows, drama shows in order to address issues of social distance. Although the other strategies were enhanced to ensure adequate coverage and delivery, a reduction in the cost was still recorded.

3.3.4 Simplified Approach to Inspection of the Voters' Register

The inspection of the voters' register employed a simplified arrangement in order to meet the time lines for the polling date of 23rd June 2020 from the initially set 2nd July 2020. (Refer to section 4.3 of this report)

3.3.5 Reduction of Ballot Paper Size from A4 to A5

The nomination exercise yielded only 3 three candidates and the Commission proceeded to print ballot papers using an A5 size instead of the budgeted A4 size, thereby reducing the cost by almost 50 percent.

3.3.6 No Monitoring of the Printing of Ballot Papers

Due to the Covid-19 pandemic and the closure of airspace coupled with the need for 14- day quarantine, it was impossible to physically monitor the printing of ballot papers hence the affected budget line was intact.

3.3.7 Simultaneous Implementation of Activities

The FPE especially after the Supreme Court judgement and subsequent setting of the date by Parliament led to activities being implemented concurrently to satisfy the set date. The resources meant for one activity ended up being enough for more others. For example, The Commission monitored campaign activities concurrently with the implementation of other electoral activities leading underutilisation of campaign monitoring budget provision.

3.4 Review of Polling Procedures Manual and Forms

Following the delivery of the court judgements the Commission initiated the review of the Polling Procedures Manual and election forms. This was done to ensure compliance with court directives in the conduct of Fresh Presidential Elections.

The Commission had a working session on review of the Polling Procedures Manual and election forms from 18th to 19th May, 2020 with financial and technical assistance from IFES.

At the end of the working session the following outcomes were attained:

- a) A Revised Polling Procedures Manual specifically for the conduct of the 2020 Fresh Presidential Election
- b) Key changes in the procedures as put in the manual included:
 - Polling streams no longer existed instead these became polling stations in line with the provisions of the electoral law
 - Each polling station had its own Presiding Officer
 - Presiding Officers had to deliver results direct to the office of the District Commissioner for tallying of results
 - Two voters' register for each polling station and reference voter register were no longer used
- c) Null and Void votes were taken to the Returning Officer for further delivery to the Commission
- d) Key changes with respect to forms included:
 - Use Record of Polling Process instead of Record Logbook
 - Introduction of Complaints Logbook specifically for recording of complaints in line with the provisions of the law
 - Brief summary of results prepared by Presiding Officer for polling station results and taken to the Returning Officer
 - Introduction of Ballot Paper Audit Trail form for use when and if ballot papers were transferred between polling stations
- e. Maximum number of voters per polling station raised from 800 to 1000.

3.5 Appointment of Returning Officers and Constituency Election Coordinators

The Commission appointed District Commissioners as Returning Officer for their respective districts.

The Commission also appointed Constituency Election Coordinators for each of the 193 constituencies to facilitate logistics in their respective constituencies.

3.6 Technical and Financial Assistance

The Commission received some financial and technical assistance from development partners to support the implementation of electoral activities.

- UNDP using funds from the basket fund provided some resources for civic and voter education mobilization activities and hiring of trucks during polling
- UNDP assisted with the hiring of 150 trucks to complement on the transportation requirements during polling in the FPE
- UNDP supported the Commission to place media messages on radio and television stations that are on its vendors list.

- IFES assisted the Commission with some form of technical assistance and financial resources for the review of the Polling Procedures Manual and development of Covid-19 messages
- IFES partnered with the Electoral Commission through its various departments in reaching out to the masses in preparation for the fresh presidential election. IFES supported the the Commission with a social media campaign on platforms such as Facebook, Twitter, Instagram and WhatsApp to relay voter information. An animated video detailing all polling procedures in order to guide voters and poll workers was also developed.

The Commission is indebted to all the development partners for the support rendered in the implementation of the various activities in the 2020 FPE.

3.7 Challenges in the Preparations for the Election

3.7.1 Uncertainty on the Date of the Election

Immediately after the High Court judgement on 3rd February 2020, the Commission came up with a calendar outside the 150 days with a polling date in October 2020 but in its ruling on application for stay, the High Court condemned the Commission for being luxurious with time and emphasized that the elections be held within the same 150 days and eventually the Commission resolved to set the polling date on the 2nd July 2020. Meanwhile Parliament passed a bill for 19th May 2020 as polling date but the bill was not assented to by the then Head of State. Then the Supreme Court of Appeal in its judgment on 8th May 2020 stated that the order of the High Court meant that by the 151st day from the date of the High Court judgment, there should be a President in place. The Commission then set 23rd June 2020 as the date of the election but it transpired that the Courts gave the duty to set the date to Parliament. Approval for the printing of ballot papers was also put on hold pending certainty of the polling date. This in itself posed further uncertainties owing to the limited flights into Malawi due to restrictions occasioned by the covid-19 pandemic. Fortunately, Parliament adopted the same date set by the Commission of 23rd June 2020 and passed it by resolution which was communicated to the Commission on 9th June 2020.

3.7.2 Political Will and Funding Challenges

There was no political will to hold the elections on the part of the Executive. Funding for the elections was erratic and not in accordance with the agreed level of activities and as indicated in the cash flow projection and at some point almost stopped. The government advised the Commission that it would be unable to provide funding for the last tranche citing the provision of section 39 (1) (b) and (2) of the Reserve Bank of Malawi Act which regulates the issuing of short-term advances to the Government in cases of temporary shortfalls in budget revenue.. It took the intervention of Parliament through a meeting by MEC, Parliament, OPC, Treasury and Reserve Bank of Malawi for the government to release the funds direct to the MEC account on 22nd June 2020 a day before the date of polling.

3.7.3 Covid-19 Pandemic

At the time the electoral process commenced, the covid-19 pandemic was somehow remote. It was during the second month of the process that the country recorded a positive case. This made it difficult because elections entail large crowds at the same time to control and prevent the spread of the pandemic required social distancing. At some point the government instituted lockdown order the measures of which meant effectively stopping the electoral process. However, this was challenged in Court. On the part of the Commission, being a public institution, it meant conducting the process with full cautious of protecting the voters and candidates. Many ways of doing things changed including dropping off some strategies in voter education and provision of personal protectives equipment or measures to electoral staff and stakeholders. It was observed that covid-19 measures and guidelines were not fully observed during political campaign activities.



SAFETY FIRST: US Ambassador Robert Scott (left) with MEC Chairman during donation of Covid-19 protective items for poll staff

CHAPTER FOUR

REGISTRATION OF VOTERS AND INSPECTION OF THE VOTERS' REGISTER

4.1 Introduction

As one of the preparatory activities for 2020 FPE the Commission had planned for the conduct of voter registration exercise in four phases and inspection of the voters register. The Commission could not proceed with the conduct of new registrations after phase one in line with Supreme Court of Appeal direction and in the subsequent the Commission only facilitated transfers and verification of voters. (Voter Registration phases are in appendix 3).

4.2 Registration of Voters

4.2.1 Recruitment and Training of Registration Staff

The Commission recruited Biometric Kit Operators and Registration Supervisors to conduct registration of voters. Before being deployed to the centres the Biometric Kit operators were trained in registration processes and in turn they briefed the Centre Registration supervisors in their respective centres.

4.2.2 Deployment of Registration Staff and Equipment

The Commission deployed Biometric Kit Operators together with registration equipment and materials at least two days before the start of each phase. The Commission also deployed at least two security personnel at each centre. For the 2020 FPE the same Biometric Registration Kits that were used in the 2019 Tripartite Elections were used.

4.2.3 Registration Operation

The Commission conducted phase 1 of voter registration for 13 days before stopping following pending lockdown due to Covid-19. The registration resumed following an injunction restraining the implementation of the lockdown. On 8th May 2020, with two days to the phase two voter registration, the Supreme Court issued its ruling on the Presidential Elections case appeal. In the judgement, the Supreme Court ordered that the franchise should be restricted to 2019 election registrants. All those who registered in phase one and two were therefore quarantined and not added to the voters register to be used for the Fresh Presidential Elections. The voter population used in the 2020 Fresh Presidential Election was therefore the same as in the May 2019 elections which was 6,859,570. In view of the Supreme Court ruling, the Commission proceeded to open all the centres in the remaining councils for phases 3 and 4 for five days each to process transfers and issue replacement voter certificates for those who lost theirs. Then the Commission finally re-opened all centres in councils covered in phase 1 for one day for people to go and process transfers and replacement of voter certificates because phase 1 had ended with a day to go. For Blantyre City, where centres were closed prematurely by 3 days because of violence, the Commission opened the centres for the same lost days for people to process transfers and replacement voter certificates.

4.3 Inspection of the Voters' Register

The Commission opened all registration centres for 2 days for inspection of the voters' register in all the centres across the country. The main objective was to enable voters check correctness of their details in the register and challenge the eligibility of others. Neither transfers nor issuance of duplicate certificates was allowed. The inspection of the voters' register was initially planned for 5 days, to include the involvement of an equipment operators, training of inspection supervisors and use of motor vehicles to transport staff and materials to registration centres.



GETTING READY: Warehouse staff packaging indelible ink for the Fresh Presidential Election

A simplified arrangement was employed in order to meet the time lines for the polling date of 23rd June 2020 from the initially set 2nd July 2020 including lost time when the Commission at some point stopped registration just before a lockdown was challenged in Court. Eventually, the exercise was conducted as follows:

- a. The process took place in two days,
- b. No equipment was provided but only the voters' register and some forms,
- c. Inspection Supervisors were provided with inspection guidelines instead of face-to-face training sessions as there was limited time,
- d. No vehicles were used to distribute and retrieve voters register and inspection materials instead inspection.

Supervisors used public transport and were given transport refunds based on distances.

There was also an online platform set up using dialing code *720# to enable voters verify their details and to know their polling station number.

The Voters' Register was also made available in electronic form to all the political parties participating in the election. The idea being that if they discovered any anomaly in the register, they should alert the Commission to remedy the same. 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 register was accurate.

4.4 Challenges During Voter Registration and Inspection of the Voters Register

4.4.1 Non-availability of security personnel in registration centres especially in phase two of the registration compromised security of staff and equipment.



DAMAGED: A Voter Registration Kit

4.4.2 Abrupt changes in the implementation plan of the voter registration exercise.

4.4.3 Widespread allegations of registration of minors although the new registrations were eventually quarantined in compliance with the court judgement to use the 2019 voters register.

4.4.4 Some of the generators, used to supply power to registrations kits, had outlived their lifespan as they were acquired in 2009 and therefore broke down frequently.

4.4.5 It was evident that most Biometric Registration kits had outlived their lifespan and developed faults frequently.

4.4.6 The Biometric Registration kits, compounded by the generators, were bulky and delicate in transportation to registration centres and more particularly hard-to-reach areas.

4.4.7 Effects of Covid-19 pandemic preventive measures e.g. reduced carrying capacity of motor vehicles resulted in multiple trips during deployment which also resulted in high fuel requirement.

4.5 Recommendations

4.5.1 The Police should abide by section 19 (2)(b) of the ECA which provides that it is always their duty to provide security in election activities.

4.5.2 The Commission to procure portable and user-friendly registration equipment.

4.5.3 The Commission should enhance contingency planning.

CHAPTER FIVE

NOMINATION OF CANDIDATES AND PRINTING OF BALLOT PAPERS

5.1 Introduction

In accordance with the applicable electoral law for one to contest as a presidential candidate, the aspirant could stand in the fresh presidential election after being nominated by a registered political party or stand as an independent candidate. Interested candidates or their representative collected nomination forms from the Electoral Commission Head Office in Blantyre for completion and presentation to the Commission on the appointed days for receipt of nomination papers.

To qualify to be a presidential candidate, Section 80.6 of the Constitution defines the eligibility criteria which state that a person must be:

- a) a citizen of Malawi,
- b) 35 years of age,
- c) Not of unsound mind, bankrupt, convicted of crime in the last 7 years involving dishonesty or moral turpitude,
- d) not owing allegiance to a foreign country, and
- e) Not the holder of a public office or serving in the Police or Defence Force

In accordance with Section 45 of PPEA candidates had to deposit nomination fees at the time of presentation of nomination papers. The Commission set nomination fees of MK2,000,000.00 which was non-refundable.

5.2 Receipt of Nomination Papers

The Commission received nomination papers from three candidates on 6th and 7th May, 2020 at Mount Soche Hotel in Blantyre. This was out of nine candidates who had collected nomination papers and expressed readiness to present their nomination papers.

As it turned out, on 8th May, 2020 the Supreme Court delivered its judgment on the presidential election appeal case which gave new direction regarding candidates. The court directed that only candidates who contested in 2019 presidential elections were eligible to contest in the Fresh Presidential polls. Fortunately, there were no new entrants among the three candidates who submitted their nomination papers on 6th and 7th March, 2020.

The approved candidates and their running mates were as follows:

	PRESIDENTIAL CANDIDATE	RUNNING MATE	PARTY/AFFILIATION
1	Dr. Lazarus McCarthy Chakwera	Dr. Saulos Klaus Chilima	Malawi Congress Party (MCP)
2	Mr. Peter Dominic Sinosi Driver Kuwani	Mr. Archbold McLenard Kalawang'oma	Mbakuwaku Movement for Development (MMD)
3	Professor Arthur Peter Mutharika	Mr. Atupele Austin Muluzi	Democratic Progressive Party (DPP)

5.3 Printing, Delivery and Distribution of Ballot Papers

The Commission identified Al Ghurair Printing and Publishing Company of Dubai in United Arab Emirates to print ballot papers and associated polling forms.

The Commission hesitated in making decision on the commencement of the printing due to uncertainties surrounding the date of polling. On the 11th of June 2020 Al Ghurair raised a concern on the delays in providing the authority to commence printing of ballot papers as it would affect timely delivery of ballot papers for the polling date of 23rd June 2020. The Commission granted the authority for commencement of the printing of ballot papers on the same date of 11th June 2020. The Commission authorised printing on the basis of the representations of the Printer. Among others the printer had indicated that any further delay in giving printing instructions would have increased the cost of the work exponentially, since there would be need to charter a delivery airplane. The cost of that airplane would have to be paid for upfront before airlifting of the materials in Dubai for delivery of the ballot papers in the country on 19th June 2020 which was four days to the Polling Day.

The printing of ballot papers proceeded without the supervision of the Commission and monitoring by contesting political party representatives due to travel restrictions in view of the covid-19 pandemic.

The ballot papers arrived in Malawi through Kamuzu International Airport in Lilongwe on 19th June 2020 from where distribution to constituency nerve centres started immediately witnessed by political party representatives from the contesting parties.

Adequate security for the movement of ballot papers and materials was provided by Malawi Defence Force.

The ballot papers were then distributed from the constituency nerve centres to polling stations from 20th to 21st June 2020. This security was provided up to the end of the elections and delivery of results to the national tally centre and the rest of materials to the warehouses.

5.4 Recommendation

The Commission should consider framework agreement for printing of ballot papers in view of short lead time in cases where there would be a run-off.

CHAPTER SIX

CAMPAIGNING BY CANDIDATES

6.1 Introduction

Campaigning affords contestants an opportunity to sell themselves and articulate their policies to the electorate. In addition, campaigning allows citizens to make informed decisions on their choices on prospective representatives who will govern them. Section 56 of the PPEA entitles all political parties and candidates to campaign in an election.

6.2 Conduct of Campaign by Contesting Candidates and Political Parties in 2020 FPE

The Commission launched the official campaign period through a televised address by the MEC chairperson on 2nd May 2020. The campaign period was expected to run up to 30th June, 2020, which was then ending 48 hours before the first polling day being period provided for under the Act. As it turned out, following the setting of the date by Parliamentary resolution on 9th June 2020, the campaign ended on 21st June 2020, being 48 hours to the first polling day of 23rd June 2020. Generally, the campaign was peaceful except for a few isolated incidences of violence, such as in Phalombe, Dowa, Rumphi and Machinga.

6.3 Challenges

6.3.1 Non-observance of Covid-19 preventive measures during campaign activities

6.3.2 Isolated incidences of violence

6.4 Recommendation

6.4.1 The Commission should turn the Code of Conduct for Candidates and Political Parties and candidates into regulations for ease of enforceability.

CHAPTER SEVEN

MEDIA, CIVIC AND VOTER EDUCATION ACTIVITIES AND ELECTION OBSERVATION

7.1 Introduction

The Commission implemented media, civic and voter education activities throughout the electoral period to promote public awareness and maintain a high level of public participation in the electoral processes. Specifically, the Commission strived to ensure high participation of potential (new) voters to register in their large numbers; encouraging all those who registered as voters in 2018 to turn out during voter transfers, inspection and polling. The voter education was also designed and conducted to empower the general public with voter information as the law stipulates, thereby reducing the number of null and void votes below the 1.9% achieved in 2019. The Commission also facilitated the monitoring and observation by stakeholders in various electoral processes.

7.2 Media Activities

The Commission implemented several media and public relations initiatives during the 2020 Fresh Presidential Election.

7.2.1 Production of Radio and Television Programmes and Print Adverts

As one way of keeping the electorate informed, there were recorded programmes as well as television and radio jingles produced for all major electoral activities. The Commission also placed adverts in the newspapers, which were mostly in the form of press statements.

7.2.2 Media Coverage of Electoral Activities

The Commission tried to ensure that the media adequately covered electoral activities. Where necessary, the Commission arranged media tours to areas where it was conducting activities such as during registration of voters. The Commission also arranged press briefings whenever there was a need for clarification by the Commission on issues of national importance.

7.2.3 Recruitment and Deployment of Stringers

The Commission recruited stringers placed in councils across the country to facilitate media coverage of electoral activities at the district council level.

7.2.4 Billboards on Strategic Places

The Commission erected billboards in strategic places with messages on electoral activities in Blantyre, Zomba, Lilongwe, and Mzuzu. Because of the uncertainty of the polling date, at first, the billboards were mounted without any date. When Parliament finally determined the date, the billboards were patched up accordingly.



CLEAR MESSAGE: A billboard mounted in one of the cities

7.2.5 In-store Advertising

For the first time, the Commission also engaged itself in in-store advertising. Two-minute jingles were produced for radio and placed in in-store radios in main shopping malls to ensure wide coverage.

7.2.6 Accreditation of Media Houses

For the 2020 FPE, the Commission also accredited media houses that expressed interest in covering the 2019 tripartite elections. Apart from the accreditation, the Commission's Media, Civic and Voter Education Department also facilitated the allocation of space for media houses that mounted their studios at the main tally centre.



LIVE ON AIR: A Times TV crew captured doing a live commentary at the Main Tally Centre

7.2.7 Website Elections Results Portal

The Commission hosted an Elections Results Portal as part of the results management system for 2020 FPE. As approved by the Commission, all results were posted on the website, including the signed copy at polling station level. This enhanced the transparency of the results.

7.2.8 Social Media Strategies

The Commission used social media platforms such as Facebook, Twitter, Instagram and WhatsApp to relay voter information, including key electoral procedures and messages that addressed Covid-19. With assistance from IFES the commission also developed an animated video detailing all polling procedures to guide voters and poll workers accordingly.

7.3 Civic and Voter Education

The Commission employed several strategies in implementing civic and voter education activities, including the following:

7.3.1 Production and Distribution of CVE Materials

The Commission produced 400,000 posters split into five (5) categories viz: 200,000 registration brochures, 200,000 polling brochures, 100,000 fliers on polling, and 100,000 stickers on polling. [400,000 posters split in 5 categories viz; there are 4 categories here and a total of 600,000 materials. NEED TO CLARIFY THIS] These materials were distributed directly to the public by MEC officers while NICE distributed some through its offices.

The Commission also produced 5,000 A4 sample ballots, 500 A1 Voter Education Flip Chats, 500 A1 sample ballots used by educators when interacting with the communities in all the 193 constituencies. The Centre for Development Communications (CDC), as contracted by the MEC, produced a video documentary, which was used in community cinema outreach throughout the country.

7.3.2 Community Mobilization Using Loudhailer Vehicles

Loudhailer vehicles were used to mobilise the general public to participate in various electoral activities. The Commission received some support from the United Nations Development Programme (UNDP) to complement the implementation of the loudhailer operation. In addition, NICE Trust also deployed loudhailer teams, especially during registration.

It was observed that NICE was the only CSO that was on the ground partnering the Commission in providing civic and voter education, although with limited capacity in terms of resources.

7.3.3 Public Outreach Meetings with Traditional Leaders and their Subjects

Public outreach meetings with chiefs and their subjects were held prior to the commencement of the voter registration phase. Due to Covid-19 pandemic, and following the recommendations by the Ministry of Health, the number of participants attending the meetings was scaled down to less than 15 per meeting to observe social distancing and other preventative measures.

7.3.4 Road Show Performances

Roadshow promoters were engaged to conduct shows to disseminate CVE messages using activation trucks during the registration of voters and in preparation for polling. However, Covid-19 pandemic preventive measures affected implementation leading to suspension during registration and resumption of the same before polling.

7.3.5 Drama Group Performances

To complement grassroots outreach, the Commission also deployed drama groups and dance troupes to every constituency to disseminate electoral messages through drama and dance performances.

7.3.6 Community Cinema and Dialogue

The Commission entered into a contract with the Centre for Development Communications (CDC) to produce and beam a video showing the polling procedures and recommended methods of marking the ballot paper in all the constituencies except Likoma Island due to travel impediments.

7.3.7 SMS Facility to Mobile Phone Subscribers

Short message service (SMS) facility was also used to disseminate messages about registration, inspection and polling. With geo-mapping technology, telecom network operators were able to target selected districts during registration and inspection phases.

7.3.8 CCVEA Outreach Activities per Constituency

The Commission also recruited CCVEAs who were key at the grassroots level conducting door to door campaigns, distributing CVE materials, visiting churches, mosques and other public events to disseminate their messages.

7.3.9 Promotional Materials

Branded t-shirts, caps, plastic water buckets, wrist bands were produced and distributed to the general public. Horizontal banners also were hanged in all the district and city councils throughout the country.

7.4 Election Monitoring and Observation

7.4.1 Election Monitoring

During registration of voters, the Commission, in accordance with the electoral law, allowed party representatives to be placed in registration centres to monitor the registration exercise.

During polling, the Commission allowed placement of party representatives at each polling station, at the district tally centres and the National Tally Centre.

The Commission directed that no “Roving Party Representative” would be allowed in accordance with the law.

7.4.2 Election Observation

The election was open to both domestic and international observers. The Commission accredited observers from various civil society organisations and institutions. The accreditation exercise took place at the Head office but also at the MEC district offices. A total of 27 organisations were accredited as domestic observers (List of accredited organisations are in Appendix 4)

Because of the uncertainty of the polling date, it was not easy to send invitations to international observers in good time. The Commission sent invitations on 12th June 2020.



ALL EYES ON THE KITS: Representatives of Political Parties, CSOs and the media examine the kits before opening at the Main Tally Centre

It was not possible for those observer missions residing outside Malawi to observe the election physically as Covid-19 protocols called for 14 days quarantine, which would have expired after the polling itself.

The only international observers that observed the election were those resident international organisations and included: European Union, Dan Church Aid, UNDP, Zimbabwe High Commission, Zambia High Commission, Tanzania High Commission, Mozambique High Commission, Embassy of Japan, South Africa High Commission, British High Commission, United States Embassy, and International Foundation for Electoral System (IFES)

7.5 Challenges

Some of the major challenges and impediments to media, civic and voter education activities, election monitoring and observation included:

- 7.5.1** Inaccessibility of some areas due to rains, broken bridges and poor road networks impacted on the efforts to reach certain areas;
- 7.5.2** Late delivery of civic and voter education materials by suppliers due to the short delivery period affected the distribution of the materials;

7.5.3 The emergence of the Covid-19 pandemic impacted on the implementation of the activities of the Commission, including civic and voter education, and in some cases, the Commission had to change some approaches to incorporate health measures on Covid-19.

7.6 Recommendation

There is need a to consider workable framework agreements to provide civic and education materials and services to take care of urgent procurements.

CHAPTER EIGHT

MANAGEMENT OF THE POLITICAL ENVIRONMENT

8.1 Introduction

The 2020 FPE was conducted against the backdrop of rising political tensions in the country. Being a court-sanctioned and the first Fresh Presidential election in Malawi's history, the Commission took cognizance of the existing environment and took appropriate measures to manage the environment. Some of the measures undertaken included constant engagement with stakeholders and enhancing transparency throughout the electoral processes.

8.2 National Elections Consultative Forum (NECOF)

The Commission arranged from time to time to engage stakeholders through the National Elections Consultative Forum (NECOF), a gathering of key stakeholders in the electoral process, including political parties, security institutions, media, academia and civil society organisations. The Commission held four NECOF meetings on 13th March, 27th March, 12th May and 27th June 2020.

8.3 Meetings with Presidents of Political Parties Contesting the Elections

The Commission met all the three contesting candidates between the 12th and 13th June, 2020 to update them on the state of preparedness, the anticipated challenges, and the initiatives that were being taken to mitigate the same. These face-to-face meetings also afforded a unique opportunity for the candidates to inform the Commission of their expectations on its work in relation to the election.

8.4 Meetings with Political Parties under the Umbrella of Centre for Multiparty Democracy (CMD)

The Commission also engaged political parties under the umbrella of the CMD to discuss important matters concerning the 2020 election. Over the election period, four such meetings were on 13th March, 27th March, 13th May and 18th June 2020. The meetings were usually held as a precursor for NECOF meetings.

8.5 Multi-Party Liaison Committees (MPLCs)

MPLC is composed of, among others, representatives of political parties at the district level and, representatives of civil society organisations chaired by the District Commissioner/Returning Officer. The MPLCs provided a forum for engagement between the MEC and among its members. Above all, the MPLC provided a successful mechanism for mitigating and resolving conflicts at the local level.

8.6 Engagement with Security Institutions

For the first time, a security taskforce was established comprising members from the MEC, MDF and MPS. The taskforce constantly engaged to ensure joint efforts to provide security to election staff, equipment and materials. The National Intelligence Service conducted an assessment of hotspot areas, and the Security Taskforce utilised the information from the assessment information to identify areas that required the deployment of extra and rapid response security personnel.

Where necessary more than two MDF personnel were deployed per polling centre, depending on the area.



TIGHT SECURITY: Officers in uniform captured at the Main Tally centre in Blantyre

8.7 Engagement with Parliament and Other Public Institutions

The Commission also successfully engaged Parliament, Ministry of Finance and Reserve Bank when there were delays in funding the Commission for the elections.

8.8 Challenges

The provision of unanticipated additional security personnel resulted in rising budgetary allocations towards security services.

8.9 Recommendation

Continued engagement with security personnel to ensure adequate contingent security measures during electoral processes is necessary.

CHAPTER NINE

POLLING, COUNTING AND RESULTS

9.1 Introduction

Polling for the 2020 FPE took place on 23rd June, 2020, with polling stations opening from 6 am to 6 pm. All polling stations opened on time and managed to run for 12 hours as stipulated in the law. Counting of votes took place in the polling station immediately after closing. The results were then taken to the District Returning Officer for compilation. In turn, the Returning Officers transported the results to the Commission at the National Tally Centre in Blantyre for determination and final announcement.

9.2 Establishment of Polling Stations

The Commission established a total of 9,291 polling stations across the country. Each polling station had a maximum of 1000 voters. The total number of registered voters in the election was 6, 859,570.

9.3 Distribution of Polling Materials

Polling materials were distributed from MEC regional offices through constituency nerve centres starting with non-sensitive election materials such as polling booths a week to the polling day. Ballot papers were distributed from the Kamuzu International Airport to the constituency nerve centres on 19th to early morning on 20th June. On 20th and 21st June the ballot papers and other sensitive materials were distributed from the constituency nerve centres to polling stations as Presiding Officers were also being deployed.



GETTING READY: Warehouse staff packaging indelible ink for the Fresh Presidential Election

9.4 Recruitment, Training and Deployment of Election Staff and Security

The Commission recruited a minimum of five polling staff at each polling station headed by a Presiding Officer. Those offered the post of Presiding Officer were those with a diploma or above or their equivalence. This was specifically done in order to ensure that high caliber staff were engaged and entrusted with the important tasks on polling day. The process was a departure from the previous practice of appointing head-teachers or officers in charge of various institutions without assessing their competencies.

The Commission also engaged master trainers, with a minimum qualification of a degree and were teachers in public secondary schools, who attended the training of trainers, and in turn, trained Presiding Officers and Polling Station Operation Officers in polling and counting procedures. In turn, the Presiding officers trained the polling station staff in their respective polling stations on 22nd June, 2020, a day before polling day.

The Commission deployed a minimum of two security personnel at each polling centre drawn from the MDF, MPS and other security organs. Security was also provided at the District tally centres, National tally centre and escorting results to the national tally centre.

The total number of polling staff deployed were as follows:

	PO	PSOO	POLLING CLERKS/ Station	USHERS (Station/ Usher)	SECURITY OFFICERS	CONSTITUENCY STORES ASSISTANTS	TOTAL STAFF
NORTHREN REGION	1,475	1,117	4,425	1,135	2,248	66	10,466
CENTRAL REGION	3,891	2,032	11,673	2,153	4,172	146	24,067
SOUTHERN REGION	3,929	1,881	11,787	2,066	3,906	174	23,743
NATIONAL	9,295	5,030	27,885	5,354	10,326	386	58,276

9.5 Voting, Counting and Results



MY RIGHT: A voter dips a right index finger in ink during voting process

Registered voters came to vote on the 23rd of June 2020 and so peacefully and calmly. All polling stations managed to open and run for the 12 hours stipulated in the law. The Commission trained polling staff on how to assist people living with disabilities in voting in accordance with the provisions of the electoral law. Further, provisions were made for the visually impaired to vote independently and in secret through tactile ballot guides which had been produced together with ballot papers. Polling staff were also advised to give priority to the elderly, the sick and expectant mothers.

Vote counting, by the polling station officers in respective polling stations, began immediately voting was over. No ballot box was removed from the polling station before its contents were counted and Party Representatives and Observers present 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. Results were presented independently to the returning officer by respective presiding officers.

At the District Tally Centre, the Returning Officers received the results with the assistance of the Constituency Desk Officers. The Returning Officer compiled summary results for each constituency and later the District Summary. Party Representatives present were given signed copies of the constituency summary results as well as the district result at the District Tally Centre. Finally, the Returning Officer physically took the results and the null and void votes to the Main Tally Centre in Blantyre for final determination by the Commission.

9.6 Determination, Declaration and Announcement of Results

Before determination of the results, the Commission examined all the null and void votes that were brought to the National Tally Centre. The Commission examined 51,027 votes classified by the Presiding Officer as null and void to affirm or correct the decisions of the Presiding Officers. Having examined the null and void votes, the Commission affirmed 49,720 and made corrections to 1,307 null and void votes. Detailed determinations on null and void votes is included in the appendix.



BUSY TIME: Electoral staff repackaging null and void votes at the Main Tally Centre after examination by the Commission

In the election, the total number of registered voters to participate was 6,859,570. A total of 4,445,385 turned out to vote and that translated to 64.81 percent. There was a total of 56,082 null and void votes representing 1.26 percent of the total votes cast. Total valid votes were 4, 389,303.

The Commission received a total of 10 complaints at the NTC and all of them were dealt with accordingly, communicated to the complainants and announced the final results of the election on the evening of 27th June 2020

The final results of the election were as follows:

- Lazarus Chakwera, Malawi Congress Party received 2,604,300 votes representing 59.33 percent.
- Peter Dominico Sinosi Driver Kuwani, Mbakuwaku Movement for Development (MMD) received 32,473 votes representing 0.74 percent.
- Arthur Peter Mutharika, Democratic Progressive Party (DPP) received 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 declared that Lazarus Chakwera the candidate who had attained 59.33 percent of the votes and therefore attained the requisite majority of the electorate as duly elected President of the Republic of Malawi.



DECLARATION OF WINNER: The Commission captured during the results declaration ceremony at the Main Tally Centre

CHAPTER TEN

CONCLUSION

10 Introduction

The conduct of the 2020 FPE registered several successes and faced several challenges, however, the election proceeded and was successfully done. This chapter highlights the successes registered in the election, challenges and offer recommendations.

10.1 Successes

10.1.1 Despite the tight schedules for the conduct of the election all processes were done in a satisfactory manner in accordance with the electoral law and court directions. The Commission processed and announced the results on the 147th day from the 3rd of February which was four days earlier than court stipulated 150 days.

10.1.2 The election was conducted in a peaceful environment which also subsisted even after the announcement of the results of the election

10.1.3 In spite of covid-19 pandemic and elections taking place back-to-back the voter turn-out was high at 65% and there was a reduction in the number of null and void votes at 1.54% from 1.9% in the 2019 tripartite.

10.1.4 There was high level provision of security which was effective and efficient and no incidences were recorded that affected the electoral processes.

10.2 Challenges

10.2.1 Covid-19 pandemic affected implementation of election activities

10.2.2 End of tenure of Commissioners in the course preparations for the election

10.2.3 Uncertainties on the date of polling

10.2.4 Lack of political will to conduct the election and funding challenges

10.2.5 Use of old and bulky equipment such as registration kits and generators

10.2.6 Inadequate civic and voter education

10.3 Recommendations

The Commission drew a number of lessons from the conduct of the 2020 FPE and makes recommendations as to effective and efficient future electoral processes as follows:

10.3.1 Parliament should priorities amendment of the electoral laws to enhance electoral processes e.g. provide for certainty as to when elections will be held next and provision for run-off

10.3.2 Procurement of portable, modern and user-friendly equipment

10.3.3 Provision of adequate resources for implementation of continuous civic and voter education.

10.4 Conclusion

In conclusion the Commission ensured efficient and effective implementation of activities throughout the period of the election.

The Commission ensured a calendar and budget was in place and implementation of all activities such as registration, inspection of the voters' register, nomination processes, campaign activities and polling. Stakeholders were constantly engaged through NECOF meetings at national level and the local level through the MPLCs and this proved very important as the Commission was able to implement its activities in spite of sometimes tense environment.

The Commission realized that the Media, civic and voter education activities, election monitoring and observation play a vital role in elections. It is always necessary to have well informed voters who in turn add to the credibility of the vote thereby enhancing democracy. The Commission, therefore, was committed to ensuring a well-informed citizenry in electoral processes in the 2020 FPE despite existing challenges.

In conclusion the election was free, fair and credible and the results were acceptable by all stakeholders such that there was no petition with regards to the conduct of the 2020 FPE.

APPENDICES

Appendix 1: Electoral Calendar

2020 FRESH PRESIDENTIAL ELECTION CALENDAR OF EVENTS

DATE	EVENT	RESPONSIBILITY
12 March 2020	CMD meeting in Blantyre	Media and Public Relations
13 March 2020	NECOF meeting in Blantyre	Media and Public Relations
23rd March 2020	Launch of Election	Media and Public Relations
26th – 30th March 2020	Training of Registration staff	Electoral Services, ICT and Administration
26th March 2020	CMD Meeting in Mangochi	Media and Public Relations
27th March 2020	NECOF Meeting in Mangochi	Media and Public Relations
30th March 2020	Last date for submission of names of monitors for registration and Inspection of Voters Register	Media and Public Relations
4th April – 27th May 2020	Transfer and verification of voters	Electoral Services and ICT
2nd May, 2020	Launch of Official Campaign	Campaign period stretches for 2 months
2nd May – 21st June 2020	Official Campaign Period	Media and Public Relations
6th – 7th May, 2020	Presentation of nomination papers	Electoral Services and ICT
9th May 2020	Publication of names of approved candidates	Electoral Services & Media and PR
10th May 2020	Vetting of ballot paper templates by party/candidates' representatives	Electoral Services and ICT
12th May 2020	CMD Meeting in Lilongwe	Media and Public Relations
13th May 2020	NECOF Meeting in Lilongwe	Media and Public Relations
15th May – 10th June 2020	Printing of Ballot papers and results sheets (including inspection of packaging) - Outside Malawi	Commission
1st – 3rd June 2020	Revisiting Phase 1 (3 days for Blantyre City and 1 day for the rest of phase 1 councils)	Electoral Services and ICT
5th - 17th June 2020	Training of CROs, Presiding Officers, Polling Operations Officers and Assistants Presiding Officers	Electoral Services and ICT

DATE	EVENT	RESPONSIBILITY
7th June 2020	CMD Meeting in Lilongwe	Media and Public Relations
7th – 8th June 2020	Briefing of Dest, CRO and DEC's in Polling procedures and Results Management	Electoral Services and ICT
8th June 2020	NECOF Meeting in Lilongwe	Media and Public Relations
10 – 11th June 2020	Inspection of Voters Register	Electoral Services and ICT
15th June 2020	Last date for submission of names of monitors for polling	Media and Public Relations
15th to 16th June 2020	Receipt of Ballot Papers at the airport	Commission
18th – 19th June 2020	Delivery of Ballot Papers and other sensitive materials from the airport to Constituency nerve centers via councils	Electoral Services
20th – 21st June 2020	Delivery of polling materials and deployment of staff to polling stations	Electoral Services
6.00am 21st June 2020	End of Campaign	Media and Public Relations
From 9:00am -12 noon 22nd June 2020	Opening and pre-checking of polling materials including ballots	Electoral Services
From 1:00 pm - 4:30 pm 22nd June 2020	Training of Polling clerks in all centers	Electoral Services
6:00am -18:00 hrs 23rd June 2020	POLLING DAY	Commission / Electoral Services
24th June – 1st July 2020	Determination and announcement of results by the Commission	Commission
2nd July 2020	Publication of the results	Legal Services and Electoral Services

Appendix 2: Management of the Commission Secretariat

NAME	DESIGNATION
Sammy Alfandika	Chief Elections Officer
Harris S. B. Potani	Deputy Chief Elections Officer (Operations)
Phanuel Hamsini	Deputy Chief Elections Officer (Finance & Administration)
Henzily Munkhondya	Director of Electoral Services
Muhabi Chisi	Director , Information, Communication and Technology
Khumbo Phiri	Director of Finance
Felix Malunga	Director of Administration and Human Resources
Lydia Luwanika	Director of Civic & Voter Education
Sangwani Mwafulirwa	Director of Media & Public Relations
Geoffrey Mbawala	Director of Internal Audit
David Matumika Banda	Director of Legal Services
Wellingtone Katantha	Deputy Director Electoral Services
Ebony Msikawanthu	Deputy Director of ICT
Duncan Jumbe	Deputy Director of Finance
Edington Chilandwa	Procurement Manager
King Norman Rudi	Regional Elections Officer (South)
Tennyson Singini	Regional Elections Officer (North)
Kate Mjojo	Regional Elections Officer (Centre)
Sam Sitolo	Warehouse Manager
Deverson Makwete	Regional Elections Officer

Appendix 3: Voter Registration Phases



REVD FINAL REGIONAL SPREAD MEC 2029 VTY PHASES SUMMARY - JUNE 2020 FPE

CODE	COUNCIL	Current Number of Centres	Current Registered Voters	Projected Registered Voters @10%	Total Number of Teams Per Council	REGISTRATION AND UPDATE OF PHASES AND TEAMS				
						VTV1 4-17 April 2020	VTV2 27 April-10 May 2020	VTV3 15-19 May 2020	VTV4 23-27 May 2020	REVISITING PRV1 31 May 2020 - 2 June 2020 (3 Days for Blantyre City and 1 Day for the rest of phase 1 councils)
01	CHITIPA	168	95,698	105,268	168	168				168
02	KARONGA	131	146,386	161,025	131	131				131
03	RUMPHI	108	96,610	106,271	108		108			
04	NKHATABAY	129	106,074	116,681	129				129	
05	LIKOMA	8	6,973	7,670	8		8			
06	MZUZU CITY	45	88,576	97,434	45			45		
06	MZIMBA	518	389,657	428,623	518			518		
07	KASUNGU DISTRICT	270	297,448	327,193	270				270	
07	KASUNGU MUNICIPALITY	19	27,338	30,072	19				19	
08	NKHO TAKOTA	150	178,035	195,839	150				150	
09	NTCHISI	122	129,844	142,828	122			122		
10	DOWA	206	324,520	356,972	206		206			
11	SALIMA	133	171,261	188,387	133	133				133
12	MCHINJI	150	242,096	266,306	150			150		
13	LILONGWE DISTRICT	470	649,790	714,769	470		470			
13	LILONGWE CITY	101	361,625	397,788	101		101			
14	DEDZA	237	310,066	341,073	237	237				237
15	NTCHEU	166	228,400	251,240	166	166				166
16	MANGOCHI DISTRICT	251	378,147	415,962	251				251	
16	MANGOCHI TOWN	10	24,676	27,144	10				10	
17	BALAKA	152	156,359	171,995	152			152		
18	MACHINGA	181	250,756	275,832	181				181	
19	ZOMBA DISTRICT	188	272,410	299,651	188			188		
19	ZOMBA CITY (Central)	26	46,625	51,288	26			26		
20	CHIRADZULU	85	145,677	160,245	85				85	
21	BLANTYRE DISTRICT	132	174,787	192,266	132	132				132
21	BLANTYRE CITY	64	322,620	354,882	64	64				64
22	MWANZA	42	48,294	53,123	42				42	
23	NENO	69	56,049	61,654	69			69		
24	THYOLO	170	272,978	300,276	170		170			
24	LUCHENZA MUNICIPAL	9	8,267	9,094	9		9			
25	PHALOMBE	90	167,467	184,214	90		90			
26	MULANJE	131	280,118	308,130	131		131			
27	CHINKHAWA	161	258,471	284,318	161	161				161
28	NSANJE	110	145,472	160,019	110	110				110
TOTAL TEAMS		5002	6,859,570	7,545,527	5002	1302	1293	1270	1137	1302

Appendix 4: List of 2020 FPE Election Observers

International observers:

- European Union
- Dan Church Aid
- United Nations Development Programme (UNDP)
- Zimbabwe High Commission
- Zambia High Commission
- Tanzania High Commission
- Mozambique High Commission
- Embassy of Japan
- South Africa High commission
- British High Commission
- United States Embassy
- International Foundation for Electoral System (IFES)

It should be noted that these international observers are resident in Malawi.

Domestic Observers

- Women Legal Resources Centre (WOLREC)
- 50-50 Campaign Management Agency
- Active Youth Initiative for Social Enhancement (AYISE)
- Blantyre Synod, Church and Society Programme
- Catholic Commission for Justice and Peace (8 dioceses)
- Centre for Development of the People (CEDEP)
- Churches Action in Relief and Development (CARD)
- Democracy Works Foundation
- Episcopal Conference of Malawi
- Evangelical Association of Malawi
- Faculty of Law, Chancellor College
- ICT Association of Malawi
- Institute Public Opinion and Research (IPOR)
- Livingstonia Synod, Church and Society Programme
- Malawi Electoral Support Network (MESN)
- Malawi Human Rights Commission
- Malawi Network for the Deaf (MANAD)
- Malawi Union of the Blind (MUB)
- National Initiative for Civic Education (NICE)
- Political Science Association
- Profession Independent Observers Group
- Visual, Hearing Impairment Membership Association (VIHEMA)
- Women Lawyers Association
- Women's Legal Resources Centre (WOLREC)
- YOCADE
- Youth Wave
- YouthNet and Counselling (YONECO)

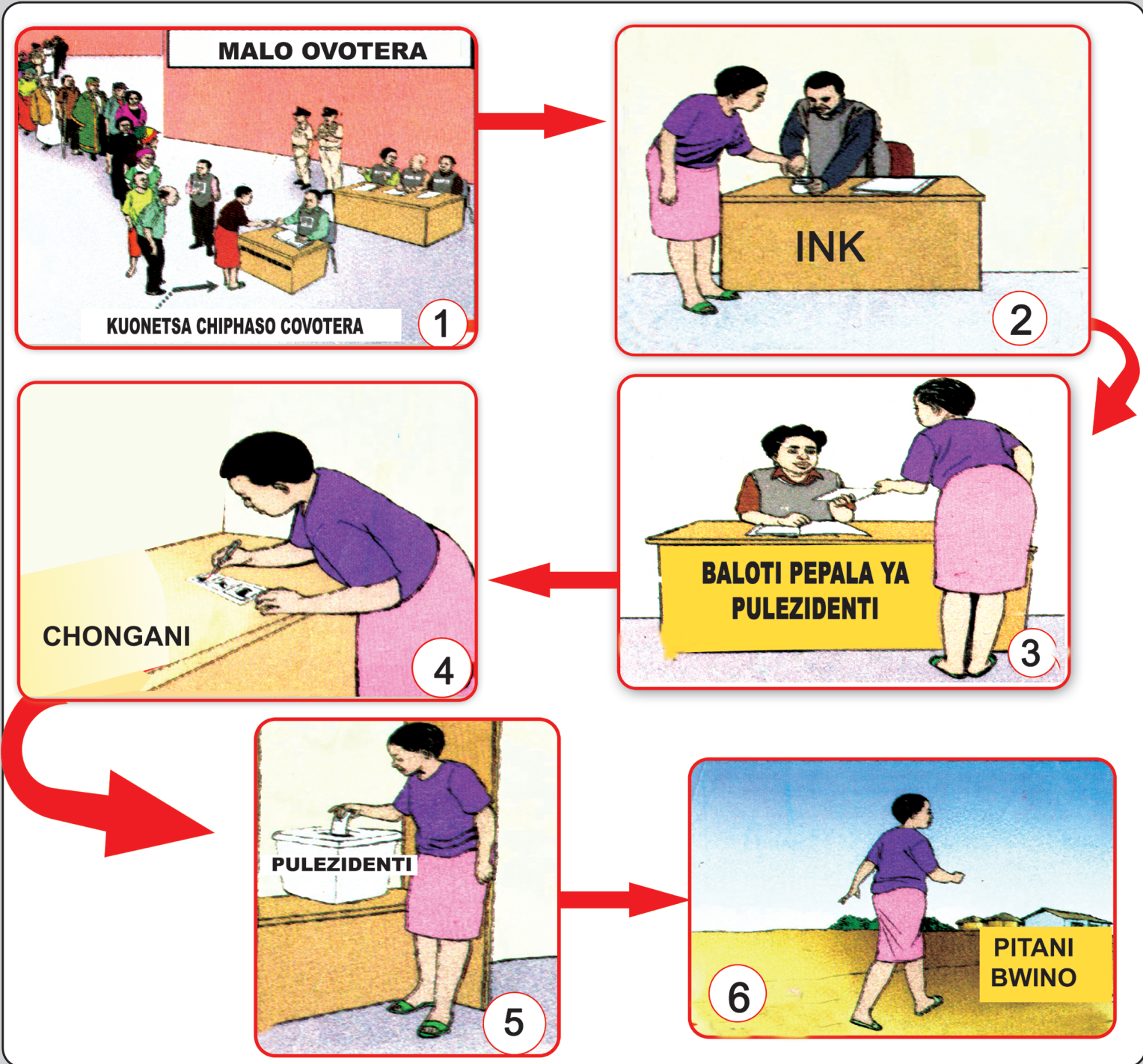
Appendix 5: Commission Determinations on Null and Void

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
Rumphi	319	313	6	0	6	0
Rumphi	319	313	6	0	6	0
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

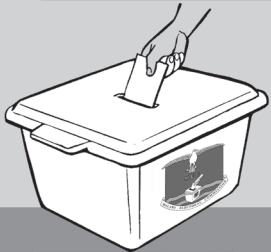


Malawi Electoral Commission

Chisankho Cha Pulezidenti Ndondomeko ya Kavotedwe



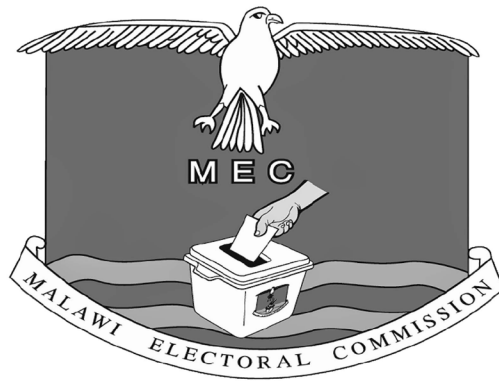
Voti Yanu, Ufulu Wanu, Kusankha Kwanu.



:Malawielectoralcommission :electionsmalawi
Malawi Electoral Commission, P/Bag 113, Blantyre
Tel.: 01 822033/01824789 E-mail.: ceo@mec.org.mw
www.mec.org.mw

2020

Chisankho cha Pulezidenti



YOUR VOTE

YOUR RIGHT

YOUR CHOICE



Email: ceo@mec.org.mw
Website: www.mec.org.mw
Tel: 01 822 033